



## 2020 South Dakota Legislature

# House Bill 1208

Introduced by: **Representative Anderson**

1 **An Act to revise provisions regarding the titling of motor vehicles.**

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

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

4 **32-3-32. Dealer's acceptance of out-of-state certificates.**

5 Notwithstanding §§ 32-3-30 and 32-3-31, dealers licensed under chapter 32-6B  
 6 may accept and transfer out-of-state certificates or muniments of title for motor vehicles,  
 7 trailers, or semitrailers ~~taken as a trade-in on a new motor vehicle, trailer, or semitrailer~~  
 8 ~~or on another used motor vehicle, trailer, or semitrailer if they obtain from the transferor~~  
 9 ~~a written power of attorney authorizing them to complete such transfer or assignment,~~  
 10 and keep a record thereof.

11 **Section 2.** That § 32-5-27 be AMENDED:

12 **32-5-27. Used out-of-state motor vehicles--Sale or resale--Title, taxes, and**  
 13 **license--Exemptions--Violation as misdemeanor.**

14 Any ~~dealer,~~ person, firm, corporation, or limited liability company ~~which, except a~~  
 15 licensed vehicle dealer, that brings into the state or purchases any used or secondhand  
 16 out-of-state motor vehicles not currently licensed in this state for the purpose of sale or  
 17 resale, ~~except as a trade-in on a new motor vehicle or another used motor vehicle, a used~~  
 18 ~~motor vehicle purchased by a dealer and sold to another dealer,~~ vehicles receiving a  
 19 junking certificate, motor vehicles with a gross vehicle weight rating of over twenty-six  
 20 thousand pounds, or a semitrailer with a manufacturer's shipping weight of nine thousand  
 21 pounds or more, shall, within forty-five days from the date of purchase or entry of the  
 22 motor vehicle into the limits of this state, ~~or from the date of purchase at a dealer's car~~  
 23 ~~auction agency,~~ title the motor vehicle pursuant to chapter 32-3 and pay the excise tax  
 24 pursuant to chapter 32-5B but is not required to license the vehicle. Any licensed motor  
 25 vehicle dealer titling a motor vehicle pursuant to this section is exempt from paying the

1 excise tax imposed by § 32-5B-1 on the vehicle. A vehicle titled by a licensed motor vehicle  
2 dealer pursuant to this section shall be issued a title indicating that no excise tax has been  
3 paid. Upon transfer of the title to a subsequent purchaser of the motor vehicle, the excise  
4 tax shall be paid by the purchaser or by any other person as defined by subdivision 2-14-  
5 2(18), on behalf of and as the agent for the purchaser. A violation of this section is a Class  
6 2 misdemeanor.

7 The provisions of this section do not apply to any motor vehicle titled and licensed in  
8 another jurisdiction that is sold in this state through a dealer's car auction agency licensed  
9 under the provisions of chapter 32-6B.