

24:06:07:02. School bus standards.~~The school bus~~ Except as provided in this section,
the chassis and body of a school bus and a specially equipped school ~~buses~~ bus must meet the
specifications listed on pages ~~26 to 78~~ 33 to 77, inclusive, of the National School Transportation
Specifications & Procedures, ~~May 2015~~ May 2025 Revised Edition (NSTSP). This requirement
does not include the electronic stability controls set forth on page 34 or the crossing arm control
set forth on page 38 to 39, inclusive, of the NSTSP.

~~(1)~~ In addition to this section "Color" the buses shall the color requirements set forth on
page 37 of the NSTSP, a school bus must have an area extending outward approximately three
inches around the lens of each ~~school bus~~ alternately flashing ~~lamps and they are to be~~ lamp,
which is painted black enamel. ~~Page 31 of the National School Transportation Specifications &~~
~~Procedures, May 2015 Revised Edition.~~

Source: 22 SDR 61, effective November 9, 1995; 30 SDR 181, effective May 20, 2004;
33 SDR 152, effective April 5, 2007; 38 SDR 58, effective October 17, 2011; 44 SDR 43,
effective September 13, 2017.

General Authority: SDCL ~~13-29-2~~, 13-29-6.

Law Implemented: SDCL ~~13-29-2~~, 13-29-6.

Reference: ~~Pages 26 to 78,~~ National School Transportation Specifications &
Procedures, ~~May 2015~~ May 2025 Revised Edition, National Congress on School Transportation.
Copies may be obtained from www.ncstonline.org. ~~Cost: \$55.~~

24:06:07:03.01. Floor insulation. ~~School buses shall~~ A school bus must meet the insulation requirements listed on ~~page 51~~ pages 60 to 61, inclusive, of the National School Transportation Specifications & Procedures, ~~May 2015~~ May 2025 Revised Edition.

Source: 38 SDR 58, effective October 17, 2011; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL ~~13-29-2~~, 13-29-6.

Law Implemented: SDCL ~~13-29-2~~, 13-29-6.

Reference: ~~"Insulation" page 51~~, National School Transportation Specifications & Procedures, ~~2015~~ May 2025 Revised ~~Edition~~ Edition, National Conference on School Transportation. Copies may be obtained from www.ncstonline.org. ~~Cost: \$55.~~

24:06:07:04. Heating and air conditioning systems. ~~Heaters must be provided in a school bus, air conditioning systems may be~~ A school bus must contain a heating system installed in accordance with the section entitled "Heating and Air Conditioning Systems" on pages ~~44 to 48~~ 53 to 57, inclusive, of the National School Transportation Specifications & Procedures, ~~May 2015~~ May 2025 Revised Edition. If an air conditioning system is installed on a school bus, it must be installed in accordance with these standards.

In addition, the following standards apply to each school ~~buses as defined in "School Bus Types" on pages 332 to 333 of the National School Transportation Specifications & Procedures, May 2015 Revised Edition~~ bus type:

(1) The minimum installation for a Type A bus, as defined on page 407 of the National School Transportation Specifications & Procedures, May 2025 Revised Edition (NSTSP), is one front fresh air heater, utilizing the manufacturer's standard heater with a defroster core and a driver's deflector, and one or more rear recirculating underseat heaters with a minimum of 38,000 BTUs;

(2) The minimum installation for ~~Type B and C buses~~ a Type B or C bus, as defined on page 407 of the NSTSP, is one left front fresh air heater with a defroster core and a driver's deflector with a minimum of 80,000 BTUs, one right cowl recirculating heater with a minimum of 50,000 BTUs, and:

(a) If the bus has a capacity of less than fifty-nine passengers, a rear underseat recirculating heater with a minimum of 75,000 BTUs; or

(b) If the bus has a capacity of fifty-nine or more passengers, two rear underseat recirculating heaters, or combination of one midship heater and one rear recirculating heater. Each heater must have a minimum of 75,000 BTUs; and

(3) The minimum installation for a type D bus, as defined on page 408 of the NSTSP, is one front fresh air heater with a defroster core and a minimum of 80,000 BTUs, plus a driver's underseat heater with a minimum of 14,000 BTUs, and rear heaters for type B, C, and D buses are as follows:

(a) Buses with a capacity of less than 59 passengers must have a rear underseat recirculating heater with a minimum of 75,000 BTUs;

(b) Buses with a capacity of 59 passengers or more must have two rear underseat recirculating heaters or a combination of one midship and one rear, each having a minimum of 75,000 BTUs.

(a) If the bus has a capacity of less than fifty-nine passengers, a rear underseat recirculating heater with a minimum of 75,000 BTUs; or

(b) If the bus has a capacity of fifty-nine or more passengers, two rear underseat recirculating heaters, or a combination of one midship heater and one rear recirculating heater. Each heater must have a minimum of 75,000 BTUs.

Source: 22 SDR 61, effective November 9, 1995; 30 SDR 181, effective May 20, 2004; 33 SDR 152, effective April 5, 2007; 38 SDR 58, effective October 17, 2011; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL ~~13-29-2~~, 13-29-6.

Law Implemented: SDCL ~~13-29-2~~, 13-29-6.

Reference: "School Bus Types," on pages ~~332 to 333~~ 407 to 408, and "Heating and Air Conditioning Systems," pages ~~44 to 48~~ 53 to 57, **National School Transportation Specifications & Procedures**, ~~2015~~ May 2025 Revised Edition, National Conference of School Transportation. Copies may be obtained from www.ncstonline.org. ~~Cost: \$55.~~

24:06:07:06. Windows, windshield, and glass. All window openings and glass in the windows and doors of a school bus must comply with section (A) of the section entitled "Windows" on page ~~66~~, Section A 78 of the National School Transportation Specifications & Procedures, ~~May 2015~~ May 2025 Revised Edition (NSTSP). In addition, the following provisions apply:

(1) ~~The~~For Type B, C, and D buses, as defined on pages 407 to 408 of the NSTSP, the driver's window, the first window on the left after the driver's window, the first window after the service door, and the windows in the service door must be frost-free (thermal) glass ~~on Types B, C, and D buses~~; and

(2) ~~The~~For Type A-2, B, C, and D buses, as defined on pages 407 to 408 of the NSTSP, the lower portion of the rear emergency door on ~~Type A-2, B, C, and D buses~~ must have an exposed glass area of not less than ~~350~~ three hundred fifty square inches and must be covered by a protective screen inside.

Source: 22 SDR 61, effective November 9, 1995; 30 SDR 181, effective May 20, 2004; 33 SDR 152, effective April 5, 2007; 38 SDR 58, effective October 17, 2011; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL ~~13-29-2~~, 13-29-6.

Law Implemented: SDCL ~~13-29-2~~, 13-29-6.

Reference: ~~"Windows,"~~ page 66, National School Transportation Specifications & Procedures, ~~2015~~ May 2025 Revised Edition, National Conference on School Transportation. Copies may be obtained from www.ncstonline.org. ~~Cost: \$55.~~

~~Cross-Reference: "School Bus Types," pages 332-333 National School Transportation Specifications & Procedures, 2015 Revised Edition.~~

24:06:07:07. Exits -- Emergency. Emergency exits for a school bus must comply with the section entitled "Emergency Exits" on pages ~~39-41~~ 48 to 49, inclusive, of the National School Transportation Specifications & Procedures, ~~2015~~ May 2025 Revised Edition (NSTSP). ~~In addition, the following provisions apply:~~

~~————(1) Emergency doors and other emergency exits must also comply with the requirements of Federal Motor Vehicle Safety Standard (FMVSS) 217; 49 C.F.R. § 571.217 (August 8, 2026).~~

~~————(2) Additional emergency door requirements are as follows:~~

~~————(a) The words "EMERGENCY DOOR", in capital letters at least two inches high, must be placed at the top of, or directly above the emergency door, or on the emergency door in the metal panel above the top glass, both inside and outside of the bus;~~

~~————(b) In addition to the audible warning required on emergency doors by FMVSS 217, all other All emergency exits, except roof hatches, must be protected with an audible warning.~~

Source: 22 SDR 61, effective November 9, 1995; 33 SDR 152, effective April 5, 2007; 38 SDR 58, effective October 17, 2011; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL ~~13-29-2~~, 13-29-6.

Law Implemented: SDCL ~~13-29-2~~, 13-29-6.

Reference: ~~"Emergency Exits" pages 39-41,~~

National School Transportation Specifications & Procedures, ~~2015~~ May 2025

Revised Edition, National Conference on School Transportation. Copies may be obtained from www.ncstonline.org. ~~Cost: \$55.~~

24:06:08:02. Emergency procedures. Each school bus driver, with ~~administrative authorization~~ authorization by the employing school district, shall conduct emergency evacuation instruction and drills for school bus riders at least twice a year, and three times a year for Headstart ~~students~~ school bus riders. ~~The driver shall give an emergency evacuation drill or talk-through before each activity season.~~ Each school bus driver that drives for activities shall give an emergency evacuation instruction and drills for school bus riders before each activity season.

The school bus operator shall maintain a log containing the dates and times of drills.

Additional emergency procedures must comply with the section entitled "Emergency and Rescue Procedures" on pages ~~171 to 173~~ 192 to 194, inclusive, of the National School Transportation Specifications & Procedures, ~~May 2015~~ May 2025 Revised Edition. ~~Additional Emergency Evacuation procedures are also included in the South Dakota CDL Manual under the section titled "School Buses," Section 10.~~

Source: 22 SDR 61, effective November 9, 1995; 30 SDR 181, effective May 20, 2004; 33 SDR 152, effective April 5, 2007; 38 SDR 58, effective October 17, 2011; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL ~~13-29-2~~, 13-29-6.

Law Implemented: SDCL ~~13-29-2~~, 13-29-6.

Reference: ~~"Emergency & Rescue Procedures," pages 171 to 173,~~ **National School Transportation Specifications & Procedures**, ~~2015~~ May 2025 Revised Edition, National Conference on School Transportation. Copies may be obtained from www.ncstonline.org. ~~Cost: \$55.~~

Cross-Reference: Emergency evacuation procedures, School Bus Section, South Dakota
CDL Manual.

24:06:08:03. Maintenance records and daily inspection. ~~The owner of a school bus shall keep maintenance records on each school bus. The inspection shall include the process as published in the section entitled Driver Responsibilities "J and K" pages 132 to 137, inclusive, and maintenance records in the section titled "Operational Procedures" subsection F 7.b, 7.c, and 7.f on page 173 in the National School Transportation Specifications & Procedures, May 2015 Revised Edition~~ The school bus driver shall perform daily inspection in accordance with sections A.10 to A.15, inclusive, on pages 154 to 158, inclusive, of the National School Transportation Specifications & Procedures, May 2025 Revised Edition (NSTSP).

The owner of the school bus shall keep maintenance records on each school bus. The maintenance records must contain work orders and repair records, preventative maintenance records, and inspection reports pursuant to section F.7 on page 173 of the NSTSP.

Source: 22 SDR 61, effective November 9, 1995; 30 SDR 181, effective May 20, 2004; 33 SDR 152, effective April 5, 2007; 38 SDR 58, effective October 17, 2011; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL ~~13-29-2~~, 13-29-6.

Law Implemented: SDCL ~~13-29-2~~, 13-29-6.

Reference: ~~"Sections F, J and K Drivers' Responsibilities," pages 132 to 137 and 152, inclusive, National School Transportation Specifications & Procedures, 2015 May 2025 Revised Edition,~~ National Conference on School Transportation. Copies may be obtained from www.ncstonline.org. ~~Cost: \$55.~~

24:06:08:04. Operations. ~~The following provides the minimum requirements for the~~
~~The~~ state and school districts ~~to follow in accordance with~~ must, at minimum, comply with the
sections entitled "Introduction," "School Bus Use," "State Administration," and "Local School
District Administration" on pages ~~121 to 132~~ 143 to 153, inclusive, ~~in of~~ the National School
Transportation Specifications & Procedures, ~~May 2015~~ May 2025 Revised Edition.

Source: 30 SDR 181, effective May 20, 2004; 33 SDR 152, effective April 5, 2007; 38
SDR 58, effective October 17, 2011; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL ~~13-29-2~~, 13-29-6.

Law Implemented: SDCL ~~13-29-2~~, 13-29-6.

Reference: ~~"Operations," pages 121 to 132,~~ **National School Transportation
Specifications & Procedures,** ~~2015~~ 2025 May Revised Edition, National Conference on School
Transportation. Copies may be obtained from www.ncstonline.org. ~~Cost: \$55.~~

24:06:08:06. Activity bus operations. ~~The following provides minimum requirements for the~~ The state and school districts ~~to follow in accordance with~~ must, at a minimum, comply with the section entitled "Activity Bus Operations," on pages ~~181 to 189~~ 205 to 213, inclusive, ~~in~~ of the National School Transportation Specifications & Procedures, ~~2015~~ May 2025 Revised Edition. ~~Section A(1)(d)(IV) is excluded in this section as it is addressed in § 24:06:08:05.~~

Source: 38 SDR 58, effective October 17, 2011; 44 SDR 43, effective September 13, 2017.

General Authority: SDCL ~~13-29-2,~~ 13-29-6.

Law Implemented: SDCL ~~13-29-2,~~ 13-29-6.

Reference: ~~"Activity Bus Operations," pages 181 to 189 of the~~ **National School Transportation Specifications & Procedures,** ~~2015~~ May 2025 Revised Edition, National Conference on School Transportation. Copies may be obtained from www.ncstonline.org. ~~Cost: \$55.~~

61:23:01:04. Adoption of Commercial Vehicle Safety Alliance (CVSA) North American Standard Out-of-Service Criteria. Enforcement criteria for motor carrier safety regulations and for the safe transportation of hazardous materials in this state must be in accordance with the North American Standard Out-of-Service Criteria, ~~and Appendix, CVSA April 1, 2025 April 1, 2026~~ edition, ~~and Enforcing Commonsense Rules of the Road for America's Truck Drivers, 90 Fed. Reg. 18759, 18759-60 (May 2, 2025).~~

Source: 26 SDR 57, effective September 9, 1998; 35 SDR 305, effective July 1, 2009; 40 SDR 39, effective September 9, 2013; 42 SDR 31, effective September 9, 2015; 44 SDR 43, effective September 13, 2017; 45 SDR 31, effective September 10, 2018; 46 SDR 42, effective October 1, 2019; 48 SDR 18, effective August 30, 2021; 50 SDR 47, effective October 16, 2023; 51 SDR 53, effective November 11, 2024; 52 SDR 11, effective August 6, 2025.

General Authority: SDCL 49-28A-2.

Law Implemented: SDCL 49-28A-3.

Reference: North American Standard Out-of-Service Criteria, ~~April 1, 2025 April 1, 2026~~ edition, Commercial Vehicle Safety Alliance. The publication ~~can~~ may be purchased online through Commercial Vehicle Safety Alliance's website, <https://portal.cvsa.org/commerce/store>.
Cost: \$50.

CHAPTER 61:25:01

ADOPTION OF FEDERAL REGULATIONS

Section

61:25:01:01 Commercial driver license standards, requirements, and penalties.

61:25:01:02 Requirements for English language proficiency.

61:25:01:02. Requirements for English language proficiency. Any individual who applies for a commercial driver license must:

(1) Be able to understand and continue an effective conversation in English with driver licensing staff and third-party testers;

(2) Complete all written testing in English only, without an interpreter present; and

(3) Complete all drive testing in English only.

If the individual fails to understand or cannot continue an effective conversation in English with driver licensing staff or a third-party tester, the testing or renewal of the individual's license must be denied for a period of thirty days.

Source:

General Authority: SDCL 32-12A-11.4.

Law Implemented: SDCL 32-12A-11.1.

CHAPTER 61:33:01

BURN PERMITS

Section

61:33:01:01	Definitions.
61:33:01:02	Application for permit.
61:33:01:03	Permit types.
61:33:01:04	Permit conditions.
61:33:01:05	Authorized burn barrels.
61:33:01:06	Burn barrel use requirements.
61:33:01:07	Authorized commercial campground campfires.
61:33:01:08	Commercial campground use requirements.
61:33:01:09	Private campfires.
61:33:01:10	Private campfire use requirements.
61:33:01:11	Slash pile burning requirements.
61:33:01:12	Permit revocation.
<u>61:33:01:13</u>	<u>Industrial incinerator burning requirements.</u>

61:33:01:03. Permit types. The state may issue the following permits for open burning in the Black Hills Forest Fire Protection District (BHFFPD) ~~may be issued on state or private~~ property to individuals, corporate entities, governmental organizations, or non-governmental organizations:

(1) A barrel permit authorizes the use of a burn barrel at a private residence, ranch, or farm within the BHFFPD to burn household paper products, and is valid for three years from the date of issuance;

(2) A campground permit authorizes an owner or manager of a private or non-profit campground or summer camp area to use a camping site outdoor fire pit, outdoor fireplace, or campfire ring, and is valid for three years from the date of issuance;

(3) A private campfire permit authorizes an owner of private property to use an outdoor fire pit, outdoor fireplace, or campfire ring located on that ~~person's~~ person's private property ~~which, and~~ is valid for three years from the date of issuance; ~~and~~

(4) A pile burning permit authorizes the burning of slash piles in an open fire, and is valid from November first to March thirty-first; ~~and~~

(5) An industrial incinerator permit authorizes the use of an air current burner, and is valid from November first to March thirty-first.

Source: 50 SDR 47, effective October 16, 2023.

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:04. Permit conditions. The following conditions apply to all permits issued under this chapter:

(1) No open burning may occur ~~if in a~~ county where fire restrictions exist, or if a county burn ban is in effect;

(2) No open burning may occur if a wind advisory, high wind watch, high wind warning, fire weather watch, or red flag warning is forecasted or in effect; and

(3) All open burning of slash piles and the use of industrial incinerators conducted under a permit must comply with air quality requirements found in chapter 74:36:06:07.

Source: 50 SDR 47, effective October 16, 2023.

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

61:33:01:13. Industrial incinerator burning requirements. The following requirements apply to the use of an industrial incinerator as permitted under this chapter:

(1) Prior to igniting the industrial incinerator, the permit holder must contact the local county dispatch center;

(2) The permit holder may only ignite the industrial incinerator under conditions of continuous snow cover of at least six inches surrounding the site of burning;

(3) The permit holder may not ignite the industrial incinerator if the National Weather Service has issued a wind advisory, high wind watch, high wind warning, fire weather watch, red flag warning, or if weather conditions capable of melting snow or carrying embers away from burn site are forecasted or are in effect for the area in which the industrial incinerator is located;

(4) The permit holder must extinguish the industrial incinerator if the National Weather Service has issued a wind advisory, high wind watch, high wind warning, fire weather watch, red flag warning, or if weather conditions capable of melting snow or carrying embers away from the burn site are occurring or are forecasted to occur in the area in which the industrial incinerator is located; and

(5) The permit holder must scrape and clear embers or coals thirty feet around the industrial incinerator prior to leaving the burn site unattended.

Source:

General Authority: SDCL 34-35-19.

Law Implemented: SDCL 34-35-16, 34-35-17.

67:55:01:04. Application. A claimant seeking compensation under this article must submit a completed application for compensation signed by the claimant, to the department. ~~The application form is available from the department or any law enforcement agency.~~

A claimant applying for an emergency award must indicate on the application that it is ~~to be considered~~ as an emergency application and must attach a written statement explaining the undue hardship that will result to the claimant if an emergency award is not given.

~~A claimant seeking compensation~~ Compensation under this chapter is limited to the following ~~individuals~~ claimants:

- (1) The victim;
- (2) ~~A~~ An immediate family member representing the victim~~;~~;
- (3) ~~If the victim is a minor, the minor's~~ The victim's guardian or conservator, if the victim is a minor or protected person; or
- (4) In the event of personal injury to or death of the victim, the individual responsible for maintenance of the victim or the administration of the victim's estate.

~~A third party such as an employer, an assignee, an insurance company, or a service provider~~ Entities may not submit an application for compensation under this chapter.

Source: 30 SDR 116, effective February 4, 2004; 36 SDR 51, effective October 12, 2009.

General Authority: SDCL 23A-28B-33.

Law Implemented: SDCL 23A-28B-11, 23A-28B-12, 23A-28B-15, 23A-28B-40.

67:55:02:06. Notice of hearing. If a claimant requests a review of a claim under the provisions of SDCL 23A-28B-32, the department shall ~~send the~~ notify the claimant and the claimant's authorized representative, if applicable, ~~a written notice in writing,~~ at least ~~30~~ thirty days before the review hearing. The notice ~~shall~~ must contain the following information:

(1) A statement that the claimant may choose not to appear or may choose to appear in person or by telephone or video conference technology;

(2) A statement that, if the claimant chooses not to appear, the commission ~~shall~~ must review the claim and enter its final decision;

(3) A statement as to the time and place of the hearing;

(4) A statement that either the claimant or the commission, or both, may be represented by an attorney or other authorized representative, ~~or they may represent themselves by self-~~ representation;

(5) A statement that ~~there are no provisions~~ no provisions exist for the payment of the claimant's legal fees by either the department or the commission;

(6) A statement that, if the hearing is ~~held by telephone~~ conducted via telephone or video conference technology, the claimant must submit to the commission, at least ~~10~~ ten days before the hearing date, any additional evidence the claimant wishes the commission to consider ~~and that the.~~ The commission shall exclude from the record any evidence that is not submitted ~~within that time limit~~ prior to the deadline;

(7) A statement that, if the claimant chooses not to appear, the claimant must submit to the commission, at least ~~10~~ ten days before the hearing date, any additional evidence the

claimant wishes the commission to consider ~~and that the~~ The commission shall exclude from the record evidence that is not submitted ~~within that time limit~~ prior to the deadline;

(8) A statement that ~~if~~ if the hearing is held in person, the claimant must be present at the hearing with any witnesses and any exhibits and documents to be introduced into evidence; and

(9) A statement that service of ~~this~~ the notice may be waived by agreement of all parties.

Service of the notice ~~by mail~~ is considered complete when hand delivered, emailed, or transmitted electronically through the department's database, or when a copy of the notice is deposited in the United States post office, with postage prepaid, addressed to the claimant at the claimant's last known address.

Source: 30 SDR 116, effective February 4, 2004; 36 SDR 51, effective October 12, 2009.

General Authority: SDCL 23A-28B-4.

Law Implemented: SDCL 23A-28B-4~~(1)~~, 23A-28B-32.

67:55:02:11. Notice of final decision. The department shall notify the claimant of the commission's final decision within ~~15~~ fifteen working business days following the date of the hearing. The notice ~~shall~~ must be in writing and ~~shall be made by regular mail delivered via regular mail, hand delivery, electronic mail, or electronically through the department's database.~~ If the claim ~~was~~ is approved, the notice ~~shall~~ must specify the amount of the claim and the amount payable for each eligible service provider, if known. If the commission denies the claim, the ~~decision shall~~ notice must specify the reason for the denial.

Source: 30 SDR 116, effective February 4, 2004; 36 SDR 51, effective October 12, 2009.

General Authority: 23A-28B-4.

Law Implemented: 23A-28B-4~~(1)~~, 23A-28B-32.

67:55:04:14. Homicide scene expenses. Expenses associated with cleaning up or repairing windows and locks at a homicide scene are payable eligible for payment. ~~Expenses may include needed repairs resulting from the removal of evidence.~~ A victim's family member is not eligible to receive payment under this section. Payment for homicide scene cleanup may not exceed one thousand five hundred dollars.

Source: 30 SDR 116, effective February 4, 2004; 36 SDR 51, effective October 12, 2009.

General Authority: SDCL 23A-28B-20, 23A-28B-33.

Law Implemented: SDCL 23A-28B-19, 23A-28B-20, 23A-28B-40.

Cross-Reference: Definition of homicide scene cleanup expenses, SDCL 23A-28B-1.