

2026 South Dakota Legislature

House Bill 1272**AMENDMENT 1272D
FOR THE HOUSE TRANSPORTATION ENGROSSED BILL**

On the Introduced bill, delete the previously adopted amendment(s), thus restoring the bill to the House Transportation Engrossed version, to read as follows:

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;

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

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

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

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

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

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

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

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

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

Section 3. That § 32-5-5 be AMENDED:

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

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

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

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

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

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

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

Two dollars of each fee collected under section 4 must be credited to the motor vehicle fund~~and the. The~~ balance of the license fees and the excise tax under section 5 must be credited to the~~department of game, fish and parks fund created in § 41-2-34~~ parks and recreation fund created in § 41-17-21, and the amount must be used to construct and maintain roads for park and lake access.

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 a NEW SECTION be added to chapter 32-20A:**

28 Any owner of an unlicensed snow bear must purchase a temporary permit to
29 operate the snow bear in this state. The fee for the permit is forty dollars. The permit is
30 valid for five consecutive days. All fees collected must be deposited in the parks and
31 recreation fund created in § 41-17-21. The amount deposited must be used to construct
32 and maintain roads for park and lake access.

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

2 **~~32-20A-15.1.~~** Any owner of an unlicensed snow bear or snowmobile shall
3 purchase a temporary permit to operate the snow bear or snowmobile in this state. The
4 fee for the permit is forty dollars. The permit is valid for five consecutive days. All fees
5 collected shall must be deposited in the snowmobiles trails fund established by ~~§ 32-5-9.2~~
6 ~~department of game, fish and parks fund created in § 41-2-34.~~

AMENDED