



2024 South Dakota Legislature

House Bill 1050

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, ~~2023~~ 2024, 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, ~~2023~~ 2024, with the following
 9 modifications:

10 (1) All references to interstate operations must also include intrastate operations except
 11 that drivers and motor carriers operating intrastate vehicles and combinations of
 12 vehicles with two axles or less or with a gross vehicle weight rating of not more
 13 than twenty-six thousand pounds ~~which that~~ are not used to transport hazardous
 14 materials requiring placarding under part 177, or designed to transport more than
 15 fifteen passengers, including the driver, are not subject to parts ~~390-397~~ 390 to
 16 397, inclusive;

17 (2) For the purposes of 49 C.F.R. § 391.11(b)(1), a driver must be at least twenty-one
 18 years old if engaged in interstate commerce, or transporting hazardous material of
 19 a type or quantity requiring placarding under part 177, or operating a vehicle
 20 designed to transport more than fifteen passengers, including the driver. All other
 21 drivers 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 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.