



2026 South Dakota Legislature

Senate Bill 180

Introduced by: **Senator Hulse**

1 **An Act to modify requirements regarding nondomiciled commercial driver licenses.**

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

3 **Section 1. That § 32-12A-13 be AMENDED:**

4 **32-12A-13.** The department may issue a nondomiciled commercial learner's permit or
5 commercial driver license to:

6 ~~(1) A person who is domiciled in a foreign jurisdiction whose commercial motor vehicle~~
7 ~~testing and licensing standards, as determined by the administrator of the Federal~~
8 ~~Motor Carrier Safety Administration, do not meet the testing standards established~~
9 ~~in 49 C.F.R. Part 383 as amended through January 1, 2015;~~

10 ~~(2) A person who is domiciled in a state whose commercial driver licensing program~~
11 ~~has been decertified by the administrator of the Federal Motor Carrier Safety~~
12 ~~Administration.~~

13 an applicant who meets the requirements set forth in 49 C.F.R. §§ 383 and 384 (January
14 1, 2026). In addition, the department must observe the following conditions
15 applicable to the issuance of a nondomiciled commercial learner's permit or
16 commercial driver license in this state:

17 (1) An applicant may only be:

18 (a) An individual who has lawful, employment-based nonimmigrant status in
19 the H-2A, H-2B, or E-2 visa category;

20 (b) An individual domiciled in a United States territory, who holds any of the
21 same employment-based visas described in subsection (a); or

22 (c) An individual domiciled in a state that is prohibited from issuing commercial
23 learner's permits or commercial driver licenses because the state's program
24 is decertified;

25 (2) Any non-citizen applicant, except for a lawful permanent resident, must provide an
26 unexpired foreign passport and an unexpired form I-94 or I-94A that indicates a

- 1 specified type of employment-based nonimmigrant status at every issuance,
2 transfer, renewal, and upgrade action;
- 3 (3) The department must query the Systematic Alien Verification for Entitlements
4 system, administered by the U.S. Citizenship and Immigration Services, to confirm
5 the applicant's claim of lawful immigration status in a specified category;
- 6 (4) The department must retain copies of the application documents for at least two
7 years;
- 8 (5) The expiration date for any nondomiciled commercial learner's permit or
9 commercial driver license must match the expiration date on the form I-94 or I-
10 94A or expire within one year of issuance, whichever is sooner;
- 11 (6) The applicant must be present at each renewal; and
- 12 (7) The department must downgrade the nondomiciled commercial learner's permit or
13 commercial driver license if department personnel determine that the holder is no
14 longer eligible to hold a nondomiciled commercial learner's permit or commercial
15 driver license.

16 The word, nondomiciled, ~~shall~~ must appear on the face of the nondomiciled
17 commercial learner's permit or commercial driver license. An applicant shall surrender any
18 nondomiciled commercial learner's permit or commercial driver license issued by another
19 state. The holder of a nondomiciled commercial learner's permit or commercial driver
20 license is subject to the same disqualifications and conditions applicable to a commercial
21 learner's permit or commercial driver license issued to a person domiciled in this state.

22 A nondomiciled commercial learner's permit or commercial driver license issued
23 pursuant to ~~subdivision (1)~~ of this section may be renewed in person only upon
24 presentation of valid documentary evidence that the applicant is authorized to stay in the
25 United States. The department may renew a nondomiciled commercial driver license
26 without a skills or knowledge test if the license has been expired for a period less than
27 one year.