

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

400X0241

SENATE BILL NO. 35

Introduced by: The Committee on Transportation at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to update references to certain federal motor carrier
2 regulations.

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

4 Section 1. That § 49-28A-3 be amended to read:

5 49-28A-3. The state hereby adopts Title 49 of the Code of Federal Regulations, subtitle B,
6 chapter I, subchapter A, part 107 (subparts F and G only) and subchapter C, parts 171 to 180,
7 inclusive, as amended through January 1, ~~2015~~ 2016, and Title 49 of the Code of Federal
8 Regulations, subtitle B, chapter III, subchapter B, part 387 and parts 390 to 397, inclusive, as
9 amended through January 1, ~~2015~~ 2016, with the following modifications:

10 (1) All references to interstate operations shall also include intrastate operations except
11 that drivers and motor carriers operating intrastate vehicles and combinations of
12 vehicles with three axles or less or with a gross vehicle weight rating of not more
13 than twenty-six thousand pounds which are not used to transport hazardous materials
14 requiring placarding under part 177, or designed to transport more than fifteen
15 passengers, including the driver, are not subject to parts 390-397;



1 (2) For the purposes of part 391.11(b)(1), a driver shall be at least twenty-one years old
2 if engaged in interstate commerce, or transporting hazardous material of a type or
3 quantity requiring placarding under part 177, or operating a vehicle designed to
4 transport more than fifteen passengers, including the driver. All other drivers shall
5 be at least eighteen years of age;

6 (3) Unless required by an employer to be medically certified under Title 49 of the Code
7 of Federal Regulations, intrastate drivers are exempt from the physical requirements
8 of part 391.41.

9 Any violation of part 387 and parts 390 to 396, inclusive, the motor carrier safety
10 requirements governing the qualifications of drivers, driving of motor vehicles, parts and
11 accessories necessary for safe operation, notification and reporting of accidents, assistance with
12 investigations and special studies, hours of service of drivers, inspection, repair, and
13 maintenance is a Class 2 misdemeanor. Any violation of the hazardous materials regulations
14 pertaining to registration of cargo tank motor vehicles, registration of persons who offer or
15 transport hazardous materials, general information, regulations and definitions, hazardous
16 materials tables, hazardous materials communication regulations, and test and inspection
17 marking requirements found in parts 107 (subparts F and G only), 171, 172, and 178 to 180,
18 inclusive, is a Class 2 misdemeanor. Any violation of the hazardous materials regulations
19 pertaining to packaging, prohibited shipments, loading and unloading, segregation and
20 separation, retesting and inspection of cargo tanks, and other carriage by regulations found in
21 parts 173 to 180, inclusive, or violation of the driving and parking rules in part 397, is a Class
22 1 misdemeanor.