

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

707C0457

## HOUSE BILL NO. 1116

Introduced by: Representatives Duenwald, Apa, Brown (Jarvis), Fryslie, Jaspers, Lintz, Napoli, Putnam, and Wetz and Senators Madden, Albers, and Flowers

1 FOR AN ACT ENTITLED, An Act to establish certain civil penalties to replace criminal  
2 penalties for overweight vehicle violations and to provide for the disposition of such civil  
3 penalties.

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

5 Section 1. That § 32-22-55 be amended to read as follows:

6 32-22-55. Any person who is convicted of the offense of operating a motor vehicle upon the  
7 public highways of this state with weight upon any wheel, axle, or groups of axles, or upon more  
8 than one thereof, greater than the maximum permitted by §§ 32-22-2 to 32-22-33, inclusive,  
9 32-22-47 and 32-22-48 ~~shall be fined in addition to, and not in substitution for, any other~~  
10 ~~penalties now provided by law for such offense,~~ in addition to any criminal penalty, is subject to  
11 a civil penalty in the following amounts:

12 (1) In an amount equal to five cents per pound for each pound of such excess or  
13 combined excess weight over one thousand pounds if such excess is three thousand  
14 pounds or less;

15 (2) In an amount equal to ten cents per pound for each pound of such excess or combined  
16 excess weight if such excess exceeds three thousand pounds and is four thousand

1 pounds or less;

2 (3) In an amount equal to fifteen cents per pound for each pound of such excess or  
3 combined excess weight if such excess exceeds four thousand pounds and is five  
4 thousand pounds or less;

5 (4) In an amount equal to twenty-five cents per pound for each pound of such excess or  
6 combined excess weight if such excess is more than five thousand pounds.

7 The ~~fine~~ civil penalty schedule in this section is assessed at a single rate according to the  
8 cents per pound penalty for the highest weight violation. Any civil penalty collected pursuant to  
9 this section shall be deposited in the local government highway and bridge fund as created by  
10 § 32-11-34.