

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

627H0192

SENATE BILL NO. 128

Introduced by: Senators Putnam, Apa, de Hueck, and Madden and Representatives
Duenwald, Bartling, Jaspers, Jensen, Koistinen, and Monroe

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

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 the 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 fifteen cents per pound for each pound of such excess or
15 combined excess weight if such excess exceeds three thousand pounds and is four



1 thousand pounds or less;

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

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

8 The ~~fine~~ civil penalty schedule in this section is assessed at a single rate according to the
9 cents per pound penalty for the highest weight violation. Any civil penalty collected pursuant to
10 this section or § 32-22-56 shall be deposited in the local government highway and bridge fund
11 created in § 32-11-34.

12 Section 2. That § 23A-27-25 be amended to read as follows:

13 23A-27-25. All fines and pecuniary penalties, other than forfeitures provided for in
14 § 23A-43-23, costs as provided in §§ 23-3-52, 23A-27-26₂ and 23A-27-27, restitution₂ and civil
15 penalties assessed under the state's overweight vehicle and environmental laws, for the violation
16 of any state law, when collected, shall be paid into the treasury of the proper county, the net
17 proceeds of which shall be applied and used each year for the benefit of the public schools of this
18 state.