

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

842B0142

SENATE BILL NO. 130

Introduced by: Senators Rounds, Albers, and Flowers and Representatives Broderick, Belatti, Lee, Pederson (Gordon), Peterson (Bill), and Smidt

1 FOR AN ACT ENTITLED, An Act to provide for the regulation of certain motor carriers.

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

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

4 49-28A-3. The state hereby adopts Title 49 of the Code of Federal Regulations, subtitle B,
5 chapter I, subchapter C, parts 171 ~~through to~~ 180, inclusive, ~~October 1, 1995~~, as amended
6 through January 1, ~~1995~~ 1998, and Title 49 of the Code of Federal Regulations, subtitle B,
7 chapter III, subchapter B, parts 390 ~~through to~~ 397, inclusive, ~~October 1, 1995~~, as amended
8 through January 1, ~~1997~~ 1998, 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 not satisfying the physical requirements of part 391.41 shall make
6 application with the South Dakota Department of Commerce and Regulation for a
7 waiver in order to operate a commercial motor vehicle intrastate. The physical
8 requirements of part 391.41 do not apply to the driver of a noncommercial motor
9 vehicle licensed pursuant to chapter 32-5 if the motor vehicle is nonarticulating.

10 Any violation of parts 390 to 396, inclusive, the motor carrier safety requirements governing
11 the qualifications of drivers, driving of motor vehicles, parts and accessories necessary for safe
12 operation, notification and reporting of accidents, assistance with investigations and special
13 studies, hours of service of drivers, inspection, repair and maintenance is a Class 2 misdemeanor.

14 Any violation of ~~parts 171 to 180, inclusive, or part 397~~, the hazardous materials regulations
15 pertaining to general information, regulations and definitions, hazardous materials tables,
16 hazardous materials communication regulations, ~~shippers requirements for shipments and~~
17 ~~packaging, carriage by rail, carriage by aircraft, carriage by vessel, carriage by public highway,~~
18 ~~shipping container specifications, specifications for tank cars, qualification and maintenance of~~
19 ~~cargo tanks, and driving and parking rules for the transportation of hazardous materials and test~~
20 ~~and inspection marking requirements found in parts 171, 172, and 178 to 180, inclusive, is a~~
21 Class 2 misdemeanor. Any violation of the hazardous materials regulations pertaining to
22 packaging, prohibited shipments, loading and unloading, segregation and separation, retesting
23 and inspection of cargo tanks, and other carriage by regulations found in parts 173 to 180,
24 inclusive, or violation of the driving and parking rules in part 397, is a Class 1 misdemeanor.