

AN ACT

ENTITLED, An Act to revise the factors considered in the certification of a county overweight vehicle enforcement program.

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

Section 1. That § 32-22-31.3 be amended to read as follows:

32-22-31.3. The secretary of the Department of Transportation shall, not less than semi-annually, review the performance of each county's program of overweight vehicle enforcement and shall certify a list of those counties whose enforcement programs are unsatisfactory. In reviewing each county's enforcement program, the secretary shall consider the following factors:

- (1) Whether the county has requested that the Division of Highway Patrol assist in the enforcement of that county's spring or other posted load limits;
- (2) The diligence of that county in enforcing in court to the fullest extent possible all fines authorized by chapter 32-22 without plea bargaining or reducing statutory fines or civil penalties under the following conditions:
  - (a) For any second or subsequent offense by a driver occurring in a four-year period; or
  - (b) For any violation of the provisions of § 32-22-24;
- (3) The effort of local law enforcement agencies to enforce chapter 32-22 on the roads of that county; and
- (4) Such other factors as the secretary may deem appropriate after consultation with the state associations for county sheriffs, county commissioners, state's attorneys, and county highway superintendents and with the Division of Highway Patrol.

The secretary may not find any county's program to be unsatisfactory unless the secretary has given the county a written specification of the county's program deficiencies at least thirty days before

the unsatisfactory certification.

For any county whose overweight vehicle enforcement program is certified by the secretary as unsatisfactory, the secretary may withhold or suspend for a period of one hundred eighty days all or any portion of any transfer of federal surface transportation funds and state funds otherwise authorized by § 32-11-35 to be distributed to such county. The Department of Revenue shall cooperate with the secretary in the administration of this section.

An Act to revise the factors considered in the certification of a county overweight vehicle enforcement program.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1172

\_\_\_\_\_  
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. 1172  
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