

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

400H0193

## HOUSE BILL NO. 1026

Introduced by: The Committee on Transportation at the request of the Department of  
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to disqualify a person from operating a commercial motor  
2 vehicle for certain traffic convictions regarding railroad crossings and to provide certain  
3 penalties.

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

5 Section 1. That chapter 32-12A be amended by adding thereto a NEW SECTION to read  
6 as follows:

7 Any person is disqualified from driving a commercial motor vehicle for a period of sixty days  
8 if convicted, while driving a commercial motor vehicle, of a first violation of § 32-29-4, 32-29-5,  
9 32-29-7, 32-29-8, or 32-29-9.

10 Section 2. That chapter 32-12A be amended by adding thereto a NEW SECTION to read  
11 as follows:

12 Any person is disqualified from driving a commercial motor vehicle for a period of one  
13 hundred twenty days if convicted during any three-year period, while driving a commercial motor  
14 vehicle, of a second violation of § 32-29-4, 32-29-5, 32-29-7, 32-29-8, or 32-29-9 in separate  
15 incidents.



1 Section 3. That chapter 32-12A be amended by adding thereto a NEW SECTION to read  
2 as follows:

3 Any person is disqualified from driving a commercial motor vehicle for a period of one year  
4 if convicted during any three-year period, while driving a commercial motor vehicle, of a third  
5 or subsequent violation of § 32-29-4, 32-29-5, 32-29-7, 32-29-8, or 32-29-9 in separate  
6 incidents.

7 Section 4. That § 32-12A-3 be amended to read as follows:

8 32-12A-3. No person who drives a commercial motor vehicle may have more than one  
9 operator's license; ~~except during the ten-day period beginning on the date the person is issued~~  
10 ~~an operator's license~~. A violation of this section is a Class 2 misdemeanor.

11 Section 5. That § 32-12A-5 be amended to read as follows:

12 32-12A-5. Each employer shall require the applicant to provide the information specified in  
13 § 32-12A-4. No employer may knowingly allow a driver to operate a commercial motor vehicle  
14 ~~during any period:~~

- 15 (1) ~~In~~ During any period in which the driver has had an operator's license suspended,  
16 revoked or cancelled by any state, has lost the right to operate a commercial motor  
17 vehicle in any state, is currently disqualified from driving a commercial vehicle, or  
18 subject to an out-of-service order in any state;
- 19 (2) ~~In~~ During any period in which the driver has more than one operator's license ~~except~~  
20 ~~during the ten-day period beginning on the date the person is issued an operator's~~  
21 ~~license; or;~~
- 22 (3) ~~In~~ During any period in which the employee, or the motor vehicle the employee is  
23 driving, or the motor carrier operation, is subject to an out-of-service order; or
- 24 (4) In violation of any federal, state, or local law or regulation pertaining to railroad-

1           highway grade crossings.

2           Section 6. That chapter 32-12A be amended by adding thereto a NEW SECTION to read

3 as follows:

4           The state's attorney for the county in which a violation of subdivision 32-12A-5(4) occurs

5 shall commence a civil in rem proceeding of not more than ten thousand dollars against the

6 employer.