



2023 South Dakota Legislature

House Bill 1241

Introduced by: The Committee on Transportation

1 **An Act to waive the fee for nondriver identification cards for individuals who are**
 2 **homeless and to make an appropriation therefor.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1.** There is hereby appropriated from the general fund the sum of \$75,000 to the
 5 Department of Public Safety, for the purpose of covering the cost of the waiver in section 4
 6 of this Act for three years.

7 **Section 2.** The secretary of the Department of Public Safety shall approve vouchers and the
 8 state auditor shall draw warrants to pay expenditures authorized by this Act.

9 **Section 3.** Any amounts appropriated in this Act not lawfully expended or obligated by June
 10 30, 2026, shall revert in accordance with the procedures prescribed in chapter 4-8.

11 **Section 4. That chapter 32-12 be amended with a NEW SECTION:**

12 The Department of Public Safety shall waive the fee for an original nondriver
 13 identification card or a reissued nondriver identification card if the applicant is homeless.
 14 The applicant shall submit a letter to the department, with the application, from a nonprofit
 15 organization that provides services to individuals who are homeless, verifying that the
 16 applicant is homeless.

17 For the purposes of this section, the term, homeless, means an individual who:

- 18 (1) Lacks a fixed, regular, and adequate nighttime residence;
 19 (2) Has a primary nighttime residence that is a place not ordinarily used as a regular
 20 sleeping accommodation for human beings; or
 21 (3) Is living in a supervised shelter designated to provide temporary living
 22 arrangements.

23 **Section 5. That § 32-12-17.2 be AMENDED:**

1 **32-12-17.2.** The Department of Public Safety may issue upon application a
2 nondriver identification card, similar in form but distinguishable in color from a driver
3 licenses license, to any resident of ~~South Dakota~~ this state. Each applicant for a nondriver
4 identification card shall, as part of the application, present to the department a certified
5 copy of a certificate of birth or another form of evidence of date of birth and identity as
6 allowed by § 32-12-3.1. ~~The~~ Except as provided in section 4 of this Act, the fee for an
7 original or reissued nondriver identification card is the same as prescribed for an original
8 driver license in § 32-12-16. Each nondriver identification card expires on the holder's
9 birthday in the fifth year following the issuance of the nondriver identification card, or on
10 the date of expiration of the applicant's authorized stay in the United States as determined
11 by the systematic alien verification for entitlements system or alternate method approved
12 by the United States Department of Homeland Security or, if there is no expiration date,
13 for a period no longer than one year from date of issuance, whichever occurs first. Each
14 nondriver identification card is renewable one hundred eighty days before its expiration
15 upon application and payment of the required fee. The fee for the renewal of a nondriver
16 identification card is the same as prescribed for a driver license in § 32-12-16. Any
17 nondriver identification card renewed before its expiration expires five years after the
18 holder's ensuing birthday, or on the date of expiration of the applicant's authorized stay
19 in the United States as determined by the systematic alien verification for entitlements
20 system or alternate method approved by the United States Department of Homeland
21 Security or, if there is no expiration date, for a period no longer than one year from date
22 of issuance, whichever occurs first. The nondriver identification card shall bear an
23 indication if the holder has a living will pursuant to chapter 34-12D or a durable power of
24 attorney for health care pursuant to chapter 59-7 and an indication if the holder is a
25 veteran pursuant to the provisions of § 32-12-17.15. Any nondriver identification card
26 renewed during the thirty-day period following the date of expiration expires five years
27 from the holder's previous birthday, or on the date of expiration of the applicant's
28 authorized stay in the United States as determined by the systematic alien verification for
29 entitlements system or alternate method approved by the United States Department of
30 Homeland Security or, if there is no expiration date, for a period no longer than one year
31 from date of issuance, whichever occurs first.

32 **Section 6.** The provisions of sections 4 to 5, inclusive, of this Act are repealed on July 1,
33 2026, and the code section amended by section 5 of this Act will revert in word and substance
34 to that which existed immediately prior to the effective date of this Act.

- 1 **Section 7.** This Act is effective on June 26, 2023.