Chapter 134

(Senate Bill 164)

An Act to require that any holder of a commercial driver license in this state must be proficient in the English language, and to provide a penalty therefor.

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

Section 1. That § 32-12A-11 be AMENDED:

32-12A-11. ~~No person may be issued a commercial learner's permit unless that person is a resident of this state and has passed the required knowledge test.~~

~~No person may be issued a commercial driver license unless that person is a resident of this state, has received driver training from a provider listed on the Training Provider Registry established by the Federal Motor Carrier Safety Administration pursuant to 49 C.F.R. Part 380, Subpart G, as of September 30, 2019, has passed a knowledge and skills test for driving a commercial motor vehicle that complies with the minimum federal standards established by federal regulation enumerated in 49 C.F.R. Part 383, Subparts G and H, as of September 30, 2019, and has satisfied all other requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the department.~~

~~The department may authorize a person, an employer, a private driver training facility, other private institution, a department, agency, or instrumentality of local government, of this state or another state, to administer the skills test specified by this section, if:~~

~~(1) The test is the same which would otherwise be administered by the department;~~

~~(2) The third party has entered into an agreement with the department that complies with requirements of 49 C.F.R. Part 383.75 as of September 30, 2019. Failure to comply with the agreement may result in termination of the agreement; and~~

~~(3) The third party, prior to administering the skills test to any person, verifies the person has completed the driver training specified in this section.~~

~~The department may waive the knowledge and skills tests specified in this section for a commercial driver license applicant who meets the requirements of 49 C.F.R. Part 383.77 as of September 30, 2019.~~

~~No commercial learner's permit or commercial driver license may be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's operator's license or driving privilege is suspended, revoked, or cancelled in any state; nor may a commercial driver license be issued to a person who has a commercial driver license, noncommercial driver license, noncommercial instruction permit or commercial learner's permit issued by any other state unless the person first surrenders all such licenses or permits. The department shall destroy any license or permit surrendered under this section. The issuing jurisdiction shall be notified that the licensee has applied for a commercial learner's permit or commercial driver license in a new jurisdiction. A violation of this provision is a Class 2 misdemeanor.~~

Except as otherwise provided in this section, a person may not be issued a commercial learner's permit unless that person:

(1) Is a resident of this state for the purpose of being licensed to drive a motor vehicle, as described in § 32-12-26.1; and

(2) Has passed the general knowledge test that is required by 49 C.F.R. § 383.25 (January 1, 2026) and which complies with the minimum standards contained in 49 C.F.R. §§ 383.91 to 383.135, inclusive (January 1, 2026) for the commercial vehicle that the person expects to operate.

The department may waive the knowledge test specified in this section for an applicant who has experience operating a military commercial motor vehicle and meets the requirements established in 49 C.F.R. § 383.77 (January 1, 2026).

Section 2. That a NEW SECTION be added to chapter 32-12A:

Except as otherwise provided in this section, a person may not be issued a commercial driver license unless that person:

(1) Is a resident of this state for the purpose of being licensed to drive a motor vehicle, as described in § 32-12-26.1;

(2) Meets the general requirements of 49 C.F.R. § 383.23 (January 1, 2026) and has passed the knowledge and driving skills tests that meet the federal standards contained in 49 C.F.R. §§ 383.110 to 383.135, inclusive (January 1, 2026);

(3) Has received entry-level driver training from a provider that meets the federal standards established in 49 C.F.R. §§ 380.700 to 380.725, inclusive (January 1, 2026); and

(4) Has demonstrated proficiency in the English language, as required in the general qualifications for commercial motor vehicle drivers established in 49 C.F.R. § 391.11 (January 1, 2026).

The department may waive the knowledge and driving skills tests specified in this section for an applicant who has experience operating a military commercial motor vehicle and meets the requirements established in 49 C.F.R. § 383.77 (January 1, 2026).

Section 3. That a NEW SECTION be added to chapter 32-12A:

The department may authorize a third party to administer the skills test described in section 2 of this Act, provided that the department and the third party comply with the requirements of 49 C.F.R. § 383.75 (January 1, 2026).

Section 4. That a NEW SECTION be added to chapter 32-12A:

The department may not issue a commercial learner's permit or commercial driver license to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's operator license or driving privilege is suspended, revoked, or cancelled in any state.

The department may not issue a commercial driver license to a person who has a commercial driver license, noncommercial driver license, noncommercial instruction permit, or commercial learner's permit issued by any other state, unless the person first surrenders the license or permit. The department shall destroy any license or permit surrendered under this section. The department shall notify the issuing jurisdiction that the license holder has surrendered the license or permit, in keeping with the single license requirement established in 49 C.F.R. § 383.21 (January 1, 2026), to obtain a commercial learner's permit or commercial driver license in this state.

Section 5. That a NEW SECTION be added to chapter 32-12A:

The department shall promulgate rules, in accordance with chapter 1-26, to determine whether an applicant meets the English language proficiency requirement set forth in section 2 of this Act by, at a minimum, administering all knowledge and skills tests in English.

Section 6. That a NEW SECTION be added to chapter 32-12A:

If the holder of a commercial driver license or commercial learner's permit is issued a citation for a traffic offense, or is involved in a traffic accident, a law enforcement officer, except an officer acting under the authority of § 32-2-7, must determine whether the driver has sufficient English language proficiency to operate a commercial vehicle in this state.

If a law enforcement officer authorized under § 32-2-7 determines the driver is unable to respond to official inquiries in English proficiently, the officer may cite the driver for a violation of the English proficiency requirement contained in 49 C.F.R. § 391.11 (January 1, 2026), and place the driver out of service.

The offense of operating a commercial motor vehicle in this state without sufficient English language proficiency is:

(1) A Class 2 misdemeanor for a first offense; and

(2) A Class 1 misdemeanor for a second or subsequent offense.

Signed March 10, 2026