

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

705U0266

## SENATE ENGROSSED NO. **SB 78** - 01/28/2013

Introduced by: Senators Vehle, Maher, Novstrup (Al), and Welke and Representatives Verchio, Heinert, Miller, Romkema, and Rozum

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to medical requirements  
2 for intrastate drivers transporting passengers and to update certain references to federal  
3 statutes.

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

5 Section 1. That § 49-28A-3 be amended to read as follows:

6 49-28A-3. The state hereby adopts Title 49 of the Code of Federal Regulations, subtitle B,  
7 chapter I, subchapter A, part 107 (subparts F and G only) and subchapter C, parts 171 to 180,  
8 inclusive, as amended through January 1, ~~2012~~ 2013, and Title 49 of the Code of Federal  
9 Regulations, subtitle B, chapter III, subchapter B, part 387 and parts 390 to 397, inclusive, as  
10 amended through January 1, ~~2012~~ 2013, with the following modifications:

11 (1) All references to interstate operations shall also include intrastate operations except  
12 that drivers and motor carriers operating intrastate vehicles and combinations of  
13 vehicles with three axles or less or with a gross vehicle weight rating of not more  
14 than twenty-six thousand pounds which are not used to transport hazardous materials  
15 requiring placarding under part 177, or designed to transport more than fifteen



1 passengers, including the driver, are not subject to parts 390-397;

2 (2) For the purposes of part 391.11(b)(1), a driver shall be at least twenty-one years old  
3 if engaged in interstate commerce, or transporting hazardous material of a type or  
4 quantity requiring placarding under part 177, or operating a vehicle designed to  
5 transport more than fifteen passengers, including the driver. All other drivers shall  
6 be at least sixteen years of age;

7 (3) ~~Intrastate~~ Unless required by an employer to be medically certified under Title 49 of  
8 the Code of Federal Regulations, intrastate drivers are exempt from the physical  
9 requirements of part 391.41.

10 Any violation of part 387 and parts 390 to 396, inclusive, the motor carrier safety  
11 requirements governing the qualifications of drivers, driving of motor vehicles, parts and  
12 accessories necessary for safe operation, notification and reporting of accidents, assistance with  
13 investigations and special studies, hours of service of drivers, inspection, repair, and  
14 maintenance is a Class 2 misdemeanor. Any violation of the hazardous materials regulations  
15 pertaining to registration of cargo tank motor vehicles, registration of persons who offer or  
16 transport hazardous materials, general information, regulations and definitions, hazardous  
17 materials tables, hazardous materials communication regulations, and test and inspection  
18 marking requirements found in parts 107 (subparts F and G only), 171, 172, and 178 to 180,  
19 inclusive, is a Class 2 misdemeanor. Any violation of the hazardous materials regulations  
20 pertaining to packaging, prohibited shipments, loading and unloading, segregation and  
21 separation, retesting and inspection of cargo tanks, and other carriage by regulations found in  
22 parts 173 to 180, inclusive, or violation of the driving and parking rules in part 397, is a Class  
23 1 misdemeanor.