



2023 South Dakota Legislature  
**House Bill 1036**  
**ENROLLED**

AN ACT

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

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

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

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

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

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

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

**32-12A-56.** In addition to disqualification, a driver who is convicted of violating an out-of-service order pursuant to § 32-12A-8.1 is subject to a civil penalty of not less than three thousand seven hundred forty dollars for a first conviction and not less than seven thousand four hundred eighty-one dollars for a second or subsequent conviction.

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

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

six thousand seven hundred fifty-five dollars nor more than thirty-seven thousand four hundred dollars against the employer.

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

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I certify that the attached Act originated in  
the:

House as Bill No. 1036

\_\_\_\_\_

Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2023 at \_\_\_\_\_ M.

\_\_\_\_\_

Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_

Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2023

Attest:

\_\_\_\_\_

Chief Clerk

\_\_\_\_\_

Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_

President of the Senate

Attest:

Filed \_\_\_\_\_, 2023  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_

Secretary of the Senate

\_\_\_\_\_

Secretary of State

House Bill No. 1036  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State