

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

707C0457

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1116** - 2/19/99

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 for overweight vehicle
2 violations.

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

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

5 32-22-55. Any person who is convicted of the offense of operating a motor vehicle upon the
6 public highways of this state with weight upon any wheel, axle, or groups of axles, or upon more
7 than one thereof, greater than the maximum permitted by §§ 32-22-2 to 32-22-33, inclusive,
8 32-22-47 and 32-22-48 ~~shall be fined in addition to, and not in substitution for, any other~~
9 ~~penalties now provided by law for such offense, in addition to any criminal penalty provided by~~
10 law for such offense, shall be assessed a civil penalty in the following amounts:

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

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

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

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

6 The ~~fine~~ civil penalty schedule in this section is assessed at a single rate according to the
7 cents per pound penalty for the highest weight violation.

8 Section 2. Any civil penalty assessed pursuant to § 32-22-55 shall be treated as a fine
9 collected for violations of state laws and shall be paid to the treasurer of the county in which
10 imposed and distributed among and between all of the several public schools incorporated in
11 such county in proportion to the number of children in each, of school age, as fixed by law
12 pursuant to Article VIII, section 3, of the South Dakota Constitution.

1 **BILL HISTORY**

2 1/22/99 First read in House and referred to Transportation. H.J. 127

3 1/27/99 Scheduled for Committee hearing on this date.

4 1/27/99 Transportation Deferred to another day.

5 2/1/99 Scheduled for Committee hearing on this date.

6 2/3/99 Scheduled for Committee hearing on this date.

7 2/3/99 Transportation Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 344

8 2/5/99 House of Representatives Do Pass Amended, Passed, AYES 52, NAYS 10. H.J. 404

9 2/8/99 First read in Senate and referred to Transportation. S.J. 382

10 2/11/99 Scheduled for Committee hearing on this date.

11 2/16/99 Scheduled for Committee hearing on this date.

12 2/18/99 Scheduled for Committee hearing on this date.

13 2/18/99 Transportation Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 539

14 2/18/99 Transportation Place on Consent Calendar.