

AN ACT

ENTITLED, An Act to exempt certain not for hire livestock hauling activities from certain motor carrier and commercial vehicle requirements.

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

Section 1. That § 32-9-3 be amended to read as follows:

32-9-3. For the purposes of this chapter, the following do not come within the definition of "motor carriers" or "commercial vehicles" if used in intrastate operations:

- (1) A motor vehicle registered in South Dakota used to carry private business property of five hundred pounds or less;
- (2) A motor vehicle chassis registered in South Dakota on which is mounted a cornsheller, grain cleaner, feed grinder, grain and alfalfa feed mixing machine, haystack mover, sawmill, water well drilling equipment, power shovel, ditchdigger, mobile crane which exceeds the maximum size or weight limits prescribed by chapter 32-22, drag line, posthole auger, and which is not used for demonstration or display purposes outside the limits of a municipality, or a truck tractor and trailer carrying permanently mounted hay grinding equipment;
- (3) Any motor vehicle registered in South Dakota used for the transportation of liquid or solid livestock waste including trailers and equipment used to load liquid or solid livestock waste and any vehicle registered in South Dakota used for the application, distribution, spraying, or transportation from retail business to user of dry, liquid, or anhydrous ammonia fertilizers or agricultural chemicals;
- (4) A motor vehicle registered in South Dakota of less than thirty thousand pounds gross weight owned by a merchant licensed under chapter 10-45 or the merchant's commissioned paid employee and used to transport the merchant's previously sold merchandise to a purchaser outside the limits of a municipality and to return exchanged

property or to transport fuels to a purchaser within a municipality or an unincorporated town which is without such service;

- (5) A motor vehicle registered in South Dakota, owned by a farmer of this state and used by or for the farmer to transport property for the farmer's farming operation, to transport farm property from farm to farm or from a community or market to the farm or from the farm to a community or market, to transport livestock in a vehicle or combination of vehicles registered at twenty-six thousand pounds or less without monetary compensation, or to transport farm property when the vehicles are used as reimbursement in the ordinary exchange of farm work;
- (6) A motor vehicle registered in South Dakota operated by or for its owner and exclusively used to transport products originating in or produced from logging or mining operations or lumber milling waste products if such products are owned in fee by the motor vehicle owner;
- (7) Except as provided in § 32-9-3.3, any motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis registered in South Dakota, which is used for highway construction or for the construction of stock water dugouts, dams, farm and ranch irrigation systems, or other soil and water conservation projects on farms and ranches and used exclusively on the job site. Such equipment may move between job sites or from job site to a central location;
- (8) A motor vehicle used principally for providing prearranged transportation of persons to or from their place of employment and is operated by a person who does not drive the vehicle for the person's principal occupation, but is driving it only to or from the person's principal place of employment or for personal use as permitted by the owner of the vehicle;
- (9) A motor vehicle that is not for hire and is operated solely for educational purposes by a student or an instructor as part of a heavy motor vehicle or heavy equipment operator's

course offered by a nonprofit postsecondary institution located in the state;

- (10) A motor vehicle used for personal purposes and not operated for private business use;
- (11) A motor vehicle used for recreational purposes and not operated for private business use;
- (12) A motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis, registered in South Dakota and used to move equipment involved in soil and water conservation projects or township road work when operated between job sites or from a job site to a central location or point of repair;
- (13) Any motor vehicle used by an implement dealer to transport farm machinery to and from a county fair or the state fair;
- (14) A motor vehicle owned by a licensed motor vehicle dealer and used to transport inventory replacement vehicles to the dealer's principal place of business. For the purpose of this subdivision, motor vehicle does not include any motor vehicle which carries inventory replacement vehicles entirely upon its own structure.

An Act to exempt certain not for hire livestock hauling activities from certain motor carrier and commercial vehicle requirements.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1155

\_\_\_\_\_  
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. 1155  
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