

2021 South Dakota Legislature

Senate Bill 43**AMENDMENT 43A FOR THE INTRODUCED BILL**

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

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

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

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

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

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

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

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

1 the department. The special plates are in lieu of the regular number plates issued for the
2 motor vehicle. The special plates shall be displayed as set forth in § 32-5-98. In addition
3 to the noncommercial license plate fees, an additional fee of ten dollars shall be charged
4 for the initial issuance of the special license plates. If the amateur radio license is revoked,
5 the owner shall surrender the special license plates to the department. The secretary shall
6 make the necessary changes in the registration file. The owner shall obtain regular number
7 plates. Failure to surrender the special license plates as required by this section is a Class
8 2 misdemeanor.

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

10 **32-5-126. Certain trailers licensed more than one year--Fee.**

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

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

23 **32-5B-12. Proration of tax on proportionally registered vehicles.**

24 If a motor vehicle is licensed and registered pursuant to chapter 32-10, the excise
25 tax imposed by § 32-5B-1 shall be prorated in accordance with the formula established in
26 the International Registration Plan as amended as of January 1, ~~1993~~2019 2021. Such
27 motor vehicles and trailer units are exempt from a percentage of the excise tax, equal to
28 the percentage of total fleet miles driven outside of this state. The mileage period used to
29 calculate the exempt percentage shall be the same as used by the International
30 Registration Plan for purposes of apportionally registering the vehicles. To qualify for this
31 exemption, the registrant shall maintain all records required to be kept by the
32 International Registration Plan. The records shall be maintained for a period of time equal

1 to that required by the International Registration Plan for audit purposes to insure that
2 the proper amount of tax was paid.

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

4 **32-7B-13. Temporary license--Display--Restrictions on use--Renewal or**
5 **alteration prohibited--Violation as misdemeanor.**

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

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

17 **32-10-3.1. Commission abolished--Performance of functions--Collection and**
18 **forwarding of fees.**

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

20 **49-28-36.7. Application for permit.**

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