



2026 South Dakota Legislature

House Bill 1104

Introduced by: **Representative Mulder**

- 1 **An Act to revise the application requirements for special license plates and parking**
2 **permits for individuals with disabilities.**

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

4 **Section 1. That § 32-5-76 be AMENDED:**

5 **32-5-76.** An owner of a motor vehicle, who is a resident of this state, who has
6 complied with all the laws of this state in regards to the registration of a motor vehicle,
7 and who operates or directs the operation of the vehicle, may submit to the county
8 treasurer an application ~~containing a physician's certificate,~~ on a form approved by the
9 secretary, containing a certification signed by any physician, physician assistant,
10 chiropractor, physical therapist, or certified nurse practitioner, licensed under title 36,
11 stating that the applicant is ~~a person~~ an individual with a substantial physical disability
12 that makes it impossible or causes substantial hardship to walk. The certification must be
13 within the practitioner's applicable scope of practice.

14 An owner of a motor vehicle, who is a resident of this state, who has complied with
15 all the laws of this state in regards to the registration of a motor vehicle, and who is the
16 parent or legal guardian of a ~~dependant~~ dependent with a substantial physical disability
17 and operates the motor vehicle for the purpose of transporting the dependent, may submit
18 to the county treasurer an application, ~~containing a physician's certificate~~ on a form
19 approved by the secretary, containing a certification signed by any physician, physician
20 assistant, chiropractor, physical therapist, or certified nurse practitioner, licensed under
21 title 36, stating that the dependent has a substantial physical disability that makes it
22 impossible or causes substantial hardship to walk. The certification must be within the
23 practitioner's applicable scope of practice.

24 The secretary shall promulgate a rule, pursuant to chapter 1-26, defining ~~a person~~
25 an individual with a substantial physical disability.

1 ~~The~~ If the secretary determines that the applicant meets the criteria, the
2 department ~~shall~~ must issue and deliver to the applicant special plates with letters,
3 numbers, or symbols, or any combination thereof, as the secretary may prescribe. The
4 special plates ~~shall~~ must be designed to readily apprise law enforcement officers of the
5 fact that the motor vehicle is owned by, operated by, or used in transporting ~~a person~~ an
6 individual with a substantial physical disability. No charge may be made for the issuance
7 of the special plates.

8 The special plates ~~shall be~~ are in lieu of the regular number plates issued for the
9 motor vehicle. The special plates ~~shall~~ must be displayed as set forth in § 32-5-98.

10 If the applicant is no longer ~~a person~~ an individual with or the parent or legal
11 guardian of a dependent with a substantial physical disability, or is deceased, the special
12 plates ~~shall~~ must be surrendered within thirty days, to the county treasurer of the
13 applicant's residence. The treasurer shall notify the secretary who shall make the
14 necessary changes in the registration file. The owner shall obtain regular number plates.
15 Failure to surrender the special license plates as required by this section is a Class 2
16 misdemeanor. It is a Class 1 misdemeanor to submit a false or fraudulent application.

17 **Section 2. That § 32-5-76.1 be AMENDED:**

18 **32-5-76.1.** ~~Any person~~ individual who is a resident of this state ~~and is a person~~
19 with a substantial physical disability ~~so~~ that makes it impossible or causes substantial
20 hardship to walk may be issued a portable, serially numbered certificate by the secretary,
21 which permits the person or the operator of a vehicle being used in transporting the person
22 to park without time limitation pursuant to § 32-30-11.1 and to park in any space reserved
23 ~~for a person~~ an individual with a physical disability. The ~~person~~ individual shall submit an
24 application ~~containing a physician's certificate,~~ on forms approved by the secretary ~~to~~
25 ~~prove that the person,~~ containing a certification signed by any physician, physician
26 assistant, chiropractor, physical therapist, or certified nurse practitioner, licensed under
27 title 36, stating that the applicant meets the criteria established by this section. The
28 certification must be within the practitioner's applicable scope of practice. The forms must
29 be submitted through the county treasurer's office. If the secretary determines that the
30 applicant meets the criteria, the secretary ~~shall~~ must issue a portable certificate to the
31 applicant.

32 The secretary shall promulgate rules, pursuant to chapter 1-26, governing the
33 application for, term of, and conditions under which ~~such~~ certificates may be issued.

1 If the applicant is no longer ~~a person~~ an individual with a physical disability or is
2 deceased, the portable certificate ~~shall~~ must be surrendered to the county treasurer of the
3 applicant's residence within thirty days, ~~and the~~ The treasurer shall notify the secretary
4 who shall make the necessary changes in the file.

5 Failure to surrender the portable certificate as required by this section is a Class 2
6 misdemeanor. It is a Class 1 misdemeanor to submit a false or fraudulent application or
7 to alter the portable certificate.