

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

705U0266

## SENATE BILL NO. 78

Introduced by: Senators Vehle, Maher, Novstrup (Al), and Welke and Representatives Verchio, Heinert, Miller, Romkema, and Rozum

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to medical requirements  
2 for intrastate drivers transporting passengers.

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 A, part 107 (subparts F and G only) and subchapter C, parts 171 to 180,  
7 inclusive, as amended through January 1, ~~2012~~ 2013, and Title 49 of the Code of Federal  
8 Regulations, subtitle B, chapter III, subchapter B, part 387 and parts 390 to 397, inclusive, as  
9 amended through January 1, ~~2012~~ 2013, with the following modifications:

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



1       (2) For the purposes of part 391.11(b)(1), a driver shall be at least twenty-one years old  
2       if engaged in interstate commerce, or transporting hazardous material of a type or  
3       quantity requiring placarding under part 177, or operating a vehicle designed to  
4       transport more than fifteen passengers, including the driver. All other drivers shall  
5       be at least sixteen years of age;

6       (3) ~~Intrastate~~ Unless required by an employer to be medically certified under Title 49,  
7       intrastate drivers are exempt from the physical requirements of part 391.41.

8       Any violation of part 387 and parts 390 to 396, inclusive, the motor carrier safety  
9       requirements governing the qualifications of drivers, driving of motor vehicles, parts and  
10      accessories necessary for safe operation, notification and reporting of accidents, assistance with  
11      investigations and special studies, hours of service of drivers, inspection, repair, and  
12      maintenance is a Class 2 misdemeanor. Any violation of the hazardous materials regulations  
13      pertaining to registration of cargo tank motor vehicles, registration of persons who offer or  
14      transport hazardous materials, general information, regulations and definitions, hazardous  
15      materials tables, hazardous materials communication regulations, and test and inspection  
16      marking requirements found in parts 107 (subparts F and G only), 171, 172, and 178 to 180,  
17      inclusive, is a Class 2 misdemeanor. Any violation of the hazardous materials regulations  
18      pertaining to packaging, prohibited shipments, loading and unloading, segregation and  
19      separation, retesting and inspection of cargo tanks, and other carriage by regulations found in  
20      parts 173 to 180, inclusive, or violation of the driving and parking rules in part 397, is a Class  
21      1 misdemeanor.