

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

400B0335

SENATE BILL NO. 12

Introduced by: The Committee on Transportation at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
2 disqualification of commercial driver license holders for failure to consent to chemical
3 analyses.

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

5 Section 1. That § 32-12A-36 be amended to read:

6 32-12A-36. Any person is disqualified from driving a commercial motor vehicle for a period
7 of not less than one year:

8 (1) If convicted of a first violation of driving or being in actual physical control of a
9 commercial or noncommercial motor vehicle while under the influence of alcohol,
10 or any controlled drug or substance, in violation of § 32-23-1;

11 (2) If convicted of a first violation of driving or being in actual physical control of a
12 commercial motor vehicle while there is 0.04 percent or more by weight of alcohol
13 in that person's blood as shown by chemical analysis of that person's breath, blood,
14 or other bodily substance, in violation of § 32-12A-44;

15 (3) If convicted of a first violation of leaving the scene of an accident while operating a



1 commercial or noncommercial motor vehicle, in violation of § 32-34-5 or 32-34-6;

2 (4) If convicted of a first violation of using a commercial or noncommercial motor
3 vehicle in the commission of any felony other than a felony described in § 32-12A-
4 38; or

5 (5) For refusing to submit to a chemical analysis for purposes of determining the amount
6 of alcohol or drugs in that person's blood or other bodily substance while driving a
7 commercial or noncommercial motor vehicle in violation of § 32-12A-43 or 32-12A-
8 46;

9 (6) If convicted of a first violation of operating a commercial motor vehicle while the
10 person's commercial driver license is revoked, suspended, or canceled or the person
11 is disqualified from operating a commercial motor vehicle in violation of § 32-12A-
12 8. The department may not issue a new license until one year from the date the
13 person would otherwise have been entitled to apply for a new license; or

14 (7) If convicted of a first violation of causing a fatality through the negligent operation
15 of a commercial motor vehicle.

16 If any of these violations or refusal occurred while transporting hazardous material required
17 to be placarded, the person is disqualified for a period of not less than three years.