

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

536I0414

HOUSE BILL NO. 1172

Introduced by: Representatives Rhoden, Elliott, Engels, Fryslie, Gillespie, Juhnke, Kroger, Murschel, Olson (Ryan), and Teupel and Senators Koskan, Apa, Bogue, de Hueck, Duenwald, Duxbury, Jaspers, Kloucek, Koetzle, Moore, and Symens

1 FOR AN ACT ENTITLED, An Act to revise the factors considered in the certification of a
2 county overweight vehicle enforcement program.

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

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

5 32-22-31.3. The secretary of the Department of Transportation shall, not less than
6 semi-annually, review the performance of each county's program of overweight vehicle
7 enforcement and shall certify a list of those counties whose enforcement programs are
8 unsatisfactory. In reviewing each county's enforcement program, the secretary shall consider the
9 following factors:

10 (1) Whether the county has requested that the Division of Highway Patrol assist in the
11 enforcement of that county's spring or other posted load limits;

12 (2) The diligence of that county in enforcing in court to the fullest extent possible all fines
13 authorized by chapter 32-22 without plea bargaining or reducing statutory fines or
14 civil penalties under the following conditions:

15 (a) For any second or subsequent offense by a driver occurring in a four-



1 year period; or

2 (b) For any violation of the provisions of § 32-22-24;

3 (3) The effort of local law enforcement agencies to enforce chapter 32-22 on the roads
4 of that county; and

5 (4) Such other factors as the secretary may deem appropriate after consultation with the
6 state associations for county sheriffs, county commissioners, state's attorneys, and
7 county highway superintendents and with the Division of Highway Patrol.

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

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