

AN ACT

ENTITLED, An Act to authorize the examination and use of certain vehicle weigh scale tickets in the enforcement of vehicle weight restrictions, to revise certain provisions regarding penalties for violations of such restrictions, and to require satisfactory overweight vehicle enforcement programs in each county.

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

Section 1. That chapter 32-22 be amended by adding thereto a NEW SECTION to read as follows:

The Department of Transportation may inspect any scale tickets issued by any weigh scale operator for a vehicle being used in connection with the construction, repair, or maintenance of a public highway pursuant to a contract administered by the Department of Transportation for compliance with the weight limitations imposed by this chapter. The Department of Transportation shall report any offender to the Department of Commerce and Regulation.

Section 2. That § 32-2-8.1 be amended to read as follows:

32-2-8.1. Arrest powers for motor carrier inspectors employed by the Division of Highway Patrol are limited to violations of chapters 10-47A, 32-5, 32-9, 32-10, 32-12, 32-22, 49-28, and 49-28A and §§ 50-4-13 to 50-4-17, inclusive, and § 32-33-17, and the rules governing operation of motor carriers. Motor carrier inspectors who have been given such limited arrest powers are not considered law enforcement officers for the purposes of § 23-3-27.

Section 3. That chapter 32-22 be amended by adding thereto a NEW SECTION to read as follows:

Any county highway superintendent or municipal street superintendent may inspect any scale ticket issued by any weight scale operator for a vehicle being used in connection with removal of construction aggregate from a county-permitted gravel pit or for the construction, repair, or maintenance of a public highway pursuant to a contract administered by a county, township, or

municipality for compliance with the weight limitations imposed by this chapter. Any violation shall be reported to the Department of Commerce and Regulation.

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

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

In an amount equal to five cents per pound for each pound of such excess or combined excess weight over one thousand pounds if such excess is three thousand pounds or less.

In an amount equal to fifteen cents per pound for each pound of such excess or combined excess weight if such excess exceeds three thousand pounds and is four thousand pounds or less.

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

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

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

Section 5. That § 32-22-56 be amended to read as follows:

32-22-56. In any case where the motor vehicle is absolutely overweight beyond ten thousand pounds, the pounds by which the vehicle is so overweight shall be assessed at double the penalties prescribed in § 32-22-55.

Section 6. The secretary of the Department of Transportation shall, not less than semi-annually, review the performance of each county's program of overweight vehicle enforcement and shall certify

a list of those counties whose enforcement programs are unsatisfactory. In reviewing each county's enforcement program, the secretary shall consider the following factors:

- (1) Whether the county has requested that the Division of Highway Patrol assist in the enforcement of that county's spring or other posted load limits;
- (2) The diligence of that county in enforcing in court to the fullest extent possible all fines authorized by chapter 32-22 without plea bargaining or reducing statutory fines or civil penalties;
- (3) The effort of local law enforcement agencies to enforce chapter 32-22 on the roads of that county; and
- (4) Such other factors as the secretary may deem appropriate after consultation with the state associations for county sheriffs, county commissioners, state's attorneys, and county highway superintendents and with the Division of Highway Patrol.

The secretary may not find any county's program to be unsatisfactory unless the secretary has given the county a written specification of the county's program deficiencies at least thirty days before the unsatisfactory certification.

For any county whose overweight vehicle enforcement program is certified by the secretary as unsatisfactory, the secretary may withhold or suspend for a period of one hundred eighty days all or any portion of any transfer of federal surface transportation funds and state funds otherwise authorized by § 32-11-35 to be distributed to such county. The Department of Revenue shall cooperate with the secretary in the administration of this section.

An Act to authorize the examination and use of certain vehicle weigh scale tickets in the enforcement of vehicle weight restrictions, to revise certain provisions regarding penalties for violations of such restrictions, and to require satisfactory overweight vehicle enforcement programs in each county.

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I certify that the attached Act originated in the

SENATE as Bill No. 59

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 59  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_ ,

19\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 19\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 19\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Ass. Secretary of State