



## 2023 South Dakota Legislature

# House Bill 1013

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

1 **An Act to update references to certain federal motor carrier regulations.**

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

3 **Section 1. That § 49-28A-3 be AMENDED:**

4 **49-28A-3.** The state hereby adopts Title 49 of the Code of Federal Regulations,  
 5 subtitle B, chapter I, subchapter A, part 107 (subparts F and G only) and subchapter C,  
 6 parts 171 to 180, inclusive, as amended through January 1, ~~2022~~ 2023, and Title 49 of  
 7 the Code of Federal Regulations, subtitle B, chapter III, subchapter B, part 387 and parts  
 8 390 to 397, inclusive, as amended through January 1, ~~2022~~ 2023, with the following  
 9 modifications:

- 10 (1) All references to interstate operations ~~shall~~ must also include intrastate operations  
 11 except that drivers and motor carriers operating intrastate vehicles and  
 12 combinations of vehicles with two axles or less or with a gross vehicle weight rating  
 13 of not more than twenty-six thousand pounds which are not used to transport  
 14 hazardous materials requiring placarding under part 177, or designed to transport  
 15 more than fifteen passengers, including the driver, are not subject to parts 390-  
 16 397;
- 17 (2) For the purposes of ~~part~~ 49 C.F.R. § 391.11(b)(1), a driver ~~shall~~ must be at least  
 18 twenty-one years old if engaged in interstate commerce, or transporting hazardous  
 19 material of a type or quantity requiring placarding under part 177, or operating a  
 20 vehicle designed to transport more than fifteen passengers, including the driver.  
 21 All other drivers ~~shall~~ must be at least eighteen years old;
- 22 (3) Unless required by an employer to be medically certified under Title 49 of the Code  
 23 of Federal Regulations, intrastate drivers are exempt from the physical  
 24 requirements of ~~part~~ 49 C.F.R. § 391.41.

25 Any violation of part 387 and parts 390 to 396, inclusive, the motor carrier safety  
 26 requirements governing the qualifications of drivers, driving of motor vehicles, parts and

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