



2021 South Dakota Legislature  
**Senate Bill 29**  
**ENROLLED**

AN ACT

**ENTITLED An Act to revise certain training and testing requirements for entry level driver applicants for a commercial driver license.**

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

**Section 1.** That § 32-12A-11 be AMENDED.

**32-12A-11. Knowledge and skills tests required--Waiver--Restrictions--  
Violation as misdemeanor.**

No person may be issued a commercial learner's permit unless that person is a resident of this state and has passed the required knowledge test. No person may be issued a commercial driver license unless that person is a resident of this state, has received driver training from a provider listed on the Training Provider Registry established by the Federal Motor Carrier Safety Administration pursuant to 49 C.F.R. Part 380, Subpart G, as of September 30, 2019, has passed a knowledge and skills test for driving a commercial motor vehicle that complies with the minimum federal standards established by federal regulation enumerated in 49 C.F.R. Part 383, Subparts G and H, as of September 30, 2019, and has satisfied all other requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation. The tests shall be prescribed and conducted by the department.

The department may authorize a person, an employer, a private driver training facility, other private institution, a department, agency, or instrumentality of local government, of this state or another state, to administer the skills test specified by this section, if:

- (1) The test is the same which would otherwise be administered by the department;
- (2) The third party has entered into an agreement with the department that complies with requirements of 49 C.F.R. Part 383.75 as of September 30, 2019. Failure to comply with the agreement may result in termination of the agreement; and
- (3) The third party, prior to administering the skills test to any person, verifies the person has completed the driver training specified in this section.

The department may waive the knowledge and skills tests specified in this section for a commercial driver license applicant who meets the requirements of 49 C.F.R. Part 383.77 as of September 30, 2019.

No commercial learner's permit or commercial driver license may be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's operator's license or driving privilege is suspended, revoked, or cancelled in any state; nor may a commercial driver license be issued to a person who has a commercial driver license, noncommercial driver license, noncommercial instruction permit or commercial learner's permit issued by any other state unless the person first surrenders all such licenses or permits. The department shall destroy any license or permit surrendered under this section. The issuing jurisdiction shall be notified that the licensee has applied for a commercial learner's permit or commercial driver license in a new jurisdiction. A violation of this provision is a Class 2 misdemeanor.

An Act to revise certain training and testing requirements for entry level driver applicants for a commercial driver license.

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
Senate as Bill No. 29

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2021 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby  
approved this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 2021

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2021  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 29  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State