



2020 South Dakota Legislature

Senate Bill 52

Introduced by: **Senator Ernie Otten**

1 **An Act to create a state seal specialty plate emblem.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **32-5-168.1. State seal--Emblem set.**

5 The state seal may be used as an emblem for emblem specialty plates under § 32-
 6 5-169. A fifty dollar fee shall be assessed for each emblem set purchased under this
 7 section. Each office of a county treasurer shall be stocked with the state seal emblem.

8 **Section 2.** That a NEW SECTION be added:

9 **32-5-168.2. State seal emblem fee--Motor vehicle fund.**

10 The county treasurer shall remit to the department the state seal emblem fees
 11 collected under § 32-5-168.1. The fees shall be deposited in the motor vehicle fund.

12 **Section 3.** That a NEW SECTION be added:

13 **32-5-168.3. State seal emblem design.**

14 The state seal emblem shall be designed by the department and approved by the
 15 secretary in accordance with § 1-6-2.1. The provisions of §§ 32-5-175 to 32-5-178,
 16 inclusive, do not apply to the state seal emblem.

17 **Section 4.** That § 1-6-3.1 be AMENDED:

18 **1-6-3.1. Use of state seal--Authorization--Violation as misdemeanor.**

19 ~~No~~ A person may not reproduce, duplicate, or otherwise use the official seal of the
 20 State of South Dakota, or its facsimile, adopted and described in §§ 1-6-1 and 1-6-2 for
 21 any for-profit, commercial purpose without specific authorization from the secretary of
 22 state. However, the facsimile of the state seal may be used as an emblem for emblem

1 specialty license plates under chapter 32-5. A violation of this section is a Class 1
2 misdemeanor.

3 **Section 5.** That § 1-6-3.2 be AMENDED:

4 **1-6-3.2. Sale of replica or facsimile--Authorization--Violation as**
5 **misdemeanor.**

6 ~~No~~A person may not sell or offer for sale a replica or facsimile of the official seal
7 of the State of South Dakota, adopted and described in §§ 1-6-1 and 1-6-2, without the
8 specific authorization from the secretary of state. However, a facsimile of the state seal
9 may be sold as an emblem for emblem specialty license plates under chapter 32-5. A
10 violation of this section is a Class 1 misdemeanor.

11 **Section 6.** That § 1-6-3.3 be AMENDED:

12 **1-6-3.3. Use of state seal--Royalty--Exceptions.**

13 The secretary of state shall charge a royalty for the privilege of using the state
14 seal. The secretary of state may not charge a royalty if the state seal is used for an
15 educational purpose or as an emblem under chapter 32-5. All royalty fees collected
16 pursuant to this chapter shall be deposited in the state general fund.