

AN ACT

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

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

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

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

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

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

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

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

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

32-12A-3. No person who drives a commercial motor vehicle may have more than one operator's license. A violation of this section is a Class 2 misdemeanor.

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

32-12A-5. Each employer shall require the applicant to provide the information specified in

§ 32-12A-4. No employer may knowingly allow a driver to operate a commercial motor vehicle:

- (1) During any period in which the driver has had an operator's license suspended, revoked or cancelled by any state, has lost the right to operate a commercial motor vehicle in any state, is currently disqualified from driving a commercial vehicle, or subject to an out-of-service order in any state;
- (2) During any period in which the driver has more than one operator's license;
- (3) During any period in which the employee, or the motor vehicle the employee is driving, or the motor carrier operation, is subject to an out-of-service order; or
- (4) In violation of any federal, state, or local law or regulation pertaining to railroad-highway grade crossings.

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

The state's attorney for the county in which a violation of subdivision 32-12A-5(4) occurs shall commence a civil in rem proceeding of not more than ten thousand dollars against the employer.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1026

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1026
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State