



2021 South Dakota Legislature

House Bill 1012

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

1 **An Act to update references to certain federal motor carrier regulations.**

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

3 **Section 1.** That § 49-28A-3 be AMENDED.

4 **49-28A-3. Adoption of federal regulations--Violation as misdemeanor.**

5 The state hereby adopts Title 49 of the Code of Federal Regulations, subtitle B,
6 chapter I, subchapter A, part 107 (subparts F and G only) and subchapter C, parts 171 to
7 180, inclusive, as amended through January 1, ~~2020~~ 2021, and Title 49 of the Code of
8 Federal Regulations, subtitle B, chapter III, subchapter B, part 387 and parts 390 to 397,
9 inclusive, as amended through January 1, ~~2020~~ 2021, with the following modifications:

- 10 (1) All references to interstate operations shall also include intrastate operations except
11 that drivers and motor carriers operating intrastate vehicles and combinations of
12 vehicles with two axles or less or with a gross vehicle weight rating of not more
13 than twenty-six thousand pounds which are not used to transport hazardous
14 materials requiring placarding under part 177, or designed to transport more than
15 fifteen passengers, including the driver, are not subject to parts 390-397;
- 16 (2) For the purposes of part 391.11(b)(1), a driver shall be at least twenty-one years
17 old if engaged in interstate commerce, or transporting hazardous material of a type
18 or quantity requiring placarding under part 177, or operating a vehicle designed to
19 transport more than fifteen passengers, including the driver. All other drivers shall
20 be at least eighteen years of age;
- 21 (3) Unless required by an employer to be medically certified under Title 49 of the Code
22 of Federal Regulations, intrastate drivers are exempt from the physical
23 requirements of part 391.41.

24 Any violation of part 387 and parts 390 to 396, inclusive, the motor carrier safety
25 requirements governing the qualifications of drivers, driving of motor vehicles, parts and
26 accessories necessary for safe operation, notification and reporting of accidents,

1 assistance with investigations and special studies, hours of service of drivers, inspection,
2 repair, and maintenance is a Class 2 misdemeanor. Any violation of the hazardous
3 materials regulations pertaining to registration of cargo tank motor vehicles, registration
4 of persons who offer or transport hazardous materials, general information, regulations
5 and definitions, hazardous materials tables, hazardous materials communication
6 regulations, and test and inspection marking requirements found in parts 107 (subparts F
7 and G only), 171, 172, and 178 to 180, inclusive, is a Class 2 misdemeanor. Any violation
8 of the hazardous materials regulations pertaining to packaging, prohibited shipments,
9 loading and unloading, segregation and separation, retesting and inspection of cargo
10 tanks, and other carriage by regulations found in parts 173 to 180, inclusive, or violation
11 of the driving and parking rules in part 397, is a Class 1 misdemeanor.