

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0265

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB59** - 2/19/99

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

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

1 FOR AN ACT ENTITLED, An Act to authorize the examination and use of commercial vehicle
2 weigh scale tickets in the enforcement of vehicle weight restrictions and to revise certain
3 provisions regarding penalties for violations of such restrictions.

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

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

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

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

13 32-2-8.1. Arrest powers for motor carrier inspectors employed by the Division of Highway
14 Patrol are limited to violations of chapters 10-47A, 32-5, 32-9, 32-10, 32-12, 32-22, 49-28, and
15 49-28A and §§ 50-4-13 to 50-4-17, inclusive, and § 32-33-17, and the rules governing operation

1 of motor carriers. Motor carrier inspectors who have been given such limited arrest powers are
2 not considered "law enforcement officers" for the purposes of § 23-3-27.

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

5 Any agent, patrolman, motor carrier inspector, or employee of the Department of Commerce
6 and Regulation may enter any place maintaining a vehicle scale used in commercial trade and
7 inspect and take copies of any scale ticket issued within the last six months by the agency
8 performing the weighing service in accordance with chapter 37-22A.

9 Section 4. That chapter 32-22 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 Both the driver of the vehicle and the shipper of the vehicle's load shall be jointly and
12 severally liable for the payment of any civil penalties provided by law for a violation of chapter
13 32-22.

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

15 32-22-56. In any case where the motor vehicle is absolutely overweight beyond ~~the greatest~~
16 ~~permissible compensation plate weights for a vehicle of its class~~ ten thousand pounds, the pounds
17 by which the vehicle is so overweight ~~may~~ shall be assessed at double the penalties prescribed
18 in § 32-22-55.

19 Section 6. That chapter 32-22 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 Any county highway superintendent or municipal street superintendent may inspect any scale
22 ticket issued by any weight scale operator for a vehicle being used in connection with removal
23 of construction aggregate from a county-permitted gravel pit or for the construction, repair, or
24 maintenance of a public highway pursuant to a contract administered by the county or the
25 municipality for compliance with the weight limitations imposed by this chapter.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Transportation. S.J. 26

3 1/21/99 Scheduled for Committee hearing on this date.

4 1/28/99 Scheduled for Committee hearing on this date.

5 2/11/99 Scheduled for Committee hearing on this date.

6 2/11/99 Transportation Deferred to another day.

7 2/16/99 Scheduled for Committee hearing on this date.

8 2/18/99 Transportation Hog Housed.

9 2/18/99 Scheduled for Committee hearing on this date.

10 2/18/99 Transportation Do Pass Amended, Passed, AYES 4, NAYS 3. S.J. 536