



2022 South Dakota Legislature
Senate Bill 74
ENROLLED

AN ACT

ENTITLED An Act to revise provisions regarding out-of-service motor carrier violations.

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

Section 1. That § 32-12A-8.1 be AMENDED:

32-12A-8.1. No person may drive a commercial motor vehicle on the highways of this state while the person or the commercial motor vehicle is subject to any out-of-service order. A violation of this section is a Class 1 misdemeanor.

Section 2. That chapter 32-12A be amended with a NEW SECTION:

No person may drive a commercial motor vehicle on the highways of this state while the motor carrier operation employing the person is subject to any out-of-service order. A violation of this section is a Class 2 misdemeanor.

Section 3. That § 32-12A-52 be AMENDED:

32-12A-52. Any person is disqualified from driving a commercial motor vehicle for a period of one hundred eighty days if convicted of a first violation of an out-of-service order pursuant to § 32-12A-8.1.

If a violation of an out-of-service order pursuant to this section occurred while transporting hazardous materials required to be placarded under 49 C.F.R. Part 172, Subpart F, as of January 1, 2015, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, the operator is disqualified for a period of one hundred eighty days.

Section 4. That § 32-12A-53 be AMENDED:

32-12A-53. Any person is disqualified from driving a commercial motor vehicle for a period of two years if convicted of two violations of out-of-service orders pursuant to § 32-12A-8.1 in separate incidents during a ten-year period.

If the violations of out-of-service orders pursuant to this section occurred while transporting hazardous materials required to be placarded under 49 C.F.R. Part 172, Subpart F, as of January 1, 2015, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, the operator is disqualified for a period of three years.

Section 5. That § 32-12A-54 be AMENDED:

32-12A-54. Any person is disqualified from driving a commercial motor vehicle for a period of three years if convicted of three or more violations of out-of-service orders pursuant to 32-12A-8.1 in separate incidents during a ten-year period.

If the violations of out-of-service orders pursuant to this section occurred while transporting hazardous materials required to be placarded under 49 C.F.R. Part 172, Subpart F, as of January 1, 2015, or while operating a motor vehicle designed to transport sixteen or more passengers, including the driver, the operator is disqualified for a period of five years.

Section 6. That § 32-12A-56 be AMENDED:

32-12A-56. In addition to disqualification, a driver who is convicted of violating an out-of-service order pursuant to 32-12A-8.1 is subject to a civil penalty of not less than two thousand five hundred dollars for a first conviction and not less than five thousand dollars for a second or subsequent conviction.

An Act to revise provisions regarding out-of-service motor carrier violations.

I certify that the attached Act originated in
the:
Senate as Bill No. 74

Received at this Executive Office
this ____ day of _____,
2022 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this _____ day of
_____, A.D., 2022

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2022
at _____ o'clock ___ M.

Chief Clerk

Secretary of State

Senate Bill No. 74
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State