STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-28

Whereas, An outbreak of the severe respiratory disease, COVID-19, which is caused by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected across the world, including the United States; and,

Whereas, The World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared the COVID-19 outbreak a public health emergency and pandemic; and,

Whereas, The CDC has issued guidance to all state and local governments and all citizens recommending preparedness, nonessential travel, social distancing, and other mitigation strategies impacting many sectors of daily life to prevent the spread and guard against the COVID-19 outbreak; and,

Whereas, South Dakota has confirmed cases of COVID-19, making this a public health emergency posing a danger to public health and safety in all of South Dakota; and,

Whereas, A state of emergency has been declared by Executive Order 2020-04 on March 13, 2020, which has been extended by Executive Orders 2020-15 and 2020-26, and continues to currently exist within the State of South Dakota; and,

Whereas, Due to the COVID-19 state of emergency, South Dakota Driver License Exam Stations were closed for a period and currently, Driver License Exam Stations are only offering services by scheduled appointment. The closure generated a backlog of individuals with expired licenses that must make appointments. Driver License Exam Stations are working through that backlog; and,

Whereas, 2020 Senate Bill 113 will go into effect on July 1, 2020. SB 113 is intended to strengthen South Dakota's graduated driver's license laws and improve teen driver safety. It changes the driving privileges allowed under an instructional and restricted permit as follows: (i) provides for a minimum waiting period and specifies supervised driving hours that must be completed before an instructional permit holder may receive a restricted permit issued by the Department of Public Safety; (ii) reduces authority for a restricted permit holder to carry passengers; (iii) provides for a minimum waiting period before a restricted permit holder may receive a regular operator's license issued by the Department of Public Safety; and (iv) a restricted permit holder may not drive past 10 PM unless for the purpose of school, church, or work; and,

Whereas, SB 113 not only impacts instructional and restricted permits issued on or after July 1, 2020 but also impacts all permits issued prior to July 1, 2020. Due to the modified operations at Driver License Exam Stations, it is not possible to effectively communicate with instructional and restricted permit holders to advise individuals of the changes to their driving privileges under their permit, or to ensure appointments are available on an ongoing basis for permit holders

wishing to upgrade to a restricted or an operator's license after the minimum waiting period imposed by SB 113; and,

Whereas, Strict compliance with these statutory requirements will prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state; and,

Whereas, It is appropriate to grant continued authorization previously granted by prior executive authorization, Executive Order 2018-08:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of this State, including but not limited to SDCL 34-48A, do hereby order and direct the following:

Section 1 Instruction Permits and Restricted Minor's Permits. I temporarily suspend the amendments made by 2020 Senate Bill 113, 2020 Session Laws ch. 117, to the statutory provisions of SDCL 32-12-11, 32-12-11.1, 32-12-12, 32-12-12.1, 32-12-15, 32-12-17, and 32-12-17.1 governing instruction permits and restricted minor's driving permits, which would otherwise go into effect on July 1, 2020. Further, I temporarily suspend SDCL 32-12-12.5, a new section added by 2020 Session Laws ch. 117 section 5. These suspensions shall continue for the duration of the COVID-19 State of Emergency.

Section 2 Authorization. I restate and affirm the authorization granted by Executive Order 2018-08 and such authorization shall continue until revoked.

Dated in Pierre, South Dakota this 26th day of June, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State