

# Parents Matter

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A Parent's Guide To  
Local Laws Associated With  
Alcohol Use





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“General Disclaimer: The content contained in this brochure is meant to educate young people about the dangers and consequences of consuming alcohol and drugs. This brochure is in no way meant to be legal advice and the content herein is subject to change without notice.”



# Who WE ARE!

Parents Matter Coalition of Pierre/Fort Pierre is a group of concerned individuals comprised of parents, youth, community leaders, law enforcement, counselors, judicial advocates, business people, media representatives, and others who care about the well-being of our youth. Pierre and Fort Pierre have named underage drinking as the NUMBER ONE HEALTH CONCERN in our cities and counties.

The Parents Matter Coalition, through volunteers, is committed to preventing underage drinking and drug abuse through education of parents, youth, and community.

Established in the spring of 2007, our goals are to involve you and make our youth safe within our communities. We are also doing outreach projects with surrounding communities in an effort to prevent health effects of underage drinking and fatal accidents.

## Our Mission

*“To educate, empower and engage parents and the community in reducing and/or preventing youth substance abuse.”*



## Our Vision

*“Parents and community working together for the future of our children and communities so they can make and sustain healthy lifestyle choices and lead healthy productive lives.”*

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*Get involved with your kids  
With their friends, and with  
Parents who believe in keeping  
Our youth safe!*

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### ***WHAT CAN I DO TO KEEP MY CHILD ALCOHOL FREE?***

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- Refuse to provide alcohol for anyone under age 21
- Refuse to provide a place for anyone under age 21 to drink
- Model responsible behavior
- Learn more about what is going on with kids and alcohol
- Don't be swayed by what other parents are doing
- Limit alcohol at your own adult parties
- If you think your child is drinking - Address the issue
- Be supportive of your children - Don't criticize their decisions
- Share your expectations
- Let children know they can talk to you about anything
- Ask your children their opinions on alcohol and drug issues



## WHAT YOU SAY MATTERS.

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- Youth who have adults involved in their lives are less likely to use alcohol and other drugs
- Youth who hear “no use” messages at home are 42% less likely to use alcohol
- 2/3 of teens who abstain from alcohol and other drugs cite parental disapproval of use as a main reason for abstaining
- Most alcohol and drug use by youth is on weekends, at their home or a friend’s home

## HOW YOU SAY IT MATTERS

Keep it positive! You want your child to come to you when she has a problem or he has been tempted. Here’s a few ideas to start the conversation.

### A fictional character:

*Ever seen a PG-13 movie where the character was doing something you don’t want your child doing? Use it as an opportunity to talk to your child about what you expect and why you want better for your child.*

### The famous:

*Who’s in rehab this week? When your child’s idol is publicly struggling with an issue, you can talk to your child about better alternatives.*

### A classmate:

*Yikes! As a parent, no one wants their child to struggle, but what if someone your child’s age is struggling? This is the perfect opportunity to reinforce your values.*

### The relative:

*Serious issues sometimes happen to those we love. Honesty about the situation with your child can help prevent the same issue in her/his life. A good time to teach non-judgmental attitudes as well.*

## City of Pierre Ordinances

**Q: What happens if I have a loud party or law enforcement officers have approached my house or apartment on numerous occasions relating to a party atmosphere?**

A: A person could be charged with Disorderly Conduct, Disturbing the Peace or a Disorderly Assembly, all Class 2 misdemeanors. (Pierre City Ordinances §§ 8-1-102; 8-1-013; 1-3-101; 8-1-119)



If the officers approach any place or structure relating to a party atmosphere and find alcohol violations (beverages are manufactured, sold, kept, bartered, given away, found, consumed, or used in violation of the laws of the state), you could be charged with Maintaining a Common Nuisance. A Class 1 misdemeanor.

### Disorderly Conduct:

- Fighting/Violent threatening behavior
- Fail to obey a lawful order of dispersal by an officer
- Damage or disturb public property or property of another
- Make unreasonable noise

### Disturbing the Peace:

- It is unlawful to disturb or aid in disturbing the peace of others by tumultuous, offensive, or obstreperous conduct.
- It is unlawful for any person to make, continue or cause to be made, any loud or unusual noise which either annoys, disturbs, injures or endangers the comfort, health, peace or safety of others, including loud music, yelling.



**Disorderly Assembly:** An assembly of two (2) or more persons, some or all of whom are engaged in conduct which threatens the public peace or safety through fighting or violent or threatening behavior, loud or profane language, unreasonable noise, and obstructing vehicular or pedestrian traffic or by littering or breakage.

If the officers approach any place or structure relating to a party atmosphere and find alcohol violations (beverages are manufactured, sold, kept, bartered, given away, found consumed, or used in violation of the laws of the state), you could be charged with Maintaining a Common Nuisance

**Penalty:** A Class Misdemeanor punishable by up to one year imprisonment in a county jail, or \$2000 fine, or both. (SDCL §§ 35-10-17; 22-6-2 (1)).

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**In Pierre, the fine for a  
Disorderly House & Disorderly Conduct  
Is approximately \$164.**

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**Q: What happens if I consume alcoholic beverages in a public place?**

A: A person could be charged with Furnishing Alcohol to Age 18 to 21 (prior to 21<sup>st</sup> birthday) which is a Class 2 Misdemeanor. Furnishing Alcohol to Age 18 to 21 is when a person sells or gives alcoholic beverages to any person 18 years or older but less than 21 years of age, unless done in the immediate presence of a parent, guardian, or spouse over 21 years of age. (SDCL §§ 35-9-1.1; 35-9-7).

**Penalty:** Up to thirty days imprisonment in a county jail, or \$500 fine, or both. Driving privileges shall be suspended for a minimum of 30 days up to 1 year for a first offense. (SDCL §§ 22-6-2 (2); 35-9-7)

## **State of South Dakota Laws**

**Q: What happens if I furnish alcohol to a person who is under the age of 21 but over the age of 18?**

A: A person could be charged with Furnishing Alcohol to Age 18 to 21 (prior to 21st birthday) – a Class 2 Misdemeanor. Furnishing Alcohol to Age 18 to 21 is when a person sells or gives alcoholic beverages to any person of 18 years or older but less than 21 years of age, unless done in the immediate presence of a parent, guardian, or spouse over 21 years of age. SDCL §§ (35-9-1.1), (35-9-7)

**Penalty:** Up to thirty days imprisonment in a county jail, or \$500 fine, or both. Driving privileges shall be suspended for a minimum of 30 days. (SDCL §§ 22-6-2(2); 35-9-7)

**Q: What happens if I furnish alcohol to a person under the age of 18?**



A person could be charged with Furnishing Alcohol to a Minor Under 18, a Class 1 Misdemeanor. Furnishing Alcohol to a Minor Under 18 is when a person sells or gives alcoholic beverages to any person under the age 18 years unless done in the immediate presence of a parent, guardian, or spouse over age 21. SDCL §§ (35-9-1.1)

**Penalty:** Up to one-year imprisonment in a county jail, or \$2000 fine, or both and a revocation of driving privileges for a minimum of 30 days (SDCL §§ 22-6-2(1)); 35-9-8)

**Q: What happens if I have a party at which alcohol is present and law enforcement officers approach my residence relating to the party atmosphere?**



A: If minors are present, a separate charge/offense can be given for each. (10 minors=10 charges). Regardless of the age of the participants, if you sell alcohol at the party OR just sell a cup or container OR charge admission charge admission to the premises, you may be charged with "Trafficking" Alcohol" which is a Class 1 misdemeanor. (SDCL §§ (35-1-4; 35-1-5)

**Penalty:** Up to one year imprisonment in a county jail, \$2000 fine, or both. (SDCL §§ 22-6-2 (1)).

Q: What happens if I purchase, possess, or consume alcoholic Beverages while under the age of 21?

A. It is a Class 2 misdemeanor for any person under the age of twenty-one years to purchase, attempt to purchase, or possess or consume alcoholic beverages or to misrepresent his or her age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages. (SDCL §§ 35-9-2)

**Penalty:** Up to thirty days imprisonment in a county jail, or \$500 fine, or both. Driving privileges shall be suspended for 30 days up to 1 year for a first Offense. (SDCL §§ 22-6-2 (2); 35-9-7).

Q: What happens if I get caught using a fake ID, using another person's ID, or giving a law enforcement officer false information? This includes:

A: A person could be charged with Possession of Revoked or Altered License; Display or possession of canceled, fictitious, or fraudulently altered non-drivers identification card; Displaying another's identification card; False Personation with intent to deceive law enforcement officer; or displaying another's license.(SDCL §§ 32-12-67)

- *Showing a fake ID to a police officer*
- *Giving a fake name, date of birth, or Social Security #*

**Penalty:** Up to one-year imprisonment in a county jail, \$2000 fine, or both. (SDCL §§ 22-6-2 (1)).

**Q: What happens if I transport alcoholic beverages which are opened in my vehicle, and the alcohol is not locked away in the trunk or another secure location?**

A: A person could be charged with Possession of an Unsealed Package in a Vehicle, a Class 2 misdemeanor, if the seal of the original package is broken or a person has immediate access to the alcoholic beverages. If a person is pulled over by a law enforcement officer and has an open alcohol container of alcohol in their vehicle, he or she could be charged. SDCL §§ (35-1-9.1)

**Penalty:** Up to thirty days imprisonment in a county jail and/or \$500. (SDCL §§ 22-6-2 (1)).

A person under the age of 21 could also be charged with Possession of Alcoholic Beverages by a Minor, in addition to Possession of an Unsealed Package in a Vehicle resulting in additional fines and suspension of the operator's driver license. (SDCL 35-9-2; 35-9-7)



## Did You Know?

The greatest influence on young people's decisions to begin drinking is the world they live in, which includes their families, friends, schools, the larger community, and society as a whole.

Alcohol use by young people often is made possible by adults. After all, teens can't legally get alcohol on their own.

*U.S. Department of Health and Human Services. The Surgeon General's Call to Action To Prevent and Reduce Underage Drinking: A Guide to Action for Communities. U.S. Department of Health and Human Services, Office of the Surgeon General, 2007.*

## THE COST OF A FIRST OFFENSE DUI

Penalty for a first offense: A maximum of one-year imprisonment in a county, or \$2000 fine, jail, or \$2000 fine, or both.



IF YOU ARE ARRESTED FOR A 2ND OR SUBSEQUENT DUI, WITHIN A 10 YEAR PERIOD, THE PENALTIES ARE ENHANCED INCLUDING JAIL.

A person's driver license will be revoked for: 30 days if 21 or over and for 120 and DAYS IF UNDER 21.

### South Dakota Zero Tolerance Law

A person can be charged with a Class 2 Misdemeanor DUI if they are under 21 years of age, driving or in control of a vehicle and they have a BAC of .02 or more, or there is physical evidence through a blood, urine, or other bodily substance test that shows use of marijuana or another controlled substance has taken place.

If a person's BAC is .17 or above, the law requires an alcohol assessment.

Penalty: A maximum of thirty days imprisonment in a county jail or \$500 fine, or both.(SDCL §§ 22-6-2 (2)).

### Refusing a Chemical Test

Any person who operates any vehicle in this state is considered to have given consent to the withdrawal of blood or other bodily substance and chemical analysis.

## INGESTION OF A CONTROLLED SUBSTANCE

Any person who intentionally ingests, inhales, or otherwise takes into the body any substance, except alcoholic beverages for the purposes of becoming intoxicated, unless such substance is prescribed by a practitioner of the medical arts, is guilty of a Class 1 misdemeanor.

The venue for a violation exists in either the jurisdiction in which the substance was ingested OR the jurisdiction in which the substance was detected in the body of the accused.

## REINSTATING A DRIVER LICENSE

In order to receive a driver license after the revocation period, a person must show proof of insurance to the SD Driver Licensing Program (DLP) with a



document called an SR-22. The DLP requires a SR-22 as proof of insurance, without it the license will not be reinstated. Insurance coverage and the SR-22 documentation must be maintained continuously for three years from the date of a conviction if the person is registered on a motor vehicle.

If a person changes vehicles or insurance companies during the three year period, a person must have the insurance company re-file the SR-22. If a person is not registered on a motor vehicle, they must file non-driver SR-22 to receive a driver license. **Without the SR-22 document a license cannot be reinstated.**

Once an SR-22 is received by the DLP, that person can apply for a driver license at an examination station. The person will have to pass all the required tests and pay a reinstatement fee of \$50-\$200 application fees for DLP that the SR-22 was canceled.

A person must then re-file the SR-22 and pay the \$0-\$200 for the reinstatement fee and application fees again. If the DLP does not have the SR-22 on file, the person required to carry the SR-22 will not be able to purchase license plates or stickers for the current year.

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## SOUTH DAKOTA STATE LAWS ON GETTING PULLED OVER AND VEHICLE SEARCHES

Anything out of the ordinary can cause a motorist to be pulled over. If the motorist smells of alcohol, admits to consuming alcohol, claims they have not consumed when it appears that they have, or if law enforcement suspects alcohol has been consumed, the motorist may be asked to complete Field Sobriety Tests (FSTs).

FSTs may include walking a straight line, completing motor dexterity tests, following a pen movement, spelling, counting, and/or many other standard tests. As a motorist, you can request to skip all of these tests. However, you can still be arrested.

A Preliminary Breath Test (PBT) can be administered. A PBT is a device that you blow into to determine your Blood Alcohol Concentration (BAC). Several tests are used to determine if a DUI arrest should be made. PBT is just one test used. However, courts rely on Blood Alcohol Concentrations to make determinations in legal situations. Blood Alcohol Concentrations will be obtained through a blood test or urinalysis.



## REASONABLE SUSPICION FOR A TRAFFIC STOP

To get stopped in your car by law enforcement, there first must be reasonable suspicion that a crime is being committed. Reasonable suspicion means anything out of the ordinary in the eyes of law enforcement that suggests a violation of local, state, or federal statute. **The following examples are causes for a stop:**

- Wide turns
- Speeding
- Driving on the wrong side fo the road
- Crossing the center line or swerving
- Headlight or taillight out or broken
- Headlights not turned on after dark
- Not coming to a complete stop
- Expired tags
- Loud music
- Not wearing seatbelts (children in vehicle)
- Too many people in the vehicle, overcrowded
- Cracked windshield
- Anything obstructing view
- Darkened windows that may not meet statutory standards



Law enforcement officials are entrusted to rely on their background, experiences, and training to determine if and when to stop a motorist. Law enforcement cannot stop a person based on a hunch.

## LAW ENFORCEMENT'S REQUEST TO SEARCH YOUR VEHICLE

After a stop, law enforcement can search a person's vehicle if something generates suspicion, such as a strange odor coming from the car (like alcohol or marijuana). If a strange odor exists, the motorist may be detained for further investigation. If law enforcement



sees a bottle of alcohol, signs of marijuana, some other illicit drug or paraphernalia in plain view, then reasonable suspicion to search a vehicle exists.



*"I was pulled over for going 8 miles over the speed limit and ended up being arrested when they found out my friends and I were 20 years old with open beer bottles in the car."*

If a motorist refuses to allow law enforcement to search their vehicle, law enforcement may be able to obtain a search warrant if reasonable suspicion exists. This will then allow law enforcement to search the vehicle without the permission of the motorist.

If a drug dog arrives on the scene and detects and finds drugs, the motorist may be arrested immediately and transported to a jail or detention center.

Under many circumstances, motorists can be detained until the search warrant arrives. Law enforcement will search the vehicle on the spot or after it is impounded.

If a motorist is arrested, the vehicle generally is impounded and searched. The impound search is conducted for inventory so that law enforcement knows what they are responsible for while the vehicle is in their care.

## LAW ENFORCEMENT'S REQUEST TO SEARCH YOUR CLOTHES

Clothing and/or body searches can be performed by law enforcement generally in two circumstances:

In the first circumstance, law enforcement can question a civilian on

the street if that citizen raises reasonable suspicion that he or she is engaging in criminal behavior based on the training and experience of the officer. If the law enforcement officer perceives a threat, they may pat down the subject. In this case, law enforcement usually is looking for weapons to ensure the safety of civilians and law enforcement.

In the second circumstance, during a search prior to an arrest, a law enforcement official will search the person, pull out items within pockets, wallet/purse, and then perform a body search. If law enforcement has made an arrest, they will want to obtain any weapons that may endanger their lives or other people's lives and identify other illegal materials that may be present.

## STOPS FOR DRIVING UNDER THE INFLUENCE OF ILLEGAL DRUGS

If pulled over by law enforcement, remember that residue in pens, foils, plastics, or currency can easily be detected and can result in multiple charges for drugs.

Urine and blood tests can easily confirm the presence of drugs. If you have recently been in the same room with someone who has smoked marijuana, hashish, an opiate, or methamphetamine products, DON'T DRIVE a vehicle.

Incidental or second hand smoke or consumption can impair you and make you a danger to yourself or others. Second hand consumption can or may be detected through a urinalysis or blood analysis.

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## ADVICE ABOUT TRAFFIC STOPS AND VEHICLE SEARCHES

Never lie about your identity, give a false date of birth, or a fake social security number. Impersonation (a crime of deceit) or a related charge could result.

You will need to give your name, social security number, driver license, requested registration, and proof of insurance. You can remain silent if asked other questions.



Passenger distractions can lead to stops. Don't fight or argue with law enforcement. Alcohol can cause the mouth to be engaged without the brain being attached. Let a lawyer assist you. You don't want any additional charges.

Anyone in your vehicle that is carrying drugs, drug paraphernalia, or has drug residue on them can lead to charges against you. Ask your passengers if they are carrying and set limits. If they carry, make them walk-do NOT let them in your vehicle.

If you are a passenger, you should question whether the driver or other passengers are carrying illicit substances.

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**BOTTOM LINE! To avoid any problems, live a substance-free lifestyle!**

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### Refusing a Chemical Test

If you are under age (21) and have been charged under the 0.02 BAC law, you can refuse a blood test. HOWEVER...if a plea of guilty is not entered within 120 days, your license will be revoked for a full year.

**All fines and fees stated here are AVERAGE values; the maximum fees and fines that can be levied are substantially higher.**

## SOUTH DAKOTA'S ZERO TOLERANCE LAW:

Anyone under age 21 can get a DUI for operating a motor vehicle with a BAC= $\geq$ 0.02.

Drugs are detectable days to about one month after the last use depending on:

- The drug used
- The quantity used
- The frequency of use

## HOW TODAY'S DECISIONS CAN AFFECT TOMORROW'S OPPORTUNITIES

One poor decision can have a lifetime of negative consequences. High risk choices and negative background checks can impact:

- Jobs
- Scholarships
- Certification
- Licensure
- Loans
- Graduate School

## PERSONAL INFORMATION IS EASY TO OBTAIN

Technology allows easy retrieval of personal information – with, or without, your permission.

Freedom of Information Act makes many records public information. Arrest records, traffic violations, insurance records, and financial

companies do extensive background checks including:

- State and national repositories of criminal records – both arrests and convictions
- Motor Vehicle Records
- Transcripts
- Credit Bureaus
- Social Security
- Worker's Compensation
- Internet Social Networking Sites

*"I was just shocked at the amount of stuff the student was willing to publicly display. I dropped him from consideration of being accepted."*

## Internet Social Networking Sites

Students may incorrectly assume their photos and comments on social networking sites (blogs, Facebook, My Space, Freindster, Bebo, Xanga, etc.) are relatively private.

Be discreet  
Be prepared  
Do an internet search  
Know what is out there associated with your name.

Social media content is often easily retrieved by others. It can leave students vulnerable to those

with intent, ranging from criminal (identity-theft) to curious (friends, parents, classmates) to cautious (potential applicant screening for employers, admissions review boards, licensing and certification bodies).

Students publicly presenting themselves as drunken partiers, substance users, risque, provocative, anti-authority (even in jest), may be negatively perceived.

*You can't control what others post online!!!! Being "tagged" in a photo that depicts an illegal activity can have a neagative impact!*

## WHAT IS A CRIMINAL RECORD?

While each state varies, starting at age 18, a criminal record usually consists of all arrests and convictions including:

- Disorderly Conduct
- DUI
- False Impersonation (lying about age, name)
- Furnishing Alcohol to a Minor
- Maintaining a Common Nuisance
- M.I.P./M.I.C./U.C.
- Open Container
- Petty Theft
- Possession of Marijuana, Possession of Paraphernalia, Ingestion
- Possession of False Identification (i.e. Driver License)

**IN SOUTH DAKOTA, MOST ARRESTS AND CONVICTIONS REMAIN ON YOUR RECORD FOREVER!**

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## CONCERNED ABOUT A BACKGROUND CHECK?

### **BE HONEST!**

Employers advise applicants to be truthful on both the job application and in the interview.

Employers would rather learn information from you than be surprised by your background check. Do not lie to a police officer.

### **BE PREPARED!**

Rehearse how you will answer, "Have you ever been convicted of a felony or misdemeanor?" Be direct and brief. Let the prospective employer know that you are no longer making high risk choices.

## SOCIAL HOSTING



### What is social hosting?

You are a Social Host if you permit underage drinking in your residence or place of business. You don't have to purchase, serve or provide the alcohol to underage drinkers. You just have to ALLOW it to happen.

### Can the adult be sued?

A social host who furnishes alcohol is not civilly liable to an injured person (or his or her estate) for any injury suffered, including any action for wrongful death, or property damage suffered because of the person's intoxication.

### What does state law say?

Social hosting bill (Senate Bill 94) failed by one vote during the 2013 Legislative session. This would have made it a misdemeanor for adults to provide a space for a party where they knew there would be underage drinking. But the issue may not be gone; there will be a summer study held to discuss this issue further.

Current state criminal statutes do not address social hosting. However, some communities may have local ordinances on social hosting that can include fines and other penalties. (35-11-2. Social hosts not liable. No social host who furnishes any alcoholic beverage is civilly liable to any injured person or injured person's estate for any injury suffered, including any action for wrongful death, or property damage suffered because of the intoxication of any person due to the consumption of the alcoholic beverage. Source: SL 1985, ch 295, § 3; SL 2008, ch 37, § 208.)

## South Dakota DUI Fines & Penalties

DUI fines and penalties in South Dakota vary according to the Blood Alcohol Content (BAC) of the driver when arrested.

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### 1st Drunk Driving Conviction

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- Jail – Up to 1 Year Possible
- License Suspension – From 30 Days to 1 Year
- Fine - \$1,000
- Restricted License Possible
- Proof of Financial Responsibility – SR22 Insurance

More Information: First Offense DUI in South Dakota

#### **Important Note from the Editor**

**Disclaimer:** We try to keep the information provided here up to date. However, laws often change, as do their interpretation and application. Different jurisdictions within a state may enforce the laws in different ways. For that reason, we recommended that you seek the advice of a local attorney familiar with DUI cases in your area.

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### 2nd Drunk Driving Conviction

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- Jail – Up to 1 Year Possible
- License Suspension – From 180 Days to 1 Year
- Fine - \$1,000
- Restricted License Possible
- Complete Chemical Dependency Program
- Proof of Financial Responsibility – SR22 Insurance

More Information: Second Offense DUI in South Dakota

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### 3rd Drunk Driving Conviction

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- Class 6 Felony Offense
- Jail – Up to 2 Years Possible
- Fine - \$2,000
- License Suspension – 1 Year
- Restricted License Possible
- Proof of Financial Responsibility – SR22 Insurance
- Complete Chemical Dependency Program



## Drinking and Driving Laws in South Dakota

### South Dakota Drunk Driving and Wet Reckless Laws

Here are some of the costs commonly associated with a DUI conviction in Sioux Falls.

Fine	\$350-750;
Court Costs	\$45;
Reimburse State for Cost of Blood Test	\$55;
Substance Abuse Evaluation	\$40;
Out-Patient Alcohol Treatment	\$700-1200;
Interlock Breath Tester for Vehicle	\$80 installation fee, \$60/month rental fee;
Electronic Monitoring during House Arrest	\$10/day.

You will also have attorney's fees and an increase in your insurance rates. If you are currently paying a premium rate, you can expect that to double. (Clint Sargent, Attorney at Law, Sioux Falls, SD, Meierhenry Sargent, LLP) [http://clintsargent.com/expert\\_advice/ea\\_DUI.htm](http://clintsargent.com/expert_advice/ea_DUI.htm))



## DEFINING THE TERMS

Driving Under the Influence (DUI) -32-23-1. Driving or control of vehicle prohibited with alcohol in blood or while under influence of alcohol or drug. No person may drive or be in actual physical control of any vehicle while:

- 1.) There is 0.08 percent or more by weight of alcohol in that person's blood as shown by chemical analysis of that person's breath, blood, or other bodily substance;
- 2.) Under the influence of an alcoholic beverage, marijuana, or any controlled drug or substance not obtained pursuant to a valid prescription, or any combination of an alcoholic beverage, marijuana, or such controlled drug or substance;
- 3.) Under the influence of any controlled drug or substance obtained pursuant to a valid prescription, or any other substance, to a degree which renders the person incapable of safely driving;
- 4.) Under the combined influence of an alcoholic beverage and or any controlled drug or substance obtained pursuant to a valid prescription, or any other substance, to a degree which renders the person incapable of safely driving; or
- 5.) Under the influence of any substance ingested, inhaled, or otherwise taken into the body as prohibited by 22-42-15.

Source: SDC 1939, 44.0302, 44.9920. 44.9922: SL 1949, ch 42, 1, SL 1953, ch 246, 1; SDC Supp 1960, 44,0302-1; SL 1973, ch 195, 3; SD 1976, ch 158, 42-8; SL 1962, ch 246 1; SL 2002, ch 160, 1; SL 2006, ch 168, 1.



**Deep Breath Lung Concentration** – is defined as the milligrams of alcohol per .08 cubic centimeter of whole blood or 2100 cubic centimeters of deep lung breath.

**Blood Alcohol Level (BAL/BAC)** – is a test where a medical technician or other practitioner draws blood from a person, and the blood is analyzed to determine the BAC.

**Full Coverage** – the insurance coverage a person can purchase that includes comprehensive, collision, and liability.

**Liability** – the minimum insurance coverage required by state law.

**Enhancement** – is a time frame when the state can increase penalties if a person receives a similar violation. (Currently 10 years.) If a person receives another DUI violation, the DUI violation will be counted as a second offense.

**The SD Department of Public Safety Driver Licensing Program** – agency in charge of all facets of driver licensing in the state of South Dakota.

Unless otherwise provided, the law divides Misdemeanors two classes, which are distinguished from each other by the following maximum penalties, that are authorized upon conviction.

**Class 1 Misdemeanor** – one year imprisonment in a county jail, or \$2000 fine, or both.

**Class 2 Misdemeanor** – Thirty days imprisonment in a county jail, or \$500 fine, or both.

## Contact Us

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#### Parents Matter Coalition Sector Member Representatives:

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Amy Fowler, Dr. Kelly Glodt, Jeanne Kelley, Andrea Klein, Janice Johnson,  
Tony Mangan, Diana Melvin, Denice Lee Moore, Barbara Rohrbach and  
Jeri Thomas*

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