

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

400D0331

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1030** - 1/31/00

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

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

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

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

5 32-2-7. Agents, ~~patrolmen,~~ patrol officers, motor carrier enforcement officers, and motor
6 carrier inspectors, ~~and employees~~ of the Department of Commerce and Regulation shall assist
7 in the enforcement of all laws, police regulations, and rules governing motor vehicles and motor
8 carriers over and upon the highways of this state. The agents, ~~patrolmen,~~ patrol
9 officers, motor carrier enforcement officers, and motor carrier inspectors, ~~and employees~~ may stop any vehicle
10 or carrier to examine, measure, or weigh the vehicle and its load and to withdraw and inspect any
11 fuel being transported by the vehicle or used to propel the vehicle. The agents, ~~patrolmen,~~ patrol
12 officers, motor carrier enforcement officers, and motor carrier inspectors, ~~and employees~~ may
13 examine any bill-of-lading, registration, license, or permit to determine if the motor carrier is
14 properly registered, licensed, or permitted and if the load transported is an amount permitted by
15 the commercial motor vehicle license issued to the carrier.

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

1 32-2-8. ~~It shall be the duty of agents, patrolmen~~ Agents, patrol officers, motor carrier
2 enforcement officers, and motor carrier inspectors of the ~~Division of Highway Patrol to~~
3 Department of Commerce and Regulation shall place violators of any of the laws or police
4 regulations of this state, governing operation of motor vehicles or motor carriers, under arrest
5 without warrant for criminal offenses committed in the presence of ~~any such~~ the agent, ~~patrolman~~
6 patrol officer, motor carrier enforcement officer, or motor carrier inspector, and take the violator
7 and the vehicle which does not conform to such laws or regulations to the nearest convenient
8 circuit court or magistrate court for trial at the earliest opportunity.

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

10 32-9-3.1. Any motor vehicle or trailer owned and operated by a resident or a nonresident
11 engaged in the harvest of agricultural products may be operated upon the highways, roads, and
12 streets of this state upon payment of a seventy-five dollar fee. Payment of the fee shall be
13 evidenced by a sticker provided by the department affixed in a conspicuous place on the vehicle
14 as the department may require.

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

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

22 32-9-23.2. ~~Whenever~~ If a motor carrier in intrastate commerce ~~shall elect~~ elects to pay the
23 commercial motor vehicle fee pursuant to § 32-9-23.1, ~~such~~ the carrier shall make application
24 to an agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector ~~at a port~~
25 ~~of entry, or such other agents as may be designated by~~ of the department Department of

1 Commerce and Regulation.

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

3 32-9-23.5. Upon payment of the permit fee set forth in § 32-9-23.1, the carrier shall be issued
4 a receipt which shall be the permit to move such vehicle pursuant to ~~said~~ the permit. The carrier
5 shall retain the receipt or permit in ~~his~~ the carrier's possession for display upon demand of any
6 ~~peace agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector at a port~~
7 ~~of entry, or designated agent of the department~~ Department of Commerce and Regulation.

8 A violation of this section is a Class 2 misdemeanor.

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

10 49-28-36.8. Upon payment of the single trip fee, as provided by § 49-28-36.6, the motor
11 carrier shall be issued a receipt which shall be the trip permit. The carrier shall retain the permit
12 in ~~his~~ the carrier's possession for display upon demand of any ~~peace agent, patrol officer, motor~~
13 ~~carrier enforcement officer, or motor carrier inspector at a port of entry or designated agent of~~
14 the Department of Commerce and Regulation. A violation of this section is a Class 2
15 misdemeanor.

1 **BILL HISTORY**

2 1/11/00 First read in House and referred to committee assignment waived. H.J. 17

3 1/12/00 Referred to Commerce. H.J. 33

4 1/15/00 Scheduled for Committee hearing on this date.

5 1/16/00 Scheduled for Committee hearing on this date.

6 1/18/00 Scheduled for Committee hearing on this date.

7 1/18/00 Commerce Do Pass, Passed, AYES 12, NAYS 0. H.J. 108

8 1/19/00 Referred to Commerce. H.J. 149

9 1/27/00 Scheduled for Committee hearing on this date.

10 1/27/00 Commerce Do Pass Amended, Passed, AYES 12, NAYS 0. H.J. 282