



2023 South Dakota Legislature
House Bill 1036
ENROLLED

AN ACT

ENTITLED An Act to increase civil penalties for commercial driver's license holders and motor carriers.

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

Section 1. That § 32-12A-5.1 be AMENDED:

32-12A-5.1. The state's attorney for the county in which a violation of subdivision 32-12A-5(4) occurs shall commence a civil in rem proceeding of not more than nineteen thousand three hundred eighty-nine dollars against the employer.

Section 2. That § 32-12A-8.1 be AMENDED:

32-12A-8.1. No person may drive a commercial motor vehicle on the highways of this state while the person or the commercial motor vehicle is subject to any out-of-service order. A violation of this section is a Class 1 misdemeanor. The court shall order any person convicted for a violation of this section to remit to the clerk of courts the civil penalty described in § 32-12A-56 or 32-12A-57, as applicable.

Section 3. That § 32-12A-56 be AMENDED:

32-12A-56. In addition to disqualification, a driver who is convicted of violating an out-of-service order pursuant to § 32-12A-8.1 is subject to a civil penalty of not less than three thousand seven hundred forty dollars for a first conviction and not less than seven thousand four hundred eighty-one dollars for a second or subsequent conviction.

Section 4. That § 32-12A-57 be AMENDED:

32-12A-57. The state's attorney for the county in which the violation of subdivision 32-12A-5(3) occurs shall commence a civil in rem proceeding of not less than

six thousand seven hundred fifty-five dollars nor more than thirty-seven thousand four hundred dollars against the employer.

An Act to increase civil penalties for commercial driver's license holders and motor carriers.

I certify that the attached Act originated in the:
House as Bill No. 1036

Received at this Executive Office this ____ day of _____, 2023 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this ____ day of _____, A.D., 2023

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2023 at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1036
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State