



2026 South Dakota Legislature

House Bill 1272

Introduced by: **Representative** DeGroot

1 **An Act to require that a snow bear be titled and licensed.**

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

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

4 **32-3-1.** Terms used in chapters 32-3 to 32-5B, inclusive, mean:

- 5 (1) "Approved entity," any person who receives or transfers a vehicle title by sale, gift,
6 or any means, and who is authorized by the department to use the electronic title
7 and registration system to validate ownership and facilitate the assignment,
8 reassignment, or transfer of title custody or ownership of a vehicle without a paper
9 record;
- 10 (2) "Commercial motor vehicle," any motor vehicle used or maintained for the
11 transportation of persons or property for hire, compensation, or profit; or designed,
12 used, or maintained primarily for the transportation of property, and not
13 specifically excluded under § 32-9-3;
- 14 (3) "Component part," any part of a motor vehicle, trailer, or semitrailer other than a
15 tire, having a vehicle identification number;
- 16 (4) "Dealer," any person who, for commission or with intent to make a profit or gain,
17 sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a
18 sale or exchange of new, or new and used vehicles; or who is engaged wholly or
19 in part in the business of selling new, or new and used vehicles, whether or not the
20 vehicles are owned by that person;
- 21 (5) "Department," Department of Revenue;
- 22 (6) "Electric bicycle," as that term is defined in § 32-20B-9;
- 23 (7) "Electronic title and registration system," a system established under § 32-3-69.1
24 by which title applications, title lien statements, certificates of title, and other
25 supporting documents, signatures, and fees are entered and transmitted through
26 the title application and registration process in an electronic format;

- 1 (8) "ERT provider," a person who operates a program that provides title and
2 registration services and is authorized by the department to act on behalf of the
3 department and county treasurers in receiving, processing, and transmitting to the
4 department registration applications and related fees;
- 5 (9) "Gross vehicle weight rating," the value specified by the manufacturer as the
6 loaded weight of a single vehicle;
- 7 (10) "Junking certificate," a certificate of ownership, which may not be restored to a
8 title document that allows highway use, issued by the department to the owner of
9 a vehicle that is going to be dismantled and sold for parts;
- 10 (11) "Low-speed vehicle," a four-wheeled motor vehicle whose speed attainable in one
11 mile is more than twenty miles per hour and not more than twenty-five miles per
12 hour on a paved level surface;
- 13 (12) "Manufactured home," a structure, transportable in one or more sections, that is
14 eight body feet or more in width or forty body feet or more in length in the traveling
15 mode, or is three hundred twenty square feet or more when erected on a site; that
16 is built on a permanent chassis and designed to be used as a dwelling, with or
17 without a permanent foundation, when connected to the required utilities; and that
18 contains the plumbing, heating, air conditioning, and electrical systems therein.
19 The term includes any structure that meets all the requirements of this subdivision
20 and any other structure that has been certified by the secretary of housing and
21 urban development. The term does not include a recreational park trailer;
- 22 (13) "Manufacturer," any person, firm, corporation, limited liability company, or
23 association engaged in the manufacture of new motor vehicles as a regular
24 business;
- 25 (14) "Mobile home," a movable or portable unit, designed and constructed to be towed
26 on its own chassis (comprised of frame and wheels), and designed to be connected
27 to utilities for year-round occupancy. The term includes:
- 28 (a) Units containing parts that may be folded, collapsed, or telescoped when
29 being towed and that may be expanded to provide additional cubic capacity;
30 and
- 31 (b) Units composed of two or more separately towable components designed
32 to be joined into one integral unit capable of being separated again into the
33 components for repeated towing.
- 34 The term does not include a recreational park trailer;

- 1 (15) "Moped," a motor-driven cycle equipped with two or three wheels. If a combustion
2 engine is used, the maximum piston or rotor displacement is fifty cubic centimeters
3 regardless of the number of chambers in the power source. The power source must
4 be equipped with a power drive system that functions directly or automatically
5 only, not requiring clutching or shifting by the operator after the drive system is
6 engaged. The term does not include an electric bicycle;
- 7 (16) "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with a motor
8 attached, and all motor-operated vehicles of the bicycle or tricycle type, whether
9 the motive power be a part thereof or attached thereto, and having a saddle or
10 seat with the driver sitting astride or upon it, or a platform on which the driver
11 stands, but excluding a tractor. The term does not include an electric bicycle;
- 12 (17) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers,
13 and all vehicles propelled by power other than muscular power, except traction
14 engines, road rollers, farm wagons, freight trailers, vehicles that run only on rails
15 or tracks, electric bicycles, multi-passenger quadricycle as defined in § 32-14-17,
16 and off-road vehicles as defined in § 32-20-1;
- 17 (18) "New motor vehicle," any motor vehicle to which a manufacturer's statement of
18 origin has not been transferred, or is a motor vehicle on which the title was issued
19 from the manufacturer's statement of origin or manufacturer's certificate of origin
20 and is still in the name of the first person who took title to the vehicle;
- 21 (19) "Noncommercial motor vehicle," any motor vehicle not classified as a commercial
22 motor vehicle;
- 23 (20) "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or
24 maintained for the transportation of persons or property for hire, compensation, or
25 profit;
- 26 (21) "Notation," a physical or electronic process of recording a lien on a certificate of
27 title, a manufacturer's statement of origin, or a manufacturer's certificate of origin;
- 28 (22) "Off-road vehicle," any self-propelled, two-or-more-wheeled vehicle designed
29 primarily to be operated on land other than a highway and includes all terrain
30 vehicles, dune buggies, and any vehicle whose manufacturer's statement of origin
31 or manufacturer's certificate of origin states that the vehicle is not for highway use.
32 The term does not include a farm vehicle or an electric bicycle as defined in this
33 section;
- 34 (23) "Owner," any person, firm, association, trust, or corporation renting a motor
35 vehicle or having the exclusive use thereof, under a lease or otherwise, for a period

- 1 greater than thirty days; as between contract vendor and contract vendee, the
 2 term, owner, refers to the contract vendee, unless the contrary clearly appears
 3 from the context of chapters 32-3 to 32-5B, inclusive, or a person or trust having
 4 legal possession or title;
- 5 (24) "Rebuilt vehicle," any motor vehicle, trailer, or semitrailer that has been rebuilt by
 6 the addition or deletion of assemblies, subassemblies, parts, or component parts
 7 so that upon gross visual examination it does not appear to be the vehicle described
 8 in the certificate of title last issued for the vehicle, or whose title has been marked
 9 as rebuilt by this state or another state or jurisdiction;
- 10 (25) "Recreational park trailer," a vehicle that is primarily designed to provide
 11 temporary living quarters for recreational, camping, or seasonal use and which:
 12 (a) Is built on a single chassis mounted on wheels;
 13 (b) Has a gross trailer area not exceeding four hundred square feet in the setup
 14 mode;
 15 (c) Is certified by the manufacturer as complying with American National
 16 Standards Institute Standard No. A119.5 in effect on January 1, 2008; and
 17 (d) Has at least a seventeen digit identification number and the manufacturer
 18 has designated the vehicle as a recreational park model on the
 19 manufacturer statement of origin;
- 20 (26) "Recreational vehicle," a vehicular portable structure built on a chassis designed to
 21 be used as a temporary dwelling for travel, recreational, vacation, or seasonal uses,
 22 and that is permanently identified as a travel trailer or a recreational park trailer
 23 by the manufacturer of the trailer;
- 24 (27) "Road tractor," any motor vehicle designed and used for drawing other vehicles,
 25 except farm or logging tractors used exclusively for farming or logging, and not so
 26 constructed as to carry any load thereon either independently or any part of the
 27 weight of a vehicle or load so drawn;
- 28 (28) "Secretary," secretary of ~~revenue~~ the Department of Revenue;
- 29 (29) "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly,
 30 designed and used in conjunction with a fifth wheel connecting device on a motor
 31 vehicle constructed so that some part of its weight and that of its load rests upon
 32 or is carried by another vehicle;
- 33 (30) "Snow bear, an enclosed, motorized, rubber-tracked vehicle, equipped with front
 34 skis, and used for travel over snow or ice;
- 35 (31) "State," includes the territories and the federal districts of the United States;

1 ~~(31)~~(32) "Trailer," any vehicle without motive power designed for carrying property or
2 passengers wholly on its own structure and for being drawn by a motor vehicle;

3 ~~(32)~~(33) "Truck tractor," any motor vehicle designed and used primarily for drawing
4 other vehicles and not so constructed as to carry a load other than a part of the
5 weight of the vehicle and load so drawn;

6 ~~(33)~~(34) "Used vehicle," any motor vehicle to which title has been issued to someone
7 other than the first person who took title to the motor vehicle from the
8 manufacturer's statement of origin or manufacturer's certificate of origin; and

9 ~~(34)~~(35) "Vehicle identification number," the number assigned by the manufacturer or
10 by the department for the purpose of identifying the vehicle. The term includes any
11 number or letters assigned by the manufacturer for the purpose of identifying a
12 component part and any ~~such~~ number stamped on a vehicle or part according to
13 law or the rules promulgated by the department for the purpose of identifying the
14 vehicle or part.

15 **Section 2. That § 32-3-18.2 be AMENDED:**

16 **32-3-18.2.** Any owner who chooses to title a motor vehicle, off-road vehicle, ~~or~~
17 snowmobile, or snow bear in South Dakota, but who does not have a South Dakota-issued
18 driver license or identification card, or a physical address in South Dakota, shall pay a
19 one-hundred-dollar fee in addition to the title application fee imposed by § 32-3-18. For
20 the purposes of this section, a physical address does not include a post office mailbox or
21 a mail forwarding address. The additional fee does not apply to title correction
22 transactions, duplicate title transactions, to an insurer taking title to a vehicle pursuant to
23 the payment of a covered loss, a manufacturer taking title due to a manufacturer buy
24 back, or a lienholder taking title due to a repossession.

25 Half of the fee must be deposited into the state motor vehicle fund and half must
26 be deposited into the county general fund.

27 **Section 3. That § 32-5-5 be AMENDED:**

28 **32-5-5.** Vehicle license fees provided by this chapter are based, except as
29 otherwise specifically provided, upon manufacturers' weights, including accessories. If a
30 noncommercial motor vehicle is an automobile, pickup truck, or van with a manufacturer's
31 shipping weight, including accessories, of ten thousand pounds or less, the license fees
32 for ~~such a~~ the motor vehicle ~~shall~~ must be as provided by § 32-5-6. However, if the
33 noncommercial motor vehicle is a pickup truck that weighs more than six thousand

1 pounds, the owner has the choice of paying the license fees pursuant to § 32-5-6 or paying
2 the license fees based on the gross weight of the motor vehicle as provided in § 32-5-6.3.
3 The license fees for a noncommercial motor home are as provided by § 32-5-6.1. The
4 license fees for a motorcycle are as provided by § 32-5-9. The license fees for a
5 snowmobile are as provided by § 32-5-9.1. The license fees for a snow bear are as
6 provided by section 4 of this Act. The license fees for any other noncommercial motor
7 vehicle are based on the gross weight of the motor vehicle and are as provided in § 32-5-
8 6.3. If the department determines the actual dry weight of any model vehicle with
9 accessories to be at variance with the manufacturers' shipping weight, the department
10 ~~shall~~ must certify the correct weight to be used in determining fees. These fees ~~shall~~ must
11 be assessed and paid annually. Upon initial registration of a vehicle, the fees ~~shall~~ must
12 be assessed based upon the date of sale.

13 **Section 4. That a NEW SECTION be added to chapter 32-5:**

14 A snow bear, as defined in § 32-3-1, must be titled as provided in chapter 32-3.
15 The license fee for a snow bear, payable under § 32-5-5, is ten dollars for a one-year
16 period. The fee must be prorated monthly and the snow bear must be registered in the
17 same manner as a motor vehicle pursuant to §§ 32-5-2.2 and 32-5-2.6. Payment of the
18 license fee must be made prior to the operation of, or permitting the operation of, the
19 snow bear in this state.

20 **Section 5. That a NEW SECTION be added to chapter 32-5:**

21 In addition to the license fee in section 4, there is assessed on each snow bear
22 registered in this state a three percent excise tax on the purchase price of the snow bear,
23 less trade difference. The fee and tax must be collected pursuant to § 32-20A-15. Failure
24 to pay the tax is a Class 2 misdemeanor.

25 **Section 6. That a NEW SECTION be added to chapter 32-5:**

26 Two dollars of each fee collected under section 4 must be credited to the motor
27 vehicle fund and the balance of the license fees and the excise tax under section 5 must
28 be credited to the snowmobile trails fund created in § 32-5-9.2, for the purposes set forth
29 in § 41-19-2.

30 **Section 7. That § 32-5-90 be AMENDED:**

1 **32-5-90.** The department shall furnish with each number plate for motorcycles
2 ~~and, snow bears, and~~ snowmobiles, and with each pair of number plates or number
3 stickers for passenger vehicles, trailers, or semitrailers, a registration, which ~~shall~~ must
4 contain the following data: the name of the registered owner of the motorcycle, snow
5 bear, snowmobile, motor vehicle, trailer, or semitrailer; the owner's post office address; ;
6 the make of the vehicle; ; the year of model; ; the model or letter designated by the
7 manufacturer; ; manufacturer's serial number, if any; ; the registration or license number; ;
8 and date of issue of the registration. The registration ~~shall~~ must contain the registration
9 number denoted on the number plate or plates on which the registration is issued.

10 **Section 8. That § 32-20A-15 be AMENDED:**

11 **32-20A-15.** The title issuance, excise tax, vehicle registration, and dealer
12 licensing provisions of chapters 32-3 to 32-6B, inclusive, apply to snow bears and
13 snowmobiles. In addition, all snow bears and snowmobiles used on public lands, private
14 lands, and any frozen public waters within the territorial limits of this state ~~shall~~ must be
15 licensed pursuant to § 32-5-90 or have a permit as provided in § 32-20A-15.1. Any snow
16 bear or snowmobile used by a resident of the state on property owned by him is exempt
17 from the licensing requirements. Any super modified snowmobile built exclusively for
18 organized track racing events on raceway facilities is exempt from the title registration
19 and licensing requirements. Upon the sale of each new snow bear or snowmobile by a
20 ~~snowmobile~~ dealer, the dealer or applicant shall deliver to the county treasurer of the
21 applicant's residence the snowmobile manufacturer's statement of origin, the required
22 fees and taxes, and completed vehicle title registration forms for the snow bear or
23 snowmobile. If the snow bear or snowmobile has not been sold by a licensed ~~snowmobile~~
24 dealer, the snow bear or snowmobile owner is responsible for registering and titling the
25 snow bear or snowmobile, and for the payment of any fees and taxes. A violation of this
26 section is a Class 2 misdemeanor.

27 **Section 9. That § 32-20A-15.1 be AMENDED:**

28 **32-20A-15.1.** Any owner of an unlicensed snow bear or snowmobile shall
29 purchase a temporary permit to operate the snow bear or snowmobile in this state. The
30 fee for the permit is forty dollars. The permit is valid for five consecutive days. All fees
31 collected ~~shall~~ must be deposited in the snowmobiles trails fund established by § 32-5-
32 9.2.