



2021 South Dakota Legislature

Senate Bill 43

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

1 **An Act to modify certain provisions related to motor vehicles.**

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

3 **Section 1.** That § 31-12-42 be AMENDED.

4 **31-12-42. Vehicle license collections to be used outside municipalities.**

5 The portion of the county road and bridge fund derived from motor vehicle license
6 collections credited pursuant to ~~§ 32-11-4~~ § 32-11-4.1 shall be used by the board of
7 county commissioners for constructing and maintaining county highways outside the limits
8 of municipalities, and also for constructing and maintaining secondary roads.

9 **Section 2.** That § 31-13-14 be AMENDED.

10 **31-13-14. Motor vehicle license fees transferable to county.**

11 Each organized township in the state has power to transfer upon resolution to the
12 county in which it is situated for its highway purposes surplus funds acquired from the
13 prorationing of the fees from the motor vehicle licenses as provided in ~~§§ 32-11-4 to §§~~
14 32-11-4.1 to 32-11-7, inclusive.

15 **Section 3.** That § 32-3-30.1 be AMENDED.

16 **32-3-30.1. Odometer information on certificate--Required on sale--**
17 **Falsification as felony.**

18 Each certificate of title issued by the department for a motor vehicle equipped with
19 an odometer shall contain odometer disclosure information which complies with the
20 provisions of the Truth in Mileage Act of 1986 (Public Law 99-579) as amended as of
21 ~~January 1, 1990~~ December 4, 2015.

22 Upon the sale or trade-in of a motor vehicle, the owner, seller, or auctioneer shall
23 accurately complete the odometer disclosure information contained on the vehicle's title
24 document and, if applicable, the secured power of attorney before surrendering or

1 transferring the title. It is a Class 6 felony to falsify any information contained within the
2 odometer disclosure statement. The department may refuse to transfer the title or issue
3 a new title if the owner, seller, or auctioneer does not complete the odometer disclosure
4 information on the vehicle title.

5 **Section 4.** That § 32-5-65 be AMENDED.

6 **32-5-65. Special plates for commercial radio or broadcasting companies--**
7 **Fee--Surrender of plates--Violation as misdemeanor.**

8 Any commercial radio station or broadcasting company that holds an unrevoked
9 and unexpired official license issued by the federal communications commission or
10 employees of the station or company when requested and approved by the station or the
11 company, and who are residents of this state and have complied with all the laws of this
12 state in regards to the registration of a motor vehicle, may apply for a set of special plates
13 bearing an inscription thereon of the call letters authorized for the station or company
14 radio license by making application therefor ~~as provided in § 32-5-66~~ on a form prescribed
15 by the department. The special plates are in lieu of the regular number plates issued for
16 the motor vehicle. The special plates shall be displayed as set forth in § 32-5-98. In
17 addition to the noncommercial license plate fees, an additional fee of ten dollars shall be
18 charged for the initial issuance of the special plates. If the federal communication
19 commission's license is revoked, the owner shall surrender the special license plates to
20 the department. If the employee is no longer employed by the station or the broadcasting
21 company, the employee shall surrender the special license plates to the department. The
22 secretary shall make the necessary changes in the registration file. The owner shall obtain
23 regular number plates. Failure to surrender the special license plates as required by this
24 section is a Class 2 misdemeanor.

25 **Section 5.** That § 32-5-65.1 be AMENDED.

26 **32-5-65.1. Special plates for amateur radio licensees--Fee--Surrender of**
27 **plates--Violation as misdemeanor.**

28 Any owner of a motor vehicle who holds an unrevoked and unexpired official
29 amateur radio license, is a resident of this state and has complied with all the laws of this
30 state in regards to the registration of a motor vehicle, may apply for a set of special plates
31 bearing an inscription thereon of the call letters authorized for the owner's amateur radio
32 license by making application therefor ~~as provided in § 32-5-66~~ on a form prescribed by
33 the department. The special plates are in lieu of the regular number plates issued for the

1 motor vehicle. The special plates shall be displayed as set forth in § 32-5-98. In addition
2 to the noncommercial license plate fees, an additional fee of ten dollars shall be charged
3 for the initial issuance of the special license plates. If the amateur radio license is revoked,
4 the owner shall surrender the special license plates to the department. The secretary shall
5 make the necessary changes in the registration file. The owner shall obtain regular number
6 plates. Failure to surrender the special license plates as required by this section is a Class
7 2 misdemeanor.

8 **Section 6.** That § 32-5-126 be AMENDED.

9 **32-5-126. Certain trailers licensed more than one year--Fee.**

10 The department may provide, to an owner of any fleet of fifty or more trailers,
11 registrations and license plates for the trailers which are valid for a period of not more
12 than ~~five~~seven consecutive years. Such registered trailers are exempt from the
13 requirements of an annual registration as provided by this chapter. The owner of such a
14 fleet shall make application directly to the department. The owner shall pay at the time of
15 registration for each trailer the registration fee as provided by § 32-5-8 for the entire
16 registration period. The owner shall pay any registration fee increases which occur during
17 the period for which the trailers are registered. All fees collected shall be deposited in the
18 local government highway and bridge fund created pursuant to § 32-11-34. The
19 department may cancel the registrations and license plates at ~~anytime~~any time for any
20 reason.

21 **Section 7.** That § 32-5B-12 be AMENDED.

22 **32-5B-12. Proration of tax on proportionally registered vehicles.**

23 If a motor vehicle is licensed and registered pursuant to chapter 32-10, the excise
24 tax imposed by § 32-5B-1 shall be prorated in accordance with the formula established in
25 the International Registration Plan as amended as of January 1, ~~1993~~2019. Such motor
26 vehicles and trailer units are exempt from a percentage of the excise tax, equal to the
27 percentage of total fleet miles driven outside of this state. The mileage period used to
28 calculate the exempt percentage shall be the same as used by the International
29 Registration Plan for purposes of apportionally registering the vehicles. To qualify for this
30 exemption, the registrant shall maintain all records required to be kept by the
31 International Registration Plan. The records shall be maintained for a period of time equal
32 to that required by the International Registration Plan for audit purposes to insure that
33 the proper amount of tax was paid.

1 **Section 8.** That § 32-7B-13 be AMENDED.

2 **32-7B-13. Temporary license--Display--Restrictions on use--Renewal or**
3 **alteration prohibited--Violation as misdemeanor.**

4 If a boat is sold by a licensed dealer, the dealer may provide a temporary ~~thirty-~~
5 day forty-five day license permit ~~which is a permit~~ to operate the boat in this state for a
6 period of ~~thirty~~ forty-five days after the date of sale or until the time the purchaser receives
7 the regular license decals from the county treasurer, whichever occurs first. The temporary
8 boat license tags shall be displayed as required by § 32-3A-5 and any rule promulgated,
9 pursuant to chapter 1-26, by the department. No dealer may use the permit upon any
10 boat owned by the dealer or for any purpose other than for boats sold by the manufacturer
11 or dealer. No person may renew the temporary ~~thirty-day~~ forty-five day license permit
12 nor change or alter the date or other information thereon. A violation of this section is a
13 Class 1 misdemeanor.

14 **Section 9.** That § 32-10-3.1 be REPEALED.

15 **32-10-3.1. Commission abolished--Performance of functions--Collection and**
16 **forwarding of fees.**

17 **Section 10.** That § 49-28-36.7 be AMENDED.

18 **49-28-36.7. Application for permit.**

19 A motor carrier shall make an application for a single trip permit as ~~provided by §~~
20 49-28-36.6 required by the department, and the permit secured at a port of entry or by
21 such other means designated by the department prior to beginning movement over the
22 state's highways. The application shall include the applicant's name and business address,
23 a description of the vehicle, and the route of travel suggested for the trip.