

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

635Z0584

HOUSE BILL NO. 1230

Introduced by: Representatives Hawley, Ahlers, Barthel, Bartling, Bordeaux, Kettwig, Lesmeister, McCleerey, Otten (Herman), Reed, Ring, Rozum, Smith, Wismer, and York and Senators Tidemann, Kennedy, and Rusch

1 FOR AN ACT ENTITLED, An Act to provide for the primary enforcement of the law
2 prohibiting certain electronic communications while operating a motor vehicle and to revise
3 the penalty for a violation of that law.

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

5 Section 1. That § 32-26-47 be amended to read:

6 32-26-47. No person may operate a motor vehicle on a highway while using a handheld
7 electronic wireless communication device to write, send, or read a text-based communication.

8 This section does not apply to a person who is using a handheld electronic wireless
9 communication device:

- 10 (1) While the vehicle is lawfully parked;
- 11 (2) To contact any emergency public safety answering point or dispatch center;
- 12 (3) To write, read, select, or enter a telephone number or name in an electronic wireless
13 communications device for the purpose of making or receiving a telephone call; or
- 14 (4) When using voice operated or hands free technology.



1 ~~State or local law enforcement agencies shall enforce this section as a secondary action. A~~
2 violation of this section is a ~~petty offense with a fine of one hundred dollars~~ Class 2
3 misdemeanor.