



2024 South Dakota Legislature

Senate Bill 59

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

1 **An Act to provide for the downgrade of commercial driver licenses and commercial**
 2 **learners permits upon notice of certain drug and alcohol violations.**

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

4 **Section 1. That chapter 32-12A be amended with a NEW SECTION:**

5 The department must, upon receiving notification pursuant to 49 C.F.R. § 383.73
 6 (September 29, 2022), that a commercial learner's permit holder or a commercial driver
 7 license holder is prohibited from operating a commercial motor vehicle, downgrade the
 8 commercial learner's permit or commercial driver license to a non-commercial motor
 9 vehicle operator's license. The downgrade must be completed and recorded on the
 10 commercial driver license information system within sixty days of the department's receipt
 11 of the notification.

12 For purposes of this Act, the term "downgrade" means the department's removal
 13 of the commercial learner's permit or commercial driver license privilege from the driver's
 14 license, as set forth in 49 C.F.R. § 383.5 (June 1, 1987).

15 **Section 2. That a NEW SECTION be added to chapter 32-12A:**

16 No downgrade may occur if before the department completes and records the
 17 downgrade on the commercial driver license information system driver record, the
 18 department receives notification that pursuant to 49 C.F.R. § 382.503(a) (October 7,
 19 2021), the commercial learner's permit holder or a commercial driver license holder is no
 20 longer prohibited from operating a commercial motor vehicle, the department must
 21 terminate the downgrade process without removing the commercial learner's permit or
 22 commercial driver license privilege from the driver's license.

23 **Section 3. That a NEW SECTION be added to chapter 32-12A:**

1 After the department completes and records the downgrade of the commercial
2 driver license information system driver record, if the Federal Motor Carrier Safety
3 Administration notifies the department that pursuant to 49 C.F.R. § 382.503(a) (October
4 7, 2021), a driver is no longer prohibited from operating a commercial motor vehicle, the
5 state must make the driver eligible for reinstatement of the commercial learner's permit
6 or commercial driver license privilege to the driver's license.

7 **Section 4. That a NEW SECTION be added to chapter 32-12A:**

8 After the department completes and records the downgrade of the driver record
9 on the commercial driver license information system, and if the Federal Motor Carrier
10 Safety Administration notifies the department that the driver was erroneously identified
11 as prohibited from operating a commercial motor vehicle, the department shall:
12 (1) Reinstate the commercial learner's permit or commercial driver license privilege to
13 the driver's license as expeditiously as possible; and
14 (2) Expunge from the commercial driver license information system the driver record
15 and, if applicable, the motor vehicle record, as defined in 49 C.F.R. § 390.5T (March
16 9, 2022), any reference related to the driver's erroneous prohibited status.