SOUTH DAKOTA · DUI CHECKLIST

South Dakota DUI Checklist

What to do today, this week, and before your court date. Print it. Check things off. One step at a time.

YOUR LICENSE CASE

No administrative per se suspension; court revocation on conviction, and DPS refusal revocation

South Dakota does not suspend your license administratively for failing a test. The court revokes it if you are convicted. If you refused, the Department of Public Safety can revoke for 1 year, and you have 120 days from the arrest to request a hearing to contest it.

Who: South Dakota Department of Public Safety, Driver Licensing (refusals); circuit court (DUI revocation)

KEY FACTS

SUSPENSION, 1ST FAILED TEST

No administrative suspension. On a first DUI conviction the court revokes for at least 30 days, and may extend up to 1 year

SUSPENSION, 1ST REFUSAL

1 year revocation by the Department of Public Safety

1ST OFFENSE CHARGE

Class 1 misdemeanor

1ST OFFENSE FINE

Up to the Class 1 misdemeanor maximum ($2,000)

1ST OFFENSE JAIL

Up to the Class 1 misdemeanor maximum (1 year)

INSURANCE FILING

SR-22

PRIOR OFFENSES

Priors within 10 years count

IGNITION INTERLOCK

Not required by statute for a first, second, or third DUI. For a fourth or later offense, any parole must include an accountability program (such as 24/7), an ignition interlock, an alcohol monitoring bracelet, or another monitoring tool; for an aggravated sixth-or-later offense, probation or a suspended sentence must too. Courts can also set interlock or 24/7 as a bond or probation condition.

1 First 24 Hours

- [ ] **No administrative per se suspension; court revocation on conviction, and DPS refusal revocation: South Dakota does not suspend your license administratively for failing a test. The court revokes it if you are convicted. If you refused, the Department of Public Safety can revoke for 1 year, and you have 120 days from the arrest to request a hearing to contest it.**
- [ ] Read your bond conditions — Many DUI arrestees are put on the 24/7 Sobriety Program: breath tests twice a day at the sheriff's office. Missing or failing a test can send you back to jail.
- [ ] If you refused, note the 120-day window — You have 120 days from the arrest to request a hearing on the 1-year refusal revocation from the Department of Public Safety.
- [ ] If you took the test, your license is decided in court — There is no administrative suspension for failing a test. The court revokes your license if you are convicted.
- [ ] Ask about a limited driving privilege — The court can allow driving for work, school, 24/7 testing, treatment, and court dates. You will need SR-22 proof of financial responsibility.
- [ ] Count your priors from the last 10 years — Prior DUIs within 10 years raise the charge. A third is a felony. Talk to a lawyer before your first court date.

2 Court

- [ ] Arrest and bond — Bond conditions often include the 24/7 Sobriety Program. Follow them exactly.
- [ ] First appearance in magistrate court — The judge explains the charge and your rights, and you plead guilty or not guilty.
- [ ] Preliminary hearing for a felony DUI — On a third or later offense, you can ask for a preliminary hearing on probable cause. If you waive it, or the judge finds probable cause, the case goes to trial in circuit court.
- [ ] Plea or trial — Prior DUIs within 10 years decide the charge level, so check your record early.
- [ ] Sentencing and appeal — The court revokes your license and can grant a limited driving privilege. A misdemeanor conviction in magistrate court can be appealed to circuit court.

3 Getting Your License Back

- [ ] Court-ordered chemical dependency evaluation (SDCL §32-23-2.1): Required on a first DUI conviction with a BAC of 0.17 or more. A licensed or certified addiction counselor, or a health care professional trained in chemical dependency evaluation, evaluates you at your cost and sends recommendations to the judge. Each circuit lists approved evaluation agencies.
- [ ] Ignition interlock: Not required by statute for a first, second, or third DUI. For a fourth or later offense, any parole must include an accountability program (such as 24/7), an ignition interlock, an alcohol monitoring bracelet, or another monitoring tool; for an aggravated sixth-or-later offense, probation or a suspended sentence must too. Courts can also set interlock or 24/7 as a bond or probation condition.
- [ ] File SR-22 insurance.

- [ ] Ask about a Limited driving privilege: Ask the court that sentences you on the DUI. Bring SR-22 proof of financial responsibility.

Your full South Dakota DUI guide

Deadlines, penalties, the court process, license hearings, and FAQs, with links to the official sources.

https://dui911.org/south-dakota

Official source for your license deadline: https://www.sd.gov/dps?id=cs_kb_article_view&sysparm_article=KB0043742

This checklist is educational and is not legal advice. Laws, deadlines and fees change; confirm them with the agency or a licensed South Dakota attorney before you rely on them. DUI911.org is not a law firm and is not affiliated with any law firm, interlock company or insurer.