

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

519H0277

SENATE BILL NO. 71

Introduced by: Senator Koskan and Representatives Flowers and Bartling

1 FOR AN ACT ENTITLED, An Act to revise certain penalties concerning inspections, repairs,
2 and maintenance to certain vehicles.

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

4 Section 1. That § 49-28A-3 be amended to read as follows:

5 49-28A-3. The state hereby adopts Title 49 of the Code of Federal Regulations, subtitle B,
6 chapter I, subchapter C, parts 171 to 180, inclusive, as amended through January 1, 2001, and
7 Title 49 of the Code of Federal Regulations, subtitle B, chapter III, subchapter B, parts 390 to
8 397, inclusive, as amended through January 1, 2001, with the following modifications:

9 (1) All references to interstate operations shall also include intrastate operations except
10 that drivers and motor carriers operating intrastate vehicles and combinations of
11 vehicles with three axles or less or with a gross vehicle weight rating of not more than
12 twenty-six thousand pounds which are not used to transport hazardous materials
13 requiring placarding under part 177, or designed to transport more than fifteen
14 passengers, including the driver, are not subject to parts 390-397;

15 (2) For the purposes of part 391.11(b)(1), a driver shall be at least twenty-one years old



1 if engaged in interstate commerce, or transporting hazardous material of a type or
2 quantity requiring placarding under part 177, or operating a vehicle designed to
3 transport more than fifteen passengers, including the driver. All other drivers shall be
4 at least sixteen years of age;

5 (3) Intrastate drivers are exempt from the physical requirements of part 391.41.

6 Any violation of parts 390 to ~~396~~ 395, inclusive, the motor carrier safety requirements
7 governing the qualifications of drivers, driving of motor vehicles, parts and accessories necessary
8 for safe operation, notification and reporting of accidents, assistance with investigations and
9 special studies, and hours of service of drivers, ~~inspection, repair, and maintenance~~ is a Class 2
10 misdemeanor. Any violation of part 396 is a petty offense. Any violation of the hazardous
11 materials regulations pertaining to general information, regulations and definitions, hazardous
12 materials tables, hazardous materials communication regulations, and test and inspection marking
13 requirements found in parts 171, 172, and 178 to 180, inclusive, is a Class 2 misdemeanor. Any
14 violation of the hazardous materials regulations pertaining to packaging, prohibited shipments,
15 loading and unloading, segregation and separation, retesting and inspection of cargo tanks, and
16 other carriage by regulations found in parts 173 to 180, inclusive, or violation of the driving and
17 parking rules in part 397, is a Class 1 misdemeanor.