

AN ACT

ENTITLED, An Act to revise certain provisions related to the sale of out-of-state motor vehicles.

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

Section 1. That § 32-5-27 be amended to read as follows:

32-5-27. Any dealer, person, firm, or corporation, which brings into the state or purchases any used or secondhand out-of-state motor vehicles not currently licensed in this state for the purpose of sale or resale, except as a trade-in on a new motor vehicle or another used motor vehicle, a used motor vehicle purchased by a dealer and sold to another dealer, vehicles receiving a junking certificate, motor vehicles with a gross vehicle weight rating of over twenty-six thousand pounds, or a semitrailer with a manufacturer's shipping weight of nine thousand pounds or more, shall, within thirty days from the date of purchase or entry of the motor vehicle into the limits of this state, or from the date of purchase at a dealer's car auction agency, title the motor vehicle pursuant to chapter 32-3 and pay the excise tax pursuant to chapter 32-5B but is not required to license the vehicle. Any licensed motor vehicle dealer titling a motor vehicle pursuant to this section is exempt from paying the excise tax imposed by § 32-5B-1 on such vehicle. A vehicle titled by a licensed motor vehicle dealer pursuant to this section shall be issued a title indicating that no excise tax has been paid. Upon transfer of the title to a subsequent purchaser of the motor vehicle, the excise tax shall be paid by the purchaser or by any other person as defined by subdivision 2-14-2(18), on behalf of and as the agent for the purchaser. A violation of this section is a Class 2 misdemeanor.

The provisions of this section do not apply to any motor vehicle titled and licensed in another jurisdiction which is sold in this state through a dealer's car auction agency licensed under the provisions of chapter 32-6B.

Section 2. That § 32-3-51.8 be amended to read as follows:

32-3-51.8. Upon the sale, transfer, trade-in, or titling of a motor vehicle, the seller, transferor,

trader, or person wishing to title in South Dakota shall submit an accurately completed damage disclosure statement. The completed damage disclosure statement may be on the back of the certificate of title or on a separate document that has been approved for use by the department. Except as otherwise provided by this section, no certificate of title may be issued by the department unless the damage disclosure statement accompanies the application. It is a Class 1 misdemeanor to intentionally falsify any information on the damage disclosure statement. No person or dealer is liable to a subsequent owner of a vehicle because a prior owner of the vehicle failed to disclose that the vehicle had previously been damaged and repaired. This section does not apply to any motor vehicle more than six model years old or with a gross vehicle weight rating of more than sixteen thousand pounds and does not apply if a rebuilt title or junking certificate is sought.

This section applies to all other motor vehicles, but only damage in excess of five thousand dollars shall be disclosed in the statement. If the motor vehicle has incurred damages more than once, only those damages that occurred at one time are considered in determining whether the damages exceeded five thousand dollars.

Section 3. That § 32-5B-13 be repealed:

An Act to revise certain provisions related to the sale of out-of-state motor vehicles.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1119

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1119

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State