



## 2021 South Dakota Legislature

# Senate Bill 29

*Introduced by: The Committee on Transportation at the request of the Department of Public Safety*

1 **An Act to revise certain training and testing requirements for entry level driver**  
 2 **applicants for a commercial driver license.**

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

4 **Section 1.** That § 32-12A-11 be AMENDED.

5 **32-12A-11. Knowledge and skills tests required--Waiver--Restrictions--**  
 6 **Violation as misdemeanor.**

7 No person may be issued a commercial learner's permit unless that person is a  
 8 resident of this state and has passed the required knowledge test. No person may be  
 9 issued a commercial driver license unless that person is a resident of this state, has  
 10 received driver training from a provider listed on the Training Provider Registry established  
 11 by the Federal Motor Carrier Safety Administration pursuant to 49 C.F.R. Part 380, Subpart  
 12 G, as of September 30, 2019, has passed a knowledge and skills test for driving a  
 13 commercial motor vehicle that complies with the minimum federal standards established  
 14 by federal regulation enumerated in 49 C.F.R. Part 383, Subparts G and H, ~~as of January~~  
 15 ~~1, 2015~~ September 30, 2019, and has satisfied all other requirements of the CMVSA in  
 16 addition to other requirements imposed by state law or federal regulation. The tests shall  
 17 be prescribed and conducted by the department.

18 The department may authorize a person, an employer, a private driver training facility,  
 19 other private institution, a department, agency, or instrumentality of local government, of  
 20 this state or another state, to administer the skills test specified by this section, if:

- 21 (1) The test is the same which would otherwise be administered by the department;  
 22 and
- 23 (2) The third party has entered into an agreement with the department that complies  
 24 with requirements of 49 C.F.R. Part 383.75 as of ~~January 1, 2015~~ September 30,  
 25 2019. Failure to comply with the agreement may result in termination of the  
 26 agreement; and

1        (3) The third party, prior to administering the skills test to any person, verifies the  
2            person has completed the driver training specified in this section.

3            The department may waive the knowledge and skills test tests specified in this section  
4        for a commercial driver license applicant who meets the requirements of 49 C.F.R. Part  
5        383.77 as of ~~January 1, 2015~~ September 30, 2019.

6            No commercial learner's permit or commercial driver license may be issued to a person  
7        while the person is subject to a disqualification from driving a commercial motor vehicle,  
8        or while the person's operator's license or driving privilege is suspended, revoked, or  
9        cancelled in any state; nor may a commercial driver license be issued to a person who has  
10       a commercial driver license, noncommercial driver license, noncommercial instruction  
11       permit or commercial learner's permit issued by any other state unless the person first  
12       surrenders all such licenses or permits, ~~which shall be destroyed by the department.~~ The  
13       department shall destroy any license or permit surrendered under this section. The issuing  
14       jurisdiction shall be notified that the licensee has applied for a commercial learner's permit  
15       or commercial driver license in a new jurisdiction. A violation of this provision is a Class 2  
16       misdemeanor.