

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0348 **HOUSE APPROPRIATIONS COMMITTEE ENGROSSED**
NO. HB 1065 - 02/02/2007

Introduced by: The Committee on Appropriations at the request of the Board of Regents

1 FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to construct multi-use
2 storage facilities at South Dakota State University and to make an appropriation therefor.

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

4 Section 1. The Board of Regents may contract for the planning, site preparations,
5 construction, utilities, equipping, and maintaining of multi-use storage facilities at South Dakota
6 State University at an estimated cost of four hundred fifty thousand dollars.

7 Section 2. There is hereby appropriated from plant sciences service funds the sum of four
8 hundred fifty thousand dollars (\$450,000), or so much thereof as may be necessary, to the Board
9 of Regents to accomplish the purposes of this Act.

10 Section 3. The Board of Regents may accept, transfer, and expend any additional other funds
11 obtained for these purposes from federal sources, gifts, contributions, or any other sources,
12 including funds identified in section 2 of this Act.

13 All cost estimates contained in this Act have been stated in terms of 2006 values. The
14 Building Authority and the Board of Regents may adjust such cost estimates to reflect inflation
15 as measured by the Building Cost Index reported by the Engineering News Record.



1 Section 4. The design and construction shall be under the general supervision of the Bureau
2 of Administration as provided by chapter 5-14.

3 Section 5. The commissioner of the Bureau of Administration and the executive director of
4 the Board of Regents shall approve vouchers and the state auditor shall draw warrants to pay
5 expenditures authorized by this Act.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

751N0529

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1158 - 02/02/2007

Introduced by: Representatives Cutler, Deadrick, DeVries, Dykstra, Elliott, Gillespie, Halverson, Hargens, Lust, Moore, Pederson (Gordon), Rave, Weems, and Willadsen and Senators Gant, Abdallah, Bartling, Gray, and Nesselhuf

1 FOR AN ACT ENTITLED, An Act to provide immunity for school districts in facilitating
2 computer usage.

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

4 Section 1. That § 13-24-20 be amended to read as follows:

5 13-24-20. The school board may ~~rent or~~ grant the use of school facilities, computers, motor
6 vehicles, or land belonging to the school district for any purposes which it considers advisable
7 as a community service for such compensation as it determines. The use may also include a
8 contract with a vendor that sells soft drinks or other concessions on school property. The use
9 may not interfere with school activities. Any person or persons or public body using such school
10 facilities, computers, motor vehicles, or land is responsible to the school district for any and all
11 damages that may be caused by reason of the use or occupancy. The school district is not liable
12 for any ~~suit for~~ damages which might arise as the result of such use or occupancy, including the
13 use of school computers by students.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

472N0546

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1172 - 02/02/2007

Introduced by: Representatives Cutler, Gilson, Glenski, Hanks, Hills, Kirkeby, McLaughlin, Miles, Novstrup (David), Rave, and Rounds and Senators Dempster, Duenwald, Heidepriem, Koetzle, Nesselhuf, Peterson (Jim), and Turbak

1 FOR AN ACT ENTITLED, An Act to clarify certain limits placed on persons lending money.

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

3 Section 1. That § 54-4-66 be amended to read as follows:

4 54-4-66. ~~No payday loan disbursed by a licensee~~ The maximum principal amount of any
5 payday loan, or the total outstanding principal balances of all payday loans made by a licensee
6 to a single borrower, may not exceed five hundred dollars at any time. A violation of this section
7 is a Class 1 misdemeanor.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

776N0696

HOUSE EDUCATION COMMITTEE ENGROSSED NO.

HB 1241 - 02/02/2007

Introduced by: Representatives Olson (Russell), DeVries, Gassman, Gilson, Halverson, Haverly, Hills, Jerke, Kirkeby, Krebs, McLaughlin, Novstrup (David), Olson (Ryan), Rausch, Steele, Weems, and Wick and Senators McCracken and Koetzle

1 FOR AN ACT ENTITLED, An Act to allow the Board of Regents to sell certain used
2 computers through university bookstores and to declare an emergency.

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

4 Section 1. That chapter 13-49 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Notwithstanding the provisions of chapters 5-23 or 5-24, if the Board of Regents assesses
7 a special student fee to students in order to lease personal computers for the use of those
8 students at a university, the Board of Regents may, upon the expiration of the lease, acquire the
9 computers and offer them for resale through a university bookstore.

10 Section 2. Whereas, this Act is necessary for the support of the state government and its
11 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
12 full force and effect from and after its passage and approval.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

858N0647

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1249 - 02/02/2007

Introduced by: Representatives Turbiville, Dreyer, Faehn, Gilson, Hills, Krebs, Olson (Ryan), Pitts, Street, and Van Etten and Senators Bartling, Hoerth, Maher, and McCracken

1 FOR AN ACT ENTITLED, An Act to establish the teen court grant program and to provide for
2 its funding and purpose.

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

4 Section 1. The teen court grant program is hereby established in the Office of the State
5 Treasurer. The purpose of the grant program is to support the development, growth, quality, and
6 continuation of teen court programs in South Dakota through grants awarded by the South
7 Dakota Teen Court Association.

8 Section 2. There is hereby established in the state treasury the teen court grant program fund
9 to be administered by the Office of the State Treasurer. Money shall enter the fund through
10 contributions, grants, settlement funds, interest received on moneys in the fund, and any other
11 moneys collected for the purposes of this Act. The state treasurer shall distribute the fund
12 balance quarterly to the South Dakota Teen Court Association for the purpose of administering
13 and funding the grant program.

14 Section 3. The South Dakota Teen Court Association shall award grants to entities within



1 the State of South Dakota that are recognized by the National Youth Court Association. The
2 awards shall be to support the development, growth, quality, and continuation of teen court
3 programs in South Dakota.

4 Section 4. The association shall award grants as provided in this Act and publicize the
5 availability of and procedures for obtaining such grants.

6 Section 5. On June 26, 2007, the state treasurer shall transfer one hundred thousand dollars
7 (\$100,000) from the energy development impact fund created in § 10-39A-8.1 to the teen court
8 grant program fund created in section 2 of this Act.

9 Section 6. The state treasurer shall approve vouchers and the state auditor shall draw
10 warrants to pay expenditures authorized in this Act.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

445N0741

HOUSE HEALTH AND HUMAN SERVICES
COMMITTEE ENGROSSED NO. **HB 1278** -
02/02/2007

Introduced by: Representatives Van Etten, Boomgarden, Dreyer, Heineman, Miles, Nygaard,
Olson (Betty), Rave, and Weems and Senators Hansen (Tom) and Dempster

1 FOR AN ACT ENTITLED, An Act to require emergency medical technicians to be trained in
2 the administration of epinephrine.

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

4 Section 1. That § 36-4B-1 be amended by adding thereto NEW SUBDIVISIONS to read as
5 follows:

6 "Epinephrine auto-injector," a spring-loaded needle and syringe with a single dose of
7 epinephrine that will automatically release and inject the medicine, any similar automatic pre-
8 filled cartridge injector, or any similar automatic injectable equipment;

9 "Emergency medical technician," any class of emergency medical technician as defined in
10 this section;

11 Section 2. That chapter 36-4B be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The department, under the direction of the board, shall train each emergency medical
14 technician to use an auto-injector in the administration of epinephrine in emergency cases of



1 anaphylactic shock.

2 Section 3. That chapter 36-4B be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any basic life support ambulance or rescue unit used by an emergency medical technician
5 for life-saving purposes shall be equipped with epinephrine auto-injectors for use in accordance
6 with all relevant medical protocols. Any such basic life support ambulance or rescue unit shall
7 be equipped with epinephrine auto-injectors appropriate for use on emergency patients of any
8 age.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0313

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 11** - 01/25/2007

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the licensing of
2 commercial drivers.

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

4 Section 1. That § 32-12A-1 be amended to read as follows:

5 32-12A-1. Terms used in this chapter mean:

- 6 (1) "Alcohol," any substance containing any form of alcohol;
- 7 (2) "Commercial driver license," or "CDL," a license issued in accordance with the
8 requirements of this chapter to an individual that authorizes the individual to drive
9 a class of commercial motor vehicle;
- 10 (3) "Commercial driver license information system," or "CDLIS," the information system
11 established pursuant to the Commercial Motor Vehicle Safety Act (CMVSA) to serve
12 as a clearinghouse for locating information related to the licensing and identification
13 of commercial motor vehicle drivers;
- 14 (4) "Commercial driver instruction permit," a permit issued pursuant to § 32-12A-12;
- 15 (5) "Commercial motor vehicle," a motor vehicle designed or used to transport



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- passengers or property:
- (a) If the vehicle has a gross combination weight rating of twenty-six thousand one pounds or more and the towed unit has a gross vehicle weight rating of more than ten thousand pounds;
 - (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds;
 - (c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or
 - (d) If the vehicle is of any size and is used in the transportation of hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F, as amended through January 1, ~~2005~~ 2007;
- (6) "Controlled substance," any substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)), and includes all substances listed on Schedules I through V, of 21 C.F.R. Part 1308, inclusive, as amended through January 1, ~~2005~~ 2007;
- (7) "Conviction," an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated;
- (8) "Department," the Department of Public Safety;
- (9) "Disqualification," any of the following actions:

- 1 (a) The suspension, revocation, or cancellation of a CDL by the state or
2 jurisdiction of issuance;
- 3 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle
4 by a state or other jurisdiction as the result of a violation of state or local law
5 relating to motor vehicle traffic control (other than parking, vehicle weight, or
6 vehicle defect violations); or
- 7 (c) A determination by the Federal Motor Carrier Safety Administration that a
8 person is not qualified to operate a commercial motor vehicle;
- 9 (10) "Domicile," the state where a person has that person's true, fixed, and permanent
10 home and principal residence and to which that person has the intention of returning
11 whenever that person is absent;
- 12 (11) "Drive," to drive, operate, or be in actual physical control of a motor vehicle;
- 13 (12) "Driver," any person who drives, operates, or is in actual physical control of a
14 commercial motor vehicle, or who is required to hold a commercial driver license;
- 15 (13) "Employer," any person, including the United States, a state, or a political
16 subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a
17 person to drive a commercial motor vehicle;
- 18 (14) "Endorsement," an authorization to a person's CDL required to permit the person to
19 operate certain types of commercial motor vehicles;
- 20 (15) "Fatality," the death of a person as the result of a motor vehicle accident;
- 21 (16) "Felony," any offense under state or federal law that is punishable by death or
22 imprisonment for a term exceeding one year;
- 23 (17) "Foreign jurisdiction," any jurisdiction other than a state of the United States;
- 24 (18) "Gross combination weight rating" or "GCWR," the value specified by the

1 manufacturer as the loaded weight of a combination (articulated) vehicle. In the
2 absence of a value specified by the manufacturer, GCWR shall be determined by
3 adding the GVWR of the power unit and the total weight of the towed unit and any
4 load thereon;

5 (19) "Gross vehicle weight rating," or "GVWR," the value specified by the manufacturer
6 as the loaded weight of a single vehicle;

7 (20) "Hazardous materials," ~~the same as that found in Section 103 of the Hazardous~~
8 ~~Materials Transportation Act (49 App. U.S.C. § 1801 et seq.)~~ any material that has
9 been designated as hazardous under 49 U.S.C. 5103 as amended through January 1,
10 2007 and is required to be placarded under subpart F of 49 CFR part 172 or any
11 quantity of a material listed as a select agent or toxin in 42 CFR part 73, as amended
12 through January 1, 2005 2007;

13 (21) "Imminent hazard," the existence of a condition that presents a substantial likelihood
14 that death, serious illness, severe personal injury, or a substantial endangerment to
15 health, property, or the environment may occur before the reasonably foreseeable
16 completion date of a formal proceeding begun to lessen the risk of that death, illness,
17 injury, or endangerment;

18 (22) "Motor vehicle," a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn
19 by mechanical power, used on highways, but does not include any vehicle, machine,
20 tractor, trailer, or semitrailer operated exclusively on a rail;

21 (23) "Noncommercial motor vehicle," a motor vehicle or combination of motor vehicles
22 not defined as a commercial motor vehicle;

23 (24) "Nonresident CDL," a commercial driver license issued by a state to a person who
24 resides in a foreign jurisdiction or a person domiciled in another state that is

1 prohibited from issuing commercial driver licenses by the Federal Motor Carrier
2 Safety Administration;

3 (25) "Notice of final administrative decision," a determination rendered by an agency of
4 competent jurisdiction when all avenues of appeal have been exhausted or time to
5 appeal has elapsed;

6 (26) "Operator's license," any license issued by a state to a person which authorizes the
7 person full privileges to drive a motor vehicle;

8 (27) "Out-of-service order," an out-of- service order as defined by 49 C.F.R. part 390.5,
9 as of January 1, ~~2005~~ 2007;

10 (28) "Recreational vehicle," a vehicle which is self-propelled or permanently towable by
11 a light duty truck and designed primarily not for use as a permanent dwelling but as
12 temporary living quarters for recreational, camping, travel, or seasonal use;

13 (29) "School bus," any motor vehicle that is used to transport sixteen or more passengers,
14 including the driver, and is used to transport pre-primary, primary, or secondary
15 school students from home to school, from school to home, or to and from school-
16 sponsored events. School bus does not include a bus used as a common carrier;

17 (30) "Serious traffic violation," a conviction of:

18 (a) Excessive speeding, involving a single charge of any speed fifteen miles per
19 hour or more, above the posted speed limit, in violation of chapter 32-25;

20 (b) Reckless driving, in violation of § 32-24-1;

21 (c) Careless driving, in violation of § 32-24-8;

22 (d) Improper or erratic traffic lane changes, in violation of § 32-26-6;

23 (e) Following the vehicle ahead too closely, in violation of § 32-26-40;

24 (f) A violation of any state or local law related to motor vehicle traffic control,

- 1 other than a parking violation, arising in connection with a fatal accident;
- 2 (g) Failure to stop or yield, in violation of §§ 32-29-2.1, 32-29-2.2, 32-29-3, and
- 3 32-29-4;
- 4 (h) Failure to stop or slow vehicle for a school bus, in violation of § 32-32-6;
- 5 (i) Eluding a police vehicle, in violation of § 32-33-18;
- 6 (j) Overtaking or passing another vehicle, in violation of §§ 32-26-26, 32-26-27,
- 7 32-26-28, 32-26-34, 32-26-35, 32-26-36, and 32-26-37;
- 8 (k) Driving a commercial motor vehicle without obtaining a commercial driver
- 9 license, in violation of § 32-12A-6;
- 10 (l) Driving a commercial motor vehicle without a commercial driver license in
- 11 the driver's possession in violation of § 32-12A-6. Any person who provides
- 12 proof to the court or to the enforcement authority that issued the citation, by
- 13 the date the person was required to appear in court or to pay a fine for the
- 14 violation, that the person held a valid commercial driver license on the date the
- 15 citation was issued, is not guilty of a serious traffic violation; or
- 16 (m) Driving a commercial motor vehicle without the proper class of commercial
- 17 driver license or endorsement, or both, for the specific vehicle group being
- 18 operated or for the passengers or type of cargo being transported in violation
- 19 of § 32-12A-6;

20 (31) "State," a state of the United States and the District of Columbia;

21 (32) "United States," the fifty states and the District of Columbia.

22 Section 2. That § 32-12A-7 be amended to read as follows:

23 32-12A-7. Each commercial motor vehicle driver shall meet the minimum standards and

24 qualifications established under this chapter and in accordance with 49 C.F.R. subpart 383.23

1 as amended through January 1, ~~2005~~ 2007. Each commercial motor vehicle driver shall obtain
2 a commercial driver license.

3 Section 3. That § 32-12A-9 be amended to read as follows:

4 32-12A-9. The following are exempt from the provisions of this chapter:

5 (1) Operators involved in farm to market transportation movements, at least sixteen years
6 of age holding a valid operator's license, limited to those operators of a farm vehicle:

7 (a) Controlled and operated by a farmer;

8 (b) Used to transport either agricultural products, farm machinery or farm supplies
9 to or from a farm; and

10 (c) Not used in the operations of a common or contract motor carrier;

11 (2) Operators of emergency fire fighting equipment necessary to the preservation of life
12 or property or the execution of emergency governmental functions performed under
13 emergency conditions that are not subject to normal traffic regulation, or
14 nonemergency conditions when operated by members of a fire fighting agency;

15 (3) Operators of ~~military~~ commercial motor vehicles for military purposes including:

16 (a) Active duty military personnel;

17 (b) Members of the military reserves;

18 (c) Members of the national guard on active duty, including personnel on full-
19 time national guard duty, personnel on part-time national guard training and
20 national guard military technicians (civilians who are required to wear military
21 uniforms); and

22 (d) Active duty U.S. Coast Guard personnel;

23 (4) Operators of recreational vehicles; and

24 (5) Operators of rental transporting equipment used as personal family use vehicles.

1 United States reserve technicians are not exempt under the provisions of subdivision (3) of
2 this section.

3 Section 4. That § 32-12A-11 be amended to read as follows:

4 32-12A-11. No person may be issued a commercial driver license unless that person is a
5 resident of this state, has passed a knowledge and skills test for driving a commercial motor
6 vehicle that complies with the minimum federal standards established by federal regulation
7 enumerated in 49 C.F.R. Part 383, Subparts G and H as amended through January 1, ~~2005~~2007,
8 and has satisfied all other requirements of the CMVSA in addition to other requirements
9 imposed by state law or federal regulation. The tests shall be prescribed and conducted by the
10 department.

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

14 (1) The test is the same which would otherwise be administered by the department; and

15 (2) The third party has entered into an agreement with the department that complies with
16 requirements of 49 C.F.R. Part 383.75 as amended through January 1, ~~2005~~2007.

17 Failure to comply with agreement may result in termination of the agreement.

18 The department may waive the skills test specified in this section for a commercial driver
19 license applicant who meets the requirements of 49 C.F.R. Part 383.77 as amended through
20 January 1, ~~2005~~ 2007.

21 No commercial driver license or commercial driver instruction permit may be issued to a
22 person while the person is subject to a disqualification from driving a commercial motor
23 vehicle, or while the person's operator's license or driving privilege is suspended, revoked, or
24 cancelled in any state; nor may a commercial driver license be issued to a person who has a

1 commercial driver license, noncommercial driver license, noncommercial instruction permit or
2 commercial driver instruction permit issued by any other state unless the person first surrenders
3 all such licenses or permits, which shall be destroyed by the department. The issuing jurisdiction
4 shall be notified that the licensee has applied for a commercial driver license or commercial
5 driver instruction permit in a new jurisdiction. A violation of this provision is a Class 2
6 misdemeanor.

7 Section 5. That § 32-12A-13 be amended to read as follows:

8 32-12A-13. The department may issue a nonresident CDL to:

- 9 (1) A person who is domiciled in a foreign jurisdiction whose commercial motor vehicle
10 testing and licensing standards, as determined by the administrator of the Federal
11 Motor Carrier Safety Administration, do not meet the testing standards established
12 in 49 C.F.R. Part 383 as amended through January 1, ~~2005~~ 2007;
- 13 (2) A person who is domiciled in a state whose commercial driver licensing program has
14 been decertified by the administrator of the Federal motor Carrier Safety
15 Administration.

16 The word^u, nonresident^u, shall appear on the face of the nonresident CDL. An applicant
17 shall surrender any nonresident CDL issued by another state. The holder of a nonresident CDL
18 is subject to the same disqualifications and conditions applicable to a commercial driver license
19 issued to a person domiciled in this state.

20 Section 6. That § 32-12A-14 be amended to read as follows:

21 32-12A-14. The application for a commercial driver license or commercial instruction
22 permit, shall include the following:

- 23 (1) The full legal name and current mailing and residential address of the applicant;
- 24 (2) A physical description of the applicant including sex, height, weight and eye color;

- 1 (3) Date of birth;
- 2 (4) The applicant's social security number;
- 3 (5) The applicant's signature;
- 4 (6) The applicant's color photograph;
- 5 (7) Certifications including those required by 49 C.F.R. Part 383.71(a) as amended
- 6 through January 1, ~~2005~~ 2007;
- 7 (8) A consent to release driving record information ; and
- 8 (9) The names of all states where the applicant has previously been licensed to drive any
- 9 type of motor vehicle during the ten-year period immediately preceding the date of
- 10 the application.

11 Section 7. That § 32-12A-21 be amended to read as follows:

12 32-12A-21. The holder of a valid commercial driver license may drive any vehicle in the

13 class for which that license is issued, and any lesser class of vehicle, except a motorcycle. No

14 person may drive a vehicle requiring an endorsement unless the proper corresponding

15 endorsement appears on that person's commercial driver license. A commercial driver license

16 may be issued with the following classifications:

- 17 (1) Class A Combination Vehicle. Any combination of commercial motor vehicles and
- 18 towed vehicles with a gross vehicle weight rating of twenty-six thousand one or more
- 19 pounds if the gross vehicle weight rating of the vehicles being towed are in excess
- 20 of ten thousand pounds. This class includes:
 - 21 (a) Any vehicle designed to transport sixteen or more passengers, including the
 - 22 driver; and
 - 23 (b) Any vehicle used in the transportation of hazardous materials that require the
 - 24 vehicle to be placarded under 49 C.F.R. Part 172, Subpart F, as amended

1 through January 1, ~~1993~~ 2007;

2 (2) Class B Heavy Straight Vehicle. Any single commercial motor vehicle with a gross
3 vehicle weight rating of twenty-six thousand one or more pounds or any such
4 commercial motor vehicle towing a vehicle with a gross weight rating not exceeding
5 ten thousand pounds. This class includes:

6 (a) Any vehicle designed to transport sixteen or more passengers, including the
7 driver; and

8 (b) Any vehicle used in the transportation of hazardous materials which require
9 the vehicle to be placarded under 49 C.F.R. Part 172, Subpart F, as amended
10 through January 1, ~~1993~~ 2007;

11 (3) Class C Small Vehicle. Any single vehicle, or combination of vehicles, that meet
12 neither the definition of class A nor that of class B as contained in this section. This
13 class includes any vehicle designed to transport sixteen or more passengers, including
14 the driver, or is used in the transportation of hazardous materials which require the
15 vehicle to be placarded under 49 C.F.R. Part 172, Subpart F, as amended through
16 January 1, ~~1993~~ 2007.

17 Section 8. That § 32-12A-24 be amended to read as follows:

18 32-12A-24. No person under the age of eighteen may receive an endorsement on a
19 commercial driver license to drive a school bus. Any school bus endorsed driver operating with
20 an intrastate restriction shall meet all requirements of 49 C.F.R. Part 391 Subpart E as amended
21 through January 1, ~~2005~~ 2007, in the area of physical qualifications.

22 Section 9. That § 32-12A-41 be amended to read as follows:

23 32-12A-41. Any person is disqualified from driving a commercial motor vehicle for not less
24 than one hundred twenty days if convicted within a three-year period of three serious traffic

1 violations committed while operating a commercial motor vehicle. Any person is disqualified
2 from driving a commercial motor vehicle for a period of not less than one hundred twenty days
3 if convicted within a three-year period of three serious traffic violations committed while
4 operating a noncommercial motor vehicle and any of these convictions result in the revocation,
5 cancellation, or suspension of the CDL holder's license or noncommercial driving privileges.
6 Any disqualification period imposed under this section shall be in addition to any other previous
7 period of disqualification.

8 Section 10. That § 32-12A-48 be amended to read as follows:

9 32-12A-48. The secretary of the Department of Public Safety may promulgate rules,
10 pursuant to chapter 1-26, in the following areas:

- 11 (1) Definitions;
- 12 (2) Commercial driver license waivers;
- 13 (3) Single license requirement;
- 14 (4) Notification requirements and employer responsibilities;
- 15 (5) Federal disqualifications and penalties;
- 16 (6) Testing and licensing procedures;
- 17 (7) Vehicle groups and endorsements;
- 18 (8) Required knowledge and skills;
- 19 (9) Tests;
- 20 (10) Background check requirements;
- 21 (11) Commercial driver license document; and
- 22 (12) Other rules necessary to implement the provisions of C.F.R. 49, Chapter 3,
23 Subchapter B, parts 383, 384, 390, 391, and 392, inclusive, as amended through
24 January 1, ~~2005~~ 2007.

1 Section 11. That § 32-12A-50 be amended to read as follows:

2 32-12A-50. Notwithstanding any law to the contrary, a person may drive a commercial
3 motor vehicle in this state if the person has a valid commercial driver license or commercial
4 driver license instruction permit issued by any state or province or territory of Canada or if the
5 person has a valid licencia federal de conductor (federal license of driver) issued by Mexico in
6 accordance with the minimum federal standards for the issuance of commercial motor vehicle
7 driving licenses, if the person is not suspended, revoked, or cancelled, and if the person is not
8 disqualified from driving a commercial motor vehicle, or subject to an out-of-service order. The
9 department shall give any out-of-state conviction full faith and credit and treat it, for sanctioning
10 purposes under this chapter, as if it had occurred in this state.

11 Section 12. That § 32-12A-52 be amended to read as follows:

12 32-12A-52. Any person is disqualified from driving a commercial motor vehicle for a period
13 of ninety days if convicted of a first violation of an out-of-service order.

14 If a violation of an out-of-service order pursuant to this section occurred while transporting
15 hazardous materials required to be placarded under ~~the Hazardous Materials Transportation Act~~
16 ~~(49 U.S.C. app. 1801-1813 as of January 1, 1996)~~ 49 C.F.R. Part 172, Subpart F, as amended
17 through January 1, 2007, or while operating a motor vehicle designed to transport more than
18 sixteen passengers, including the driver, the operator is disqualified for a period of one hundred
19 eighty days.

20 Section 13. That § 32-12A-53 be amended to read as follows:

21 32-12A-53. Any person is disqualified from driving a commercial motor vehicle for a period
22 of one year if convicted of two violations of out-of-service orders in separate incidents during
23 a ten-year period.

24 If the violations of out-of-service orders pursuant to this section occurred while transporting

1 hazardous materials required to be placarded under ~~the Hazardous Materials Transportation Act~~
2 ~~(49 U.S.C. app. 1801-1813 as of January 1, 1996)~~ 49 C.F.R. Part 172, Subpart F, as amended
3 through January 1, 2007, or while operating a motor vehicle designed to transport more than
4 sixteen passengers, including the driver, the operator is disqualified for a period of three years.

5 Section 14. That § 32-12A-54 be amended to read as follows:

6 32-12A-54. Any person is disqualified from driving a commercial motor vehicle for a period
7 of three years if convicted of three or more violations of out-of-service orders in separate
8 incidents during a ten-year period.

9 If the violations of out-of-service orders pursuant to this section occurred while transporting
10 hazardous materials required to be placarded under ~~the Hazardous Materials Transportation Act~~
11 ~~(49 U.S.C. app. 1801-1813 as of January 1, 1996)~~ 49 C.F.R. Part 172, Subpart F, as amended
12 through January 1, 2007, or while operating a motor vehicle designed to transport more than
13 sixteen passengers, including the driver, the operator is disqualified for a period of five years.

14 Section 15. That § 32-12A-58 be amended to read as follows:

15 32-12A-58. The state hereby adopts Title 49 of the Code of Federal Regulations, chapter 3,
16 subpart B, parts 383 and 384, inclusive, June 17, 1994, as amended through January 1, ~~2005~~
17 2007.

18 Section 16. That § 32-12A-60 be amended to read as follows:

19 32-12A-60. Any person is disqualified from driving a commercial motor vehicle for a period
20 of one hundred twenty days if convicted during any three-year period, while driving a
21 commercial motor vehicle, of a second ~~violation~~ conviction or any combination of convictions
22 of § 32-29-4, 32-29-5, 32-29-7, 32-29-8, or 32-29-9 in separate incidents.

23 Section 17. That § 32-12A-61 be amended to read as follows:

24 32-12A-61. Any person is disqualified from driving a commercial motor vehicle for a period

1 of one year if convicted during any three-year period, while driving a commercial motor vehicle,
2 of a third or subsequent ~~violation~~ conviction or any combination of convictions of § 32-29-4,
3 32-29-5, 32-29-7, 32-29-8, or 32-29-9 in separate incidents.

4 Section 18. That § 32-12A-62 be amended to read as follows:

5 32-12A-62. Any disqualification imposed in accordance with the provisions of 49 CFR part
6 383.52 as amended through January 1, ~~2005~~ 2007, relating to notification from the Federal
7 Motor Carrier Safety Administration that the driver is disqualified from driving a commercial
8 motor vehicle and is determined to constitute an imminent hazard becomes a part of the driver's
9 record maintained by the department.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0236

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 15** - 02/02/2007

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to require certain immunizations for students attending
2 postsecondary educational institutions.

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

4 Section 1. Terms in this Act mean:

5 (1) "Public or private postsecondary educational institution" or "institution," any entity
6 permitted to offer postsecondary education credits or degrees in South Dakota under
7 § 13-49-27.1;

8 (2) "Student," any person born after 1956 who is registering for more than one class
9 during an academic term, such as a quarter or a semester. The term includes any
10 person who meets face-to-face at least once per week to receive instruction. The term
11 does not include any person who receives non-credit-bearing or on-the-job training
12 services.

13 Section 2. Any student entering a public or private postsecondary education institution in
14 this state for the first time after July 1, 2008, shall, within forty-five days after the start of
15 classes, present to the appropriate institution certification from a licensed physician that the



1 student has received or is in the process of receiving the required two doses of immunization
2 against measles, rubella, and mumps. As an alternative to the requirement for a physicians's
3 certification, the student may present:

4 (1) Certification from a licensed physician stating the physical condition of the student
5 would be such that immunization would endanger the student's life or health;

6 (2) Certification from a licensed physician stating the student has experienced the natural
7 disease against which the immunization protects;

8 (3) Confirmation from a laboratory of the presence of adequate immunity; or

9 (4) A written statement signed by the student that the student is an adherent to a religious
10 doctrine whose teachings are opposed to such immunizations. If the student is under
11 the age of eighteen, the written statement shall be signed by one parent or guardian.

12 Section 3. The institution shall require that the documentation from the student, provided
13 for by section 2 of this Act, be submitted within forty-five days after the start of classes.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0240

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 18** - 01/22/2007

Introduced by: The Committee on Health and Human Services at the request of the Board of
Chiropractic Examiners

1 FOR AN ACT ENTITLED, An Act to revise the chiropractic scope of practice.

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

3 Section 1. That § 36-5-1 be amended to read as follows:

4 36-5-1. Chiropractic is ~~hereby defined to be~~ the science of locating and removing the cause
5 of any abnormal transmission of nerve energy including diagnostic and ~~externally~~ applied
6 mechanical measures incident thereto. ~~Chiropractors shall not be entitled to~~ Integral to
7 chiropractic is the treating of specific joints and articulations of the body and adjacent tissues,
8 to influence joints or neurophysiological functions of the body, or both, including the use of
9 examination and treatment by manipulation, adjustment, and mobilization of a joint. No
10 chiropractor may practice obstetrics or treat communicable diseases. ~~The requirements of this~~
11 section do not apply to those licensed pursuant to chapter 36-4.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0306

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

SB 39 - 01/29/2007

Introduced by: The Committee on Commerce at the request of the Department of Revenue
and Regulation

1 FOR AN ACT ENTITLED, An Act to provide claims information to commercial property
2 casualty insureds.

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

4 Section 1. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any carrier who is or has provided commercial property casualty coverage in this state shall
7 provide, at the written request of the insured, annual reports of the claims experience of that
8 insured for the immediate past policy period and for any time frames which are not in excess
9 of three years prior to the policy period for which the request was made. A carrier is not required
10 to provide any claim information that pertains to a prior carrier's experience with that insured.
11 The claims report shall be in sufficient detail so as to provide the insured with data sufficient
12 to assess the insured's future commercial property casualty insurance needs. The director may
13 promulgate rules pursuant to chapter 1-26 regarding the content and time frames for the annual
14 reports.

