

2025 South Dakota Legislature

Senate Bill 131**AMENDMENT 131A
FOR THE INTRODUCED BILL**

1 **An Act to establish an electronic system for vehicle titles.**

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

3 **Section 1. That § 10-4-2 be AMENDED:**

4 **10-4-2.** Real property, for the purposes of ad valorem taxation, includes:

- 5 (1) Land and all rights and privileges thereto belonging;
- 6 (2) Improvements to land and all rights and privileges thereto belonging, consisting of
7 items permanently affixed to and becoming part of the real estate. The term,
8 permanently affixed, refers to the economic life of the improvement rather than
9 perpetuity;
- 10 (3) Mines, minerals, and quarries;
- 11 (4) Buildings and structures which are on foundations, and improvements to buildings
12 and structures including any heating system, air conditioning, ventilation,
13 sanitation, lighting, or plumbing which is part of the building or structure; and
- 14 (5) Mobile homes as defined in ~~subdivision 32-3-1(8)~~ § 32-3-1 which are on
15 foundations.

16 For assessment purposes, a structure is anything constructed or erected from an
17 assembly of materials, which requires a permanent location on or in the ground.

18 For assessment purposes, a building is a structure designed to stand permanently
19 and cover a space of land which is enclosed by walls and is covered with a roof.

20 **Section 2. That § 10-4-2.4 be AMENDED:**

21 **10-4-2.4.** Real property, for the purposes of ad valorem taxation, includes
22 manufactured homes as defined in ~~subdivision 32-3-1(6)~~ § 32-3-1 and mobile homes as
23 defined in ~~subdivision 32-3-1(8)~~ § 32-3-1. This section does not apply to any
24 manufactured home in the inventory of any dealer as defined in ~~subdivision 32-7A-1(2)~~ §
25 32-7A-1.

1 **Section 3. That § 10-9-1 be AMENDED:**

2 **10-9-1.** As used in this chapter, unless the context otherwise plainly requires,
3 "mobile home" means a mobile home as that term is defined in ~~subdivision §32-3-1(8)~~ §
4 32-3-1.

5 **Section 4. That § 10-45-2.1 be AMENDED:**

6 **10-45-2.1.** Sales of sectional homes are subject to sales tax, which shall be based
7 upon the fair market value of the raw materials used to construct each home.

8 For the purpose of this section, the term, sectional homes, means any home pre-
9 built in whole or in part for the purpose of permanent placement on a foundation. Mobile
10 homes as defined in ~~subdivision 32-3-1(8)~~ § 32-3-1 and manufactured homes as defined
11 in ~~subdivision 32-3-1(6)~~ § 32-3-1 are not sectional homes.

12 **Section 5. That § 10-46-5.1 be AMENDED:**

13 **10-46-5.1.** If a sectional home is permanently affixed to real property, it is not a
14 vehicle subject to registration under chapter 32-3, and shall be classified as real property.
15 A contractor who erects such a home shall hold a sales tax or use tax license and pay use
16 tax based upon the fair market value of the raw materials used to construct and erect the
17 home.

18 For the purpose of this section, the term, sectional home, means any home pre-
19 built in part or in whole for the purpose of permanent placement on a foundation. Mobile
20 homes as defined by ~~subdivision 32-3-1(8)~~ § 32-3-1 and manufactured homes as defined
21 in ~~subdivision 32-3-1(6)~~ § 32-3-1 are not sectional homes.

22 **Section 6. That § 32-3-1 be AMENDED:**

23 **32-3-1.** Terms used in chapters 32-3 to 32-5B, inclusive, mean:

24 (1) "Approved entity," any person who receives or transfers a vehicle title by sale, gift,
25 or any means, and who is authorized by the department to use the electronic title
26 and registration system to validate ownership and facilitate the assignment,
27 reassignment, or transfer of title custody or ownership of a vehicle without a paper
28 record;

29 (2) "Commercial motor vehicle," any motor vehicle used or maintained for the
30 transportation of persons or property for hire, compensation, or profit; or designed,

- 1 used, or maintained primarily for the transportation of property, and not
2 specifically excluded under § 32-9-3;
- 3 ~~(2)~~(3) "Component part," any part of a motor vehicle, trailer, or semitrailer other than a
4 tire, having a vehicle identification number;
- 5 ~~(3)~~(4) "Dealer," any person who, for commission or with intent to make a profit or gain,
6 sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a
7 sale or exchange of new, or new and used vehicles; or who is engaged wholly or
8 in part in the business of selling new, or new and used vehicles, whether or not the
9 vehicles are owned by that person;
- 10 ~~(4)~~(5) "Department," Department of Revenue;
- 11 ~~(4A)~~(6) "Electric bicycle," as that term is defined in § 32-20B-9;
- 12 ~~(4B)~~(7) "Electronic title and registration system," a system established under § 32-3-
13 69.1 by which title applications, title lien statements, certificates of title, and other
14 supporting documents, signatures, and fees are entered and transmitted through
15 the title application and registration process in an electronic format;
- 16 (8) "ERT provider," a person who operates a program that provides title and
17 registration services and is authorized by the department to act on behalf of the
18 department and county treasurers in receiving, processing, and transmitting to the
19 department registration applications and related fees;
- 20 (9) "Gross vehicle weight rating," the value specified by the manufacturer as the
21 loaded weight of a single vehicle;
- 22 ~~(5)~~(10) "Junking certificate," a certificate of ownership, which may not be restored to
23 a title document that allows highway use, issued by the department to the owner
24 of a vehicle that is going to be dismantled and sold for parts;
- 25 ~~(5A)~~(11) "Low-speed vehicle," a four-wheeled motor vehicle whose speed attainable in
26 one mile is more than twenty miles per hour and not more than twenty-five miles
27 per hour on a paved level surface;
- 28 ~~(6)~~(12) "Manufactured home," a structure, transportable in one or more sections, that
29 is eight body feet or more in width or forty body feet or more in length in the
30 traveling mode, or is three hundred twenty square feet or more when erected on
31 a site; that is built on a permanent chassis and designed to be used as a dwelling,
32 with or without a permanent foundation, when connected to the required utilities;
33 and that contains the plumbing, heating, air conditioning, and electrical systems
34 therein. The term includes any structure that meets all the requirements of this
35 subdivision and any other structure that has been certified by the secretary of

1 housing and urban development. The term does not include a recreational park
2 trailer;

3 ~~(7)~~(13) "Manufacturer," any person, firm, corporation, limited liability company, or
4 association engaged in the manufacture of new motor vehicles as a regular
5 business;

6 ~~(8)~~(14) "Mobile home," a movable or portable unit, designed and constructed to be
7 towed on its own chassis (comprised of frame and wheels), and designed to be
8 connected to utilities for year-round occupancy. The term includes:

9 (a) Units containing parts that may be folded, collapsed, or telescoped when
10 being towed and that may be expanded to provide additional cubic capacity;
11 and

12 (b) Units composed of two or more separately towable components designed
13 to be joined into one integral unit capable of being separated again into the
14 components for repeated towing.

15 The term does not include a recreational park trailer;

16 ~~(9)~~(15) "Moped," a motor-driven cycle equipped with two or three wheels. If a
17 combustion engine is used, the maximum piston or rotor displacement is fifty cubic
18 centimeters regardless of the number of chambers in the power source. The power
19 source must be equipped with a power drive system that functions directly or
20 automatically only, not requiring clutching or shifting by the operator after the
21 drive system is engaged. The term does not include an electric bicycle;

22 ~~(10)~~(16) "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with a motor
23 attached, and all motor-operated vehicles of the bicycle or tricycle type, whether
24 the motive power be a part thereof or attached thereto, and having a saddle or
25 seat with the driver sitting astride or upon it, or a platform on which the driver
26 stands, but excluding a tractor. The term does not include an electric bicycle;

27 ~~(11)~~(17) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers,
28 trailers, and all vehicles propelled by power other than muscular power, except
29 traction engines, road rollers, farm wagons, freight trailers, vehicles that run only
30 on rails or tracks, electric bicycles, multi-passenger quadricycle as defined in § 32-
31 14-17, and off-road vehicles as defined in § 32-20-1;

32 ~~(12)~~(18) "New motor vehicle," any motor vehicle to which a manufacturer's statement
33 of origin has not been transferred, or is a motor vehicle on which title was issued
34 from the manufacturer's statement of origin or manufacturer's certificate of origin
35 and is still in the name of the first person who took title to the vehicle;

- 1 ~~(13)~~(19) "Noncommercial motor vehicle," any motor vehicle not classified as a
2 commercial motor vehicle;
- 3 ~~(14)~~(20) "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or
4 maintained for the transportation of persons or property for hire, compensation, or
5 profit;
- 6 ~~(14A)~~(21) "Notation," a physical or electronic process of recording a lien on a certificate
7 of title, a manufacturer's statement of origin, or a manufacturer's certificate of
8 origin;
- 9 ~~(15)~~(22) "Off-road vehicle," any self-propelled, two-or-more-wheeled vehicle designed
10 primarily to be operated on land other than a highway and includes all terrain
11 vehicles, dune buggies, and any vehicle whose manufacturer's statement of origin
12 or manufacturer's certificate of origin states that the vehicle is not for highway use.
13 The term does not include a farm vehicle or an electric bicycle as defined in this
14 section;
- 15 ~~(16)~~(23) "Owner," any person, firm, association, trust, or corporation renting a motor
16 vehicle or having the exclusive use thereof, under a lease or otherwise, for a period
17 greater than thirty days; as between contract vendor and contract vendee, the
18 term, owner, refers to the contract vendee, unless the contrary clearly appears
19 from the context of chapters 32-3 to 32-5B, inclusive, or a person or trust having
20 legal possession or title;
- 21 ~~(17)~~(24) "Rebuilt vehicle," any motor vehicle, trailer, or semitrailer that has been rebuilt
22 by the addition or deletion of assemblies, subassemblies, parts, or component parts
23 so that upon gross visual examination it does not appear to be the vehicle described
24 in the certificate of title last issued for the vehicle, or whose title has been marked
25 as rebuilt by this state or another state or jurisdiction;
- 26 ~~(17A)~~(25) "Recreational park trailer," a vehicle that is primarily designed to provide
27 temporary living quarters for recreational, camping, or seasonal use and which:
- 28 (a) Is built on a single chassis mounted on wheels;
- 29 (b) Has a gross trailer area not exceeding four hundred square feet in the setup
30 mode;
- 31 (c) Is certified by the manufacturer as complying with American National
32 Standards Institute Standard No. A119.5 in effect on January 1, 2008; and
- 33 (d) Has at least a seventeen digit identification number and the manufacturer
34 has designated the vehicle as a recreational park model on the
35 manufacturer statement of origin;

1 ~~(18)~~(26) "Recreational vehicle," a vehicular portable structure built on a chassis designed
2 to be used as a temporary dwelling for travel, recreational, vacation, or seasonal
3 uses, and that is permanently identified as a travel trailer or a recreational park
4 trailer by the manufacturer of the trailer;

5 ~~(19)~~(27) "Road tractor," any motor vehicle designed and used for drawing other vehicles,
6 except farm or logging tractors used exclusively for farming or logging, and not so
7 constructed as to carry any load thereon either independently or any part of the
8 weight of a vehicle or load so drawn;

9 ~~(20)~~(28) "Secretary," secretary of revenue;

10 ~~(21)~~(29) "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly,
11 designed and used in conjunction with a fifth wheel connecting device on a motor
12 vehicle constructed so that some part of its weight and that of its load rests upon
13 or is carried by another vehicle;

14 ~~(22)~~(30) "State," includes the territories and the federal districts of the United States;

15 ~~(23)~~(31) "Trailer," any vehicle without motive power designed for carrying property or
16 passengers wholly on its own structure and for being drawn by a motor vehicle;

17 ~~(24)~~(32) "Truck tractor," any motor vehicle designed and used primarily for drawing
18 other vehicles and not so constructed as to carry a load other than a part of the
19 weight of the vehicle and load so drawn;

20 ~~(25)~~(33) "Used vehicle," any motor vehicle to which title has been issued to someone
21 other than the first person who took title to the motor vehicle from the
22 manufacturer's statement of origin or manufacturer's certificate of origin; and

23 ~~(26)~~(34) "Vehicle identification number," the number assigned by the manufacturer or
24 by the department for the purpose of identifying the vehicle. The term includes any
25 number or letters assigned by the manufacturer for the purpose of identifying a
26 component part and any such number stamped on a vehicle or part according to
27 law or the rules promulgated by the department for the purpose of identifying the
28 vehicle or part.

29 **Section 7. That § 32-3-53 be AMENDED:**

30 **32-3-53.** If any vehicle, trailer, or semitrailer is rebuilt as defined in ~~subdivision~~
31 ~~32-3-1(17)~~ § 32-3-1 and is restored to operation, the owner shall submit an application
32 to the Department of Revenue for a rebuilt title. The motor vehicle, trailer, or semitrailer
33 may not be licensed or titled until there is submitted to the department proper affidavits,
34 photo copies of receipts, bills of sale establishing ownership, or titles and the source of all

1 parts and component parts used to rebuild the vehicle. The rebuilt title and registration
2 shall be issued and delivered in accordance with the provisions of this chapter. After the
3 motor vehicle is inspected, the owner shall take his copy of the certificate of inspection to
4 the county treasurer, purchase his license plates and pay any tax owed. Once the
5 department is notified that the inspection is complete and has verified that the correct
6 amount of tax has been paid, it shall issue a rebuilt title. Each new certificate of title shall
7 have noted thereon that the vehicle has been rebuilt. The highway patrol or an employee
8 of the department may inspect rebuilt titles and rebuilt motor vehicles.

9 **Section 8. That § 32-3-57 be AMENDED:**

10 **32-3-57.** The secretary of revenue may promulgate rules pursuant to chapter 1-
11 26 and issue instructions as are necessary to ensure and obtain uniformity in the
12 administration of the provisions of this chapter. Rules may be adopted in the following
13 areas:

- 14 (1) Application requirements for new vehicles, trailers, snowmobiles, and mobile
15 homes;
- 16 (2) Certificate of title for vehicles previously registered, time limits of making
17 application, duplicate certificates, and transfer of certificate of title;
- 18 (3) Assignment of certificate of title;
- 19 (4) Corrections of titles and procedure when there is a body type change;
- 20 (5) Lien recording, assignment of liens, execution of cancellation of liens, and delivery
21 of certificate of title;
- 22 (6) Transfer of ownership;
- 23 (7) Registration tax dealers guides for used vehicles or mobile homes, older motor
24 vehicles and government vehicles, title and license requirements, nonresident
25 reciprocity, manufacturer's price sticker, wrecked motor vehicles, leased vehicles,
26 and homemade vehicles; ~~and~~
- 27 (8) Establishment of a transaction fee for online access to the title and registration
28 system that does not exceed fifty cents for each transaction;
- 29 (9) Standards and procedures for the electronic title and registration system under §
30 32-3-69.1, including qualifications, applications, and annual registration fees for
31 approved entities;
- 32 (10) Standards and procedures for the electronic lien filing system under § 32-3-70;
33 and
- 34 (11) Requirements for retention of physical documents.

1 All local officials charged with the administration of the provisions of this chapter
2 are governed in their official acts by the rules promulgated by the secretary.

3 **Section 9. That § 32-3-69.1 be AMENDED:**

4 **32-3-69.1.** ~~The~~On or before July 1, 2026, the department ~~may~~ shall establish an
5 electronic title and registration system for motor vehicles, ~~as the term, motor vehicle, is~~
6 ~~defined in § 32-3-1; boats, as described in chapters 32-3A and 32-7B; vehicles, as defined~~
7 ~~in § 32-6B-1; snowmobiles, as described in chapter 32-6C; manufactured and mobile~~
8 ~~homes, as described in chapter 32-7A; commercial motor vehicles, as described in chapter~~
9 ~~32-9; and fleet vehicles and fleets, as described in chapter 32-10.~~

10 The electronic title and registration system required under this section must
11 permit:

12 (1) Electronic transmission of data and scans by an approved entity or county treasurer
13 to or from the department in lieu of the transmission of paper documents required
14 under this chapter, including:

15 (a) The manufacturer's statement of origin;

16 (b) The manufacturer's certificate of origin; and

17 (c) Odometer disclosure information;

18 (2) Receipt and processing of electronic record transactions from an approved entity;

19 (3) The production and submission by an approved entity of title records generated
20 from electronic records of title and registration maintained by the department; and

21 (4) Certification and audit by the department of data and scans submitted to the
22 department by an approved entity.

23 Any approved entity or other participant in the electronic title and registration
24 system shall submit electronic applications for original vehicle titles in a form and format
25 prescribed by the department. A participant shall electronically provide all documentation
26 or information required by the department to process the electronic title application,
27 including the electronic manufacturer's statement of origin or odometer disclosure
28 statement. The department shall verify the authenticity of the electronic information
29 before the electronic title is issued.

30 **Section 10. That a NEW SECTION be added to chapter 32-3:**

31 An entity must submit an application to become an approved entity for purposes
32 of this chapter. An approved entity may charge a customer a fee for services provided
33 under section 4 of this Act.

1 **Section 11. That a NEW SECTION be added to chapter 32-3:**

2 An approved entity using the electronic title and registration system shall transmit
3 all application documents, required electronic signatures, and fees, through the system to
4 the department. Upon receiving an application transmitted through the electronic title and
5 registration system, the county treasurer shall, by close of business ~~the next on the second~~
6 business day, either:

- 7 (1) Accept the application and forward it to the department; or
8 (2) Reject the application and return it to the approved entity.

9 **Section 12. That a NEW SECTION be added to chapter 32-3:**

10 The department shall enter into contracts with one or more qualified ERT providers
11 to integrate with the electronic title and registration system and other necessary, related
12 state systems to provide software and programs to approved entities, the department,
13 and county treasurers, to facilitate electronic vehicle registration, titling, and filing of lien
14 statements.

15 An ERT provider that contracts with the department under this section may act on
16 behalf of the department and county treasurers in receiving, processing, and transmitting,
17 to the county treasurer, title and lien applications, title lien statements, and related
18 documents and fees. An ERT provider may charge the approved entity a fee for services
19 provided under this section.

20 **Section 13. That a NEW SECTION be added to chapter 32-3:**

21 Any reference in this chapter to a "certificate of title" also applies to an electronic
22 record of title under the electronic title and registration system required by § 32-3-69.1.
23 The department may allow a person to submit a document required under this chapter by
24 using electronic media deemed feasible by the department, instead of requiring an original
25 document. If a signature on a document is required by law and the document is submitted
26 electronically, the signature requirement is satisfied by an authenticated, electronically
27 submitted signature. An electronically submitted document, once accepted by the
28 department, is deemed the same as an original document and is admissible in all
29 administrative, quasi-judicial, and judicial proceedings.

30 **Section 14. That a NEW SECTION be added to chapter 32-3:**

If a title is held electronically, no paper title will be printed, except in the following circumstances:

(1) The owner is relocating to another state, and there is no electronic system in place to transfer the title electronically between the states;

(2) The owner has sold the titled property to a new owner in another state, and there is no electronic system in place to transfer the title electronically between the states; or

(3) The owner requests a paper title to be printed and pays the applicable fee under this chapter.

The owner is required to submit an application to the department to have the paper title printed pursuant to this section. The application must be in a form prescribed by the department. If the title is subject to a lien, the requirements of § 32-3-70 must be met.

Section 15. That § 32-5-85 be AMENDED:

32-5-85. Two number plates ~~shall~~ must be issued, except that as to a motorcycle, recreational vehicle, semitrailer, and trailer, as such terms are defined in ~~subdivisions 32-3-1(10),(18), (21), and (23)~~ § 32-3-1, one number plate ~~shall~~ must be issued.

Section 16. That § 32-10-1 be AMENDED:

32-10-1. Terms used in this chapter mean:

- (1) "Administrator," the secretary of revenue;
- (2) "Commercial vehicle," any vehicle which is operated in interstate commerce in furtherance of any commercial enterprise;
- (3) "Department," the Department of Revenue;
- (4) "Interstate commerce," the movement of a vehicle between jurisdictions but does not include the movement of any vehicle which transports or is being used to transport persons or property, the transportation of which originates in one jurisdiction and passes into or through another jurisdiction or jurisdictions, for delivery in the jurisdiction in which the transportation originated;
- (5) "Jurisdiction," a state, district, territory, or possession of the United States, a foreign country, and a state or province of a foreign country;
- (6) "Motor vehicle," shall have the meaning ascribed to it by § 32-9-1;
- (7) "Owner," as defined in ~~subdivision 32-3-1(16)~~ § 32-3-1, except that for the purposes of proportional registration of vehicles as authorized and provided in §§ 32-10-10 and 32-10-15 to 32-10-28, inclusive, "owner" means a person who

holds a legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event while a vehicle is subject to a lease with an immediate right of possession vested in the lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee or mortgagee is considered to be the owner;

(8) "Person" shall have the meaning ascribed to it by § 32-9-1;

(9) "Preceding year," a period of twelve consecutive months fixed by the administrator which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the administrator in fixing such period shall make it conform to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles;

(10) "Properly registered," as applied to place of registration:

(a) The jurisdiction where the person registering the vehicle has his legal residence; or

(b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from such place of business, and, the owner has assigned the vehicle to such place of business; or

(c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the administrator shall make final determination, but in making such determination, may confer with administrators of the other states or jurisdictions affected;

(11) "Vehicle" shall have the meaning ascribed to it by § 32-9-1.

Section 17. That § 32-14-11 be AMENDED:

32-14-11. No person may occupy a house trailer or a recreational vehicle as defined by ~~subdivision 32-3-1(18)~~ § 32-3-1 while it is being towed. A violation of this

1 section is a petty offense. This section does not apply to a recreational vehicle being towed
2 by a truck, truck tractor, or pickup with a fifth-wheel device, if the recreational vehicle is
3 equipped with safety glazing materials wherever glazing materials are used in windows or
4 doors, with an audible or visual signaling device which a passenger inside the recreational
5 vehicle can use to gain the attention of the motor vehicle driver, and with at least one
6 unobstructed exit capable of being opened from both the interior and exterior of the
7 recreational vehicle. The requirement for safety glazing materials does not apply to
8 vehicles manufactured prior to July 1, 1977.

9 **Section 18. That § 32-15-7 be AMENDED:**

10 **32-15-7.** The windshield on every motor vehicle as defined by subdivision ~~§ 32-~~
11 ~~3-1(11)~~ § 32-3-1 except farm tractors and motorcycles, shall be equipped with a device
12 for cleaning rain, snow, or other moisture from the windshield, which device shall be
13 operated by the driver of the vehicle. No person may operate a motor vehicle upon the
14 highways unless such vehicle shall be equipped with such device in good working order
15 capable of cleaning the windshield thereof and which device shall provide the driver a clear
16 view of the highway. A violation of this section is a petty offense.

17 **Section 19. That § 32-33-17 be AMENDED:**

18 **32-33-17.** The driver of any single or combination vehicle weighing in excess of
19 ten thousand pounds gross vehicle weight, who fails to stop at or who knowingly passes
20 or bypasses any state weighing station, upon any public highway, when the station is open
21 and being operated by law enforcement officers or motor carrier inspectors, is guilty of a
22 Class 2 misdemeanor. This section does not apply to any recreational vehicle as defined
23 in ~~subdivision 32-3-1(18)~~ § 32-3-1. For purposes of this section, a combination vehicle is
24 any vehicle consisting of two or more units including a truck, tractor, or towing vehicle,
25 and one or more trailers.

26 **Section 20. That § 37-5-13 be AMENDED:**

27 **37-5-13.** Terms used in §§ 37-5-13 to 37-5-15, inclusive, mean:
28 (1) "Dealer," any person who receives machinery from a manufacturer under a
29 dealership contract and who offers and sells the machinery to the general public
30 from manufacturer authorized facilities in this state. The term, dealer, does not
31 include a single-line dealer or any person with total annual gross sales in this state

- 1 and elsewhere of one hundred million dollars or more of industrial and construction
2 equipment, attachments, replacement parts, and service related to the equipment,
3 from any one manufacturer or supplier of such equipment;
- 4 (2) "Dealership contract," a written agreement or contract between a manufacturer
5 and dealer which fixes the legal rights and liabilities of the parties to such
6 agreement or contract;
- 7 (3) "Machinery," any farm vehicle as defined by § 32-3-2.4 or any off-road vehicle as
8 defined by ~~subdivision 32-3-1(15)~~ § 32-3-1 or merchandise as defined in
9 ~~subdivision 37-5-12.2(3)~~ § 37-5-12.2;
- 10 (4) "Manufacturer," any person engaged in the manufacturing or distribution of
11 machinery including any person who acts for the manufacturer;
- 12 (5) "Single-line dealer," any person that has purchased seventy-five percent or more
13 of the dealer's total new product inventory from a single manufacturer of industrial
14 and construction equipment under agreements with that manufacturer and has a
15 total annual average sales of industrial and construction equipment volume for the
16 three previous years with that single manufacturer in excess of fifty million dollars
17 for the territory for which that dealer is responsible.

18 **Section 21. That § 37-14-21 be AMENDED:**

19 **37-14-21.** Except as otherwise agreed to in writing by the purchaser and seller,
20 or unless otherwise provided for by advertised or announced terms at the auction premises
21 on the day of the sale, if the purchaser of any property at an auction sale has not removed
22 the property from the auction premises within ninety days after the date of the sale or
23 has not otherwise taken physical possession of the property within ninety days after the
24 date of the sale, ownership of the property reverts to the seller, and the payment is
25 forfeited to the seller without further notice of action. This section does not apply to any
26 motor vehicle as defined in ~~subdivision 32-3-1(11)~~ § 32-3-1 or to any state auction held
27 pursuant to chapter 5-24A.