

# CHAPTER 7: COMMERCIAL DRIVER LICENSE

Operators must acquire a Commercial Driver License (CDL) from the Department of Public Safety to drive a commercial vehicle. South Dakota and all other states have the same minimum licensing standards. Only those drivers with professional knowledge, skills, and abilities will be licensed.

For detailed information about CDL requirements, application, and testing please contact the Driver Licensing Program in the Department of Public Safety by calling (800) 952-3696 or visiting <http://www.state.sd.us/dps/dl>.

## ***CDL Classifications, Endorsements, Restrictions & Exemptions***

Three classes of Commercial Driver Licenses are available. These licenses come with specific endorsements and restrictions. Also, some vehicles are exempt from CDL requirements.

### **CDL Classifications**

**Table 23: CDL Classifications**

Class	Definition
A	Any combination of vehicles with a Gross Combination Weight Rating (GCWR) exceeding 26,000 pounds, provided the vehicle being towed has a Gross Vehicle Weight Rating (GVWR) exceeding 10,000 pounds
B	Any single vehicle with a GVWR exceeding 26,000 pounds, or any such vehicle towing a vehicle not exceeding 10,000 pounds
C	Any single vehicle or combination of vehicles that does not meet the definition of Class A or Class B, but is either required to be placarded for hazardous materials or designed to transport 16 or more passengers, including the driver

A CDL of any class also allows you to drive your personal vehicle. You will not need any other license. It does not allow you to drive a motorcycle unless you have a Class 3 license along with the Class A, B, or C CDL. For example, A3 allows

you to drive a Class A commercial vehicle and your personal vehicle, including a motorcycle.

## South Dakota Endorsements

You may need the following CDL endorsements:

**Table 24: CDL Endorsements**

Code	Endorsement
T	Double & Triple Trailers
P	Passengers
N	Tank Vehicles
H	Hazardous Materials
X	Combination Tank & Hazardous
S	School Bus

## South Dakota Restrictions

The following CDL restrictions may apply:

**Table 25: Possible CDL Restrictions**

Code	Restriction
B	Operation of CMV Not Equipped with Air Brakes
J	Unable to Operate Class A Passenger or School Bus
K	Unable to Operate Class B Passenger or School Bus
O	Corrective Lenses
F	Outside Rearview Mirror (Left)
W	Restricted CDL

## Exemptions

The following do not need a South Dakota CDL:

- operators serving in the United States military, operating military vehicles in pursuit of military purposes.
- operators of emergency firefighting equipment necessary to the preservation of life, property, or the execution of emergency governmental functions performed under emergency conditions that aren't subject to normal traffic regulation.
- operators of rental transporting equipment used as personal family use vehicles.

- operators of recreational vehicles used as personal family recreational use vehicles.
- operators involved in farm to market transportation movements, at least 16 years of age and holding a valid operator's license, limited to those operators of a farm vehicle that is:
  - controlled and operated by a farmer;
  - used to transport either agricultural products, farm machinery, or farm supplies to or from a farm;
  - not used in the operations of a common or contract motor carrier; and
  - used within 150 miles of a person's farm.

### ***CDL Qualifications***

As part of the CDL program you need to meet certain qualifications regarding age, physical condition, and driving record.

### **Legal Age Requirements**

You must be at least 21 years of age to obtain a CDL to operate a commercial motor vehicle in interstate commerce. Applicants who are 16 to 20 years of age may be granted a CDL to operate a commercial motor vehicle in intrastate commerce.

Like anyone applying for a South Dakota driver license, you will be asked to provide proof of your identity, your age, and your Social Security number. Please refer to the South Dakota Driver Manual or your local Driver Licensing office for more information.

### **Medical Examination Requirements**

You must be physically examined by a United States licensed physician every two years. You will also be given a vision test. Your doctor will fill out and sign a medical certificate which must be submitted with your CDL application and carried with your CDL. You can be cited by law enforcement if you drive

commercially with an outdated medical certificate, or if you do not have a current one with you.

### **Driving Record Requirements**

When you apply for your CDL you will be asked to:

- certify that you do not have a Driver License from more than one state;
- certify that your Driver License is not currently suspended, revoked or canceled in any state, nor subject to any of these actions;
- surrender your current Driver License;
- provide proof of your Social Security number.

Before issuing your license, CDL staff will run a nationwide driving record check.

### **CDL Renewal**

If you are renewing your commercial license you must:

- provide evidence of a current physical examination dated within the previous two years;
- pass the hazardous materials knowledge test and complete a Transportation Security Administration (TSA) security threat assessment if you wish to renew a hazardous materials endorsement;
- pay the renewal fee of \$15 and \$5 for any additional endorsements you may be adding.

### **CDL Instruction Permit**

A South Dakota commercial instruction permit is issued for a six-month period for behind-the-wheel training on public roads or highways. Applicants for an interstate commercial instruction permit must be at least 21 years of age, and pass the vision and written examinations. Applicants who are 16 to 20 years of age may be granted a CDL instruction permit to operate a commercial motor vehicle in intrastate commerce.

The holder of an instruction permit must have a medical examiner's certificate in possession dated within two years, and must be accompanied at all times by a driver who is:

- at least 21 years of age;
- seated next to the driver;
- licensed for the same commercial classification as the permit holder.

### **CDL Transfer**

If you have a valid CDL from another state and want to transfer your license to South Dakota, you must:

- complete a South Dakota CDL application within 30 days of becoming a resident;
- provide a copy of your medical certificate;
- certify you have only one license and that your license is not currently revoked, suspended or canceled in any state, nor subject to any of these actions;
- surrender the CDL from the old state of domicile;
- provide proof of your Social Security number.

Applicants wishing to retain a hazardous materials endorsement must successfully complete a hazardous materials knowledge test and provide citizenship or immigration status. Further information is provided in Hazardous Materials Endorsements on page 81.

### **CDL Upgrades**

If you have to change the class or endorsements on your CDL, you need to:

- complete a new CDL application;
- pass the knowledge and skills tests that apply.

### **CDL Fees**

The fee for a Commercial Driver License is \$15. There is also a \$5 fee for each endorsement to a commercial license. A third

party tester may charge up to \$80 for each attempt to successfully complete the commercial skills test.

## ***Commercial Driver License Tests***

### **Knowledge Tests**

You must take one or more knowledge tests depending on what class of license and what endorsements you need. The CDL knowledge tests include:

- the general knowledge test, taken by all applicants;
- the passenger transport test, taken by all bus driver applicants;
- the air brakes test, which you must take if your vehicle has air brakes;
- the combination vehicles test, which is required to drive combination vehicles;
- the hazardous materials test, which is required to haul hazardous materials or waste in amounts that require placarding;
- the tanker test, which is required to haul liquids in bulk;
- the doubles/triples test, which is required to pull double or triple trailers;
- the school bus test to operate a school bus.

### **Skills Tests**

Applicants who pass the required knowledge tests qualify to take the CDL skills tests. Three types of general skills are tested: pre-trip inspection, basic vehicle control, and on-road driving. You must take these tests in the type of vehicle for which you wish to be licensed.

#### **Pre-trip Vehicle Inspection**

You will be tested to see if you know whether your vehicle is safe to drive. You will be asked to do a pre-trip inspection on

your vehicle and explain to the examiner what you would inspect and why.

### Basic Vehicle Control

You will be tested on your skill to control the vehicle. You will be asked to move your vehicle forward, backward, and turn it within a defined area. These areas may be marked with traffic lanes, cones, barriers or something similar. The examiner will tell you how each control test is to be done.

### On-Road Test

You will be tested on your skill to safely drive your vehicle in a variety of traffic situations. The situations may include left and right turns, intersections, railway crossings, curves, up and down grades, single or multi-lane roads, streets, or highways. The examiner will tell you where to drive.

### **Other CDL Rules**

Other federal and state rules affect drivers operating commercial motor vehicles in all states.

- You cannot have more than one license. If you violate this law, a court may fine you up to \$5,000 or put you in jail. Keep your home state license and return any others.
- All states are connected to one computerized system to share information about CDL drivers. The state will check these records to ensure that drivers don't obtain more than one CDL.
- You must notify your employer within 30 days of conviction for any traffic violations (except parking). This is true no matter what type of vehicle you were driving.
- You must notify your employer if your license is suspended, revoked or canceled, or if you are disqualified from driving.

- You must give your employer information on all driving jobs you have held for the past 10 years. You must do this when you apply for a commercial driving job.
- No one can drive a commercial vehicle without a CDL. A court may fine you up to \$5,000 or put you in jail for breaking this rule.
- Your employer may not let you drive a commercial motor vehicle if you have more than one license or if your CDL is suspended or revoked. A court may fine the employer up to \$5,000 or put him or her in jail for breaking this rule.
- You must notify the South Dakota Driver Licensing Program within 30 days if you are convicted in any other state of any traffic violation (except parking). This is true no matter what type of vehicle you are driving.

## ***CDL Disqualification or Cancellation***

### **Disqualifications**

CDL holders will be temporarily disqualified upon conviction of serious traffic violations, which are defined as:

- excessive speeding, involving a single charge of any speed 15 miles per hour or more above the posted speed limit;
- reckless driving;
- a violation of any state or local law related to motor vehicle traffic control arising in connection with a fatal accident;
- following the vehicle ahead too closely;
- failure to stop or yield;
- failure to stop or slow a vehicle for a school bus;
- eluding a police vehicle;
- improperly overtaking or passing another vehicle;
- careless driving;



- improper or erratic traffic lane changes.

The length of the disqualification is shown in Table 26.

**Table 26: Serious Traffic Violation Disqualifications**

Serious Traffic Violation	Disqualification
2nd conviction within a 3 year period	60 days
3rd or subsequent conviction within a 3-year period	120 days

In addition, a 60-day disqualification will result from falsifying information on any CDL application or certification.

### Out-of-Service Order Disqualifications

Violations of out-of-service orders are considered serious, and result in longer disqualifications.

**Table 27: Out-of-Service Order Disqualifications**

Out-of-Service Order Violation	Disqualification	<i>Disqualification</i>
1st conviction	90 days	<i>180 days</i>
2 violations in separate incidents within a 10-year period	1 year	<i>3 years</i>
3 violations in separate incidents within a 10-year period	3 years	<i>5 years</i>
Values in <i>red italics</i> apply if violations occurred while transporting hazardous materials required to be placarded or while operating a vehicle designed to transport more than 15 passengers		

### Disqualification for Grade Crossing Violations

Convictions for railroad grade crossing violations committed while driving a commercial motor vehicle result in a Commercial Driver License disqualification, as shown in Table 28.

**Table 28: Railroad Crossing Violation Disqualifications**

Railroad Crossing Violation	Disqualification
1st conviction	60 days
2nd conviction within a 3-year period	120 days
3rd or subsequent conviction within a 3-year period	1 year

## **One-Year Disqualification**

Any person is disqualified from driving a commercial motor vehicle for a period of no less than one year if convicted of a first violation of:

- driving or being in actual physical control while under the influence of alcohol or any controlled drugs or substance, if there is 0.04% or more by weight of alcohol in his or her blood;
- using a commercial motor vehicle to commit a felony;
- leaving the scene of an accident involving a commercial motor vehicle;
- refusing to submit to a chemical analysis to determine the amount of alcohol in his or her blood.

If any of the violations occurred while transporting hazardous materials required to be placarded, the person is disqualified for a period of no less than three years.

## **Lifetime Disqualification**

Any person will be disqualified for life from driving a commercial motor vehicle for:

- using a commercial motor vehicle in the commission of any felony involving the manufacture, distribution, or dispensing of a controlled substance, or possession with intent to manufacture, distribute, or dispense a controlled substance;
- conviction of two or more violations of any of the offenses specified in the one-year disqualification or any combination of those offenses arising from two or more separate incidents. After 10 years, a driver may apply to the Department of Public Safety for reinstatement, provided the driver has successfully completed a rehabilitation program approved by the Department.

## **Driving Under the Influence (DUI) Laws**

Drinking alcohol or using controlled substances when you are driving a commercial vehicle is against the law. Penalties include:

- For any detectable Blood Alcohol Content (BAC) less than 0.04 percent, you will be put out of service for 24 hours.
- For a BAC of 0.04 percent or more, you will lose your CDL for one year for a first offense. If hauling hazardous materials you will lose it for three years. You will lose your CDL for life for a second offense.

If law enforcement places you under arrest for Driving Under the Influence (DUI), you may be asked to take a chemical test to determine your Blood Alcohol Content. Under the “Implied Consent Law” you give your consent for a chemical test whenever you drive any vehicle on a public highway. If you refuse you will lose your Commercial Driver License for up to one year unless a hearing determines otherwise. You can lose your license just for refusing to take the test, even though you may not have been drinking at all. A Blood Alcohol Content of 0.08 percent or more is evidence that you were driving under the influence of alcohol. You can be charged and convicted of DUI even though you don’t take a chemical test.

In addition, if you refuse to submit to the requested chemical analysis while driving a commercial motor vehicle you will be immediately placed out of service for a period of 24 hours and will be disqualified from operating a commercial motor vehicle for a period of one year.

## ***Hazardous Materials Endorsements***

The USA Patriot Act requires that anyone applying for a Commercial Driver License with a hazardous materials endorsement be 21 years old and provide proof of citizenship or immigration status. This proof must be presented to the driver license examiner when you make a new application for a hazardous materials endorsement, transfer or renew your driver

license with a hazardous materials endorsement, apply for a duplicate Commercial Driver License with a hazardous materials endorsement, or reinstate a driver license with a hazardous materials endorsement.

To comply with these requirements, the State of South Dakota requires one of the documents listed in Table 29 when you apply at a South Dakota Driver Exam Station for a Commercial Driver License with a hazardous materials endorsement. This document is required in addition to any other documents that are required for proof of identity. All applicants must also present a Social Security Card. Individuals who are not U.S. Citizens must also present a Work Authorization Card.

**Table 29: Documents Needed for CDL Hazmat Endorsement**

Applicant	One of the Following Documents is Required
US Citizen	U.S. Passport
	Certificate of birth bearing an official seal and issued by a county, state, municipal authority, or outlying possession of the United States
	Certificate of Birth Abroad issued by the United States Department of State (Form FS-545 or DS 1350)
	Certificate of Naturalization (Form N-550 or N-570)
	Certificate of United States Citizenship (Form N-560 or N-561)
Non-Citizen	Permanent Resident Card, Alien Registration Receipt Card (Form I-551)
	Temporary I-551 stamp in Foreign Passport
	Temporary I-551 stamp in form I-94, Arrival/Departure Record with photograph of the bearer
	Re-entry Permit Form I-327

Effective January 31, 2005 Federal Regulations require anyone applying for a Commercial Driver License with a hazardous materials endorsement to submit fingerprints and obtain a security clearance from the Transportation Security Administration (TSA) prior to the issuance of the Commercial Driver License containing a hazardous materials endorsement.

If you have a Hazardous Materials endorsement but do not meet the Hazardous Materials qualification requirements described below, you must surrender your Commercial Driver License to a Driver Exam Station immediately. When you surrender your

Commercial Driver License you may be issued a Commercial Driver License without a Hazardous Materials endorsement if you are otherwise qualified.

### **Hazardous Materials Endorsement Qualification Requirements**

An individual is not qualified for a hazardous materials endorsement if he or she is wanted, is under indictment, has a felony conviction, or has been found not guilty by reason of insanity of any of the following crimes: terrorism; espionage; sedition; treason; arson; unlawful possession, use, sale, distribution, or manufacture of an explosive; a crime involving a severe transportation security incident; or improper transportation of a hazardous material. This includes conspiracy or attempt to commit such crimes.

Furthermore, an individual is not qualified for a hazardous materials endorsement if the individual is wanted, is under indictment, has been found guilty by reason of insanity, has a felony conviction within the previous 7 years, or was released from incarceration during the previous 5 years for a felony conviction of any of the following crimes:

- murder;
- assault with intent to murder;
- dishonesty, fraud or misrepresentation, including identity fraud;
- kidnapping or hostage taking;
- rape or aggravated sexual abuse;
- unlawful possession, use, sale, distribution, or manufacture of an explosive, explosive device, firearm, or other weapon;
- extortion;
- robbery;
- distribution of, intent to distribute, possession, or importation of a controlled substance;

- smuggling;
- bribery;
- immigration violations;
- violations of the Racketeer Influenced and Corrupt Organizations Act;
- conspiracy or attempt to commit any of the crimes listed above.

An individual is not qualified for a hazardous materials endorsement if the individual has a mental defect as defined by the Transportation Security Administration.

### **Federal CDL and Hazardous Materials Regulations**

Hazardous Materials Regulations (HMR) and regulations for CDL operation are found in Title 42 CFR part 1003 and Title 49 CFR parts 100 to 185 and 300 to 399. You can purchase a copy of the Code of Federal Regulations through your local Government Printing Office bookstore and various industry publishers. Company offices often have copies of the rules for sale or driver use.

Information is also available on the Transportation Security Administration's website at <http://www.tsa.gov>. Individuals and operators with questions about the Patriot Act rule can e-mail [patriotact@dhs.gov](mailto:patriotact@dhs.gov).

### **International Drivers License**

Only commercial driver licenses issued by Canadian jurisdictions and the Mexican federal agency Licencia Federal du Conductor have reciprocity with the State of South Dakota. No other international licenses authorize commercial vehicle operation in South Dakota.