



## 2023 South Dakota Legislature

# House Bill 1036

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

1 **An Act to increase civil penalties for commercial driver's license holders and motor**  
 2 **carriers.**

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

4 **Section 1. That § 32-12A-5.1 be AMENDED:**

5 **32-12A-5.1.** The state's attorney for the county in which a violation of subdivision  
 6 32-12A-5(4) occurs shall commence a civil in rem proceeding of not more than ~~ten~~  
 7 thousand seventeen thousand nine hundred ninety-five dollars against the employer.

8 **Section 2. That § 32-12A-8.1 be AMENDED:**

9 **32-12A-8.1.** No person may drive a commercial motor vehicle on the highways of  
 10 this state while the person or the commercial motor vehicle is subject to any out-of-service  
 11 order. A violation of this section is a Class 1 misdemeanor. The court shall order any  
 12 person convicted for a violation of this section to remit to the clerk of courts the civil  
 13 penalty described in § 32-12A-56 or 32-12A-57, as applicable.

14 **Section 3. That § 32-12A-56 be AMENDED:**

15 **32-12A-56.** In addition to disqualification, a driver who is convicted of violating  
 16 an out-of-service order pursuant to 32-12A-8.1 is subject to a civil penalty of not less than  
 17 ~~two thousand five hundred~~ three thousand four hundred seventy-one dollars for a first  
 18 conviction and not less than ~~five thousand~~ six thousand nine hundred forty-three dollars  
 19 for a second or subsequent conviction.

20 **Section 4. That § 32-12A-57 be AMENDED:**

21 **32-12A-57.** The state's attorney for the county in which the violation of  
 22 subdivision 32-12A-5(3) occurs shall commence a civil in rem proceeding of not less than

1 ~~two thousand seven hundred fifty~~six thousand two hundred sixty-nine dollars nor more  
2 than ~~twenty-five thousand~~thirty-four thousand seven hundred twelve dollars against the  
3 employer.