

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

400B0221

## HOUSE BILL NO. 1036

Introduced by: The Committee on Local Government at the request of the Department of  
Commerce and Regulation

1 FOR AN ACT ENTITLED, An Act to authorize certain employees of local governments to  
2 operate a vehicle without a commercial driver's license under certain circumstances.

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

4 Section 1. That § 32-12-77 be amended by adding thereto a NEW SUBDIVISION to read  
5 as follows:

6 "Eligible unit of local government," a county, municipality, road district, or township which  
7 has a total population of three thousand or less.

8 Section 2. That § 32-12-85 be amended to read as follows:

9 32-12-85. The following drivers are exempt from the provisions of §§ 32-12-77 to  
10 32-12-115, inclusive:

11 (1) ~~Operators~~ Any driver involved in farm to market transportation movements, at least  
12 sixteen years of age holding a valid operator's license, limited to those ~~operators~~  
13 drivers of a farm vehicle:

14 (a) Controlled and operated by a farmer;

15 (b) Used to transport either agricultural products, farm machinery or farm supplies

- 1 to or from a farm; and
- 2 (c) Not used in the operations of a common or contract motor carrier;
- 3 (2) ~~Operators~~ Any driver of emergency fire fighting equipment necessary to the
- 4 preservation of life or property or the execution of emergency governmental functions
- 5 performed under emergency conditions that are not subject to normal traffic
- 6 regulation, or nonemergency conditions when operated by members of a fire fighting
- 7 agency;
- 8 (3) ~~Operators~~ Any driver serving in the United States military, operating a military
- 9 ~~vehicles~~ vehicle in pursuit of military purposes;
- 10 (4) ~~Operators~~ Any driver of a recreational ~~vehicles~~ vehicle;
- 11 (5) ~~Operators~~ Any driver of rental transporting equipment used as a personal family use
- 12 ~~vehicles~~ vehicle;
- 13 (6) Any driver, employed by an eligible unit of local government, operating a commercial
- 14 motor vehicle within the boundaries of that unit for the purpose of removing snow or
- 15 ice from a roadway by plowing, sanding, or salting, if:
- 16 (a) The properly licensed employee who ordinarily operates a commercial motor
- 17 vehicle for these purposes is unable to operate the vehicle; or
- 18 (b) The employing governmental entity determines that a snow or ice emergency
- 19 exists that requires additional assistance.