



2026 South Dakota Legislature
Senate Bill 164
ENROLLED

AN ACT

ENTITLED An Act to require that any holder of a commercial driver license in this state must be proficient in the English language, and to provide a penalty therefor.

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

Section 1. That § 32-12A-11 be AMENDED:

32-12A-11. Except as otherwise provided in this section, a person may not be issued a commercial learner's permit unless that person:

- (1) Is a resident of this state for the purpose of being licensed to drive a motor vehicle, as described in § 32-12-26.1; and
- (2) Has passed the general knowledge test that is required by 49 C.F.R. § 383.25 (January 1, 2026) and which complies with the minimum standards contained in 49 C.F.R. §§ 383.91 to 383.135, inclusive (January 1, 2026) for the commercial vehicle that the person expects to operate.

The department may waive the knowledge test specified in this section for an applicant who has experience operating a military commercial motor vehicle and meets the requirements established in 49 C.F.R. § 383.77 (January 1, 2026).

Section 2. That a NEW SECTION be added to chapter 32-12A:

Except as otherwise provided in this section, a person may not be issued a commercial driver license unless that person:

- (1) Is a resident of this state for the purpose of being licensed to drive a motor vehicle, as described in § 32-12-26.1;
- (2) Meets the general requirements of 49 C.F.R. § 383.23 (January 1, 2026) and has passed the knowledge and driving skills tests that meet the federal standards contained in 49 C.F.R. §§ 383.110 to 383.135, inclusive (January 1, 2026);

- (3) Has received entry-level driver training from a provider that meets the federal standards established in 49 C.F.R. §§ 380.700 to 380.725, inclusive (January 1, 2026); and
- (4) Has demonstrated proficiency in the English language, as required in the general qualifications for commercial motor vehicle drivers established in 49 C.F.R. § 391.11 (January 1, 2026).

The department may waive the knowledge and driving skills tests specified in this section for an applicant who has experience operating a military commercial motor vehicle and meets the requirements established in 49 C.F.R. § 383.77 (January 1, 2026).

Section 3. That a NEW SECTION be added to chapter 32-12A:

The department may authorize a third party to administer the skills test described in section 2 of this Act, provided that the department and the third party comply with the requirements of 49 C.F.R. § 383.75 (January 1, 2026).

Section 4. That a NEW SECTION be added to chapter 32-12A:

The department may not issue a commercial learner's permit or commercial driver license to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's operator license or driving privilege is suspended, revoked, or cancelled in any state.

The department may not issue a commercial driver license to a person who has a commercial driver license, noncommercial driver license, noncommercial instruction permit, or commercial learner's permit issued by any other state, unless the person first surrenders the license or permit. The department shall destroy any license or permit surrendered under this section. The department shall notify the issuing jurisdiction that the license holder has surrendered the license or permit, in keeping with the single license requirement established in 49 C.F.R. § 383.21 (January 1, 2026), to obtain a commercial learner's permit or commercial driver license in this state.

Section 5. That a NEW SECTION be added to chapter 32-12A:

The department shall promulgate rules, in accordance with chapter 1-26, to determine whether an applicant meets the English language proficiency requirement set forth in section 2 of this Act by, at a minimum, administering all knowledge and skills tests in English.

Section 6. That a NEW SECTION be added to chapter 32-12A:

If the holder of a commercial driver license or commercial learner's permit is issued a citation for a traffic offense, or is involved in a traffic accident, a law enforcement officer, except an officer acting under the authority of § 32-2-7, must determine whether the driver has sufficient English language proficiency to operate a commercial vehicle in this state.

If a law enforcement officer authorized under § 32-2-7 determines the driver is unable to respond to official inquiries in English proficiently, the officer may cite the driver for a violation of the English proficiency requirement contained in 49 C.F.R. § 391.11 (January 1, 2026), and place the driver out of service.

The offense of operating a commercial motor vehicle in this state without sufficient English language proficiency is:

- (1) A Class 2 misdemeanor for a first offense; and
- (2) A Class 1 misdemeanor for a second or subsequent offense.

An Act to require that any holder of a commercial driver license in this state must be proficient in the English language, and to provide a penalty therefor.

I certify that the attached Act originated in
the:
Senate as Bill No. 164

Received at this Executive Office
this ____ day of _____,
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. 164
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State