

STATE OF SOUTH DAKOTA)
)SS
COUNTY OF)

IN CIRCUIT COURT

FOURTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
) Plaintiff,)
)
) vs.)
)
)
)
)
)
) Defendant.)

Crim. #

APPLICATION AND ORDER
FOR HEARING FOR
RESTRICTED DRIVING PERMIT

I, _____, make this application for a restricted driving permit for the purpose(s) of:

- 1) **Purposes of Employment.** I am employed by _____, at _____. Attached is a letter from my employer confirming my employment.
- 2) **Purposes of School Attendance.** I am or will be attending school at _____, in _____. Attached is written confirmation of my enrollment.
- 3) **Purposes of Attendance at Counseling.** I am or will be attending counseling at _____. Attached is a letter from my counselor.
- 4) **Prior Revocations.** Has another Court or Courts or the DSS Office of Child Support Enforcement ever revoked your driving privileges? Please indicate the approximate date, county and whether the revocation is still in effect.

Check one of the following boxes:

_____ I am currently on probation and my probation officer is _____.

_____ I am currently on parole and my parole agent is _____.

I am requesting authorization to operate a motor vehicle only between the hours listed on the days indicated and for the reasons stated below:

| | | | | | |
|------------|-------|----------|-------|-------------|------------------|
| Hrs: _____ | AM/PM | to _____ | AM/PM | Days: _____ | Employment |
| Hrs: _____ | AM/PM | to _____ | AM/PM | Days: _____ | School/Education |
| Hrs: _____ | AM/PM | to _____ | AM/PM | Days: _____ | Counseling |
| Hrs: _____ | AM/PM | to _____ | AM/PM | Days: _____ | Treatment |
| Hrs: _____ | AM/PM | to _____ | AM/PM | Days: _____ | 24/7 Program |
| Hrs: _____ | AM/PM | to _____ | AM/PM | Days: _____ | Other |
| Hrs: _____ | AM/PM | to _____ | AM/PM | Days: _____ | Other |

I have successfully completed a court-approved chemical dependency counseling program. (Attach a copy of your proof of completion).

I have proof of financial responsibility. (Attach written proof of insurance).

I agree to totally abstain from the use of alcohol or any illegal substance (i.e. total abstinence) - not just while driving.

I agree to warrantless search and seizure of bodily fluids, at the request of any law enforcement officer, without the requirement of a search warrant or a showing of probable cause.

I understand that this restricted permit, if issued, will be valid for that time period specified on the permit, and must coincide with proof of financial responsibility, unless earlier cancelled by the issuing court for good cause.

Dated this _____ day of _____, 20____.

Applicant's Signature

Address: _____

Phone: _____

Fax: _____

E-Mail: _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission Expires _____

ORDER FOR HEARING

IT IS HEREBY ORDERED that a hearing on Defendant's Application For Restricted Driving Permit will be held on _____, at the hour of _____ m., in the courtroom of the _____ County Courthouse, _____, South Dakota.

Dated this _____ day of _____, 20____.

BY THE COURT:

Circuit Court Judge

ATTEST:

Clerk of Courts

Deputy

CERTIFICATE OF SERVICE

| | Mail | Fax | E-Mail | Picked Up |
|-------------------|-------|-------|--------|-----------|
| Applicant | _____ | _____ | _____ | _____ |
| State's Attorney | _____ | _____ | _____ | _____ |
| Probation Officer | _____ | _____ | _____ | _____ |
| Parole Agent | _____ | _____ | _____ | _____ |

Dated this _____ day of _____, 20____.

Signature

INSTRUCTION SHEET

1. Applicant must complete Application for Restricted Driving Permit.*
2. Applicant's signature on the Application must be notarized.
3. Applicant must file the original Application with the Clerk of Courts in the county where the defendant was sentenced.
4. The Clerk of Courts will insert a hearing date in the Order for Hearing and obtain the judge's signature (in the northern counties this will be the judge who is scheduled for the regular court term (Jan-Mar Judge Bastian; April-June Judge Johnson; July-Sept Judge Macy; Oct-Dec Judge Eckrich) and serve a copy upon the applicant, state's attorney and probation officer/parole agent. The judge scheduled for the regular court term in the northern counties will also preside over the hearing and grant or deny the application.
5. Defendant must personally appear for the scheduled hearing unless prior approval is granted by the judge for a telephone appearance.

*Application forms are available at any 4th Circuit Clerk of Court's offices or Court Services offices, the Administrative Office in Deadwood, or can be accessed via the 4th Circuit web site - <http://ujs.sd.gov/lp.htm>