AN ACT

ENTITLED, An Act to increase the selling price of a towed vehicle that exempts the seller of the vehicle from certain vehicle dealer licensing requirements.

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

Section 1. That § 32-6B-5 be amended to read as follows:

32-6B-5. The following persons are exempt from the licensing requirements of this chapter:

(1) Any employee of any person licensed as a vehicle dealer if engaged in the specific performance of the employee's duties;

(2) Any financial institution chartered or licensed in any other jurisdiction that acquires vehicles as an incident to the financial institution's regular business and sells the vehicles to dealers licensed under this chapter;

(3) Any nonprofit automobile club if selling automobiles twenty years old or older under the provisions of chapter 32-3;

(4) Any person acting as an auctioneer if auctioning South Dakota titled vehicles for a licensed dealer or a person who is exempt from the provisions of this chapter;

(5) Any person engaged in the business of manufacturing or converting new vehicles if selling the vehicles to a licensed dealer holding a franchise from the original manufacturer of the vehicle;

(6) Any person not engaged in the sale of vehicles as a business and is disposing of vehicles used solely for personal use if the vehicles were acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter;

(7) Any person not engaged in the sale of vehicles as a business who operates fleets of vehicles and is disposing of vehicles used in the person's business if the same were acquired and used in good faith and not for the purpose of avoiding the provisions of this

chapter;

(8) Any person who sells less than five vehicles in a twelve-month period, unless the person is licensed as a dealer in another state or holds himself or herself out as being in the business of selling vehicles. However, if the vehicles are travel trailers, any person who sells less than three travel trailers in a twelve-month period;

(9) Any public officer while performing the officer's official duties;

(10) Any receiver, trustee, personal representative, guardian, or other person appointed by or acting under the judgment or order of any court;

(11) Any regulated lenders as that term is defined in § 54-3-14, any insurance company authorized to do business in this state, or any financing institution as defined in and licensed pursuant to chapter 54-4 that acquires vehicles as an incident to its regular business;

(12) Any towing agency that acquires and sells a vehicle which has been towed at the request of a private landowner under the provision of chapter 32-36 or at the request of a law enforcement officer, if no vehicle is sold for an amount over one thousand two hundred dollars;

(13) Any vehicle rental and leasing company that sells its used vehicles to dealers licensed under this chapter; and

(14) Any South Dakota nonprofit corporation which gives a donated motor vehicle to a needy family or individual.

An Act to increase the selling price of a towed vehicle that exempts the seller of the vehicle from certain vehicle dealer licensing requirements.

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I certify that the attached Act originated in the

SENATE as Bill No. 80

_____
Secretary of the Senate

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President of the Senate

Attest:

_____
Secretary of the Senate

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Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 80
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State