



2026 South Dakota Legislature
Senate Bill 180
ENROLLED

AN ACT

ENTITLED An Act to modify requirements regarding nondomiciled commercial driver licenses.

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

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

32-12A-13. The department may issue a nondomiciled commercial learner's permit or commercial driver license to an applicant who meets the requirements set forth in 49 C.F.R. §§ 383 and 384 (January 1, 2026). In addition, the department must observe the following conditions applicable to the issuance of a nondomiciled commercial learner's permit or commercial driver license in this state:

- (1) An applicant may only be:
 - (a) An individual who has lawful, employment-based nonimmigrant status in the H-2A, H-2B, or E-2 visa category; or
 - (b) An individual domiciled in a United States territory, who holds any of the same employment-based visas described in subsection (a);
- (2) Any non-citizen applicant, except for a lawful permanent resident, must provide an unexpired foreign passport and an unexpired form I-94 or I-94A that indicates a specified type of employment-based nonimmigrant status at every issuance, transfer, renewal, and upgrade action;
- (3) The department must query the Systematic Alien Verification for Entitlements system, administered by the U.S. Citizenship and Immigration Services, to confirm the applicant's claim of lawful immigration status in a specified category;
- (4) The department must retain copies of the application documents for at least two years;
- (5) The expiration date for any nondomiciled commercial learner's permit or commercial driver license must match the expiration date on the form I-94 or I-94A or expire within one year of issuance, whichever is sooner;

- (6) The applicant must be present at each renewal; and
- (7) The department must downgrade the nondomiciled commercial learner's permit or commercial driver license if department personnel determine that the holder is no longer eligible to hold a nondomiciled commercial learner's permit or commercial driver license.

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

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

An Act to modify requirements regarding nondomiciled commercial driver licenses.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 180

2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby approved this _____ day of _____, A.D., 2026

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Chief Clerk of the House

Secretary of State

Senate Bill No. 180
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State