

AN ACT

ENTITLED, An Act to define the duties of a motor carrier enforcement officer and to revise certain provisions regarding motor carrier inspectors.

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

Section 1. That § 32-2-7 be amended to read as follows:

32-2-7. Agents, patrol officers, motor carrier enforcement officers, and motor carrier inspectors of the Department of Commerce and Regulation shall assist in the enforcement of all laws, police regulations, and rules governing motor vehicles and motor carriers over and upon the highways of this state. The agents, patrol officers, motor carrier enforcement officers, and motor carrier inspectors may stop any vehicle or carrier to examine, measure, or weigh the vehicle and its load and to withdraw and inspect any fuel being transported by the vehicle or used to propel the vehicle. The agents, patrol officers, motor carrier enforcement officers, and motor carrier inspectors may examine any bill-of-lading, registration, license, or permit to determine if the motor carrier is properly registered, licensed, or permitted and if the load transported is an amount permitted by the commercial motor vehicle license issued to the carrier.

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

32-2-8. Agents, patrol officers, motor carrier enforcement officers, and motor carrier inspectors of the Department of Commerce and Regulation shall place violators of any of the laws or police regulations of this state, governing operation of motor vehicles or motor carriers, under arrest without warrant for criminal offenses committed in the presence of the agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector, and take the violator and the vehicle which does not conform to such laws or regulations to the nearest convenient circuit court or magistrate court for trial at the earliest opportunity.

Section 3. That § 32-9-3.1 be amended to read as follows:

32-9-3.1. Any motor vehicle or trailer owned and operated by a resident or a nonresident engaged

in the harvest of agricultural products may be operated upon the highways, roads, and streets of this state upon payment of a seventy-five dollar fee. Payment of the fee shall be evidenced by a sticker provided by the department affixed in a conspicuous place on the vehicle as the department may require.

The stickers, which are valid for a calendar year, shall be purchased from the county treasurer of any county through which the owner or operator may travel or from an agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector of the Department of Commerce and Regulation. All fees collected shall be handled, accounted for, and distributed in the same manner as the other fees provided for in this chapter. A violation of this section is a Class 2 misdemeanor.

Section 4. That § 32-9-23.2 be amended to read as follows:

32-9-23.2. If a motor carrier in intrastate commerce elects to pay the commercial motor vehicle fee pursuant to § 32-9-23.1, the carrier shall make application to an agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector of the Department of Commerce and Regulation.

Section 5. That § 32-9-23.5 be amended to read as follows:

32-9-23.5. Upon payment of the permit fee set forth in § 32-9-23.1, the carrier shall be issued a receipt which shall be the permit to move such vehicle pursuant to the permit. The carrier shall retain the receipt or permit in the carrier's possession for display upon demand of any agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector of the Department of Commerce and Regulation. A violation of this section is a Class 2 misdemeanor.

Section 6. That § 49-28-36.8 be amended to read as follows:

49-28-36.8. Upon payment of the single trip fee, as provided by § 49-28-36.6, the motor carrier shall be issued a receipt which shall be the trip permit. The carrier shall retain the permit in the carrier's possession for display upon demand of any agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector of the Department of Commerce and Regulation. A violation of

this section is a Class 2 misdemeanor.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1030

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1030
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State