



2020 South Dakota Legislature
House Bill 1023
ENROLLED

AN ACT

ENTITLED An Act to permit the secretary of revenue to issue cease and desist orders and to impose a civil penalty on certain public auctions.

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

Section 1. That § 32-6B-41.1 be AMENDED:

32-6B-41.1. Cease and desist order for specified violations--Period of effectiveness.

In addition to any other remedy provided by law, the secretary of revenue may issue an order directing a vehicle dealer or public auction to cease and desist from engaging in any act or practice enumerated in § 32-6B-41. A cease and desist order issued pursuant to this section is effective for a period of two years.

Section 2. That § 32-6B-41.2 be AMENDED:

32-6B-41.2. Cease and desist order--Request for hearing--Procedure.

Within twenty days after service of the order to cease and desist, the vehicle dealer or public auction may request a hearing in writing on the question of whether acts or practices in violation of this title have occurred. Any hearing shall be conducted pursuant to, and judicial review shall be available as provided by, chapter 1-26.

Section 3. That a NEW SECTION be added:

32-6B-41.7. Cease and desist order--Failure to comply--Penalty.

If a public auction fails to comply with a cease and desist order issued pursuant to § 32-6B-41.1, the secretary may issue an order imposing a monetary penalty on the public auction of five hundred dollars for each subsequent violation of the cease and desist order. All monetary penalties collected pursuant to this section shall be deposited in the state motor vehicle fund.

Section 4. That § 32-6B-41.5 be AMENDED:

32-6B-41.5. Contest of order--Procedure.

A dealer or public auction may request a hearing to contest an order issued pursuant to § 32-6B-41.4 or 32-6B-41.7. The request shall be submitted to the secretary in writing within twenty days after service of the order. Any hearing shall be conducted pursuant to, and judicial review shall be available as provided by, chapter 1-26.

Section 5. That § 32-6B-41.6 be AMENDED:

32-6B-41.6. Finality of order.

An order issued pursuant to § 32-6B-41.4 or 32-6B-41.7 becomes final upon expiration of the time allowed for appeals from the secretary's order, if no appeal is taken, or, if an appeal is taken, upon final decision of the court if the court affirms the secretary's order or dismisses the appeal.

An Act to permit the secretary of revenue to issue cease and desist orders and to impose a civil penalty on certain public auctions.

I certify that the attached Act originated in the:
House as Bill No. 1023

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1023
File No. _____
Chapter No. _____

Received at this Executive Office
this ____ day of _____,
2020 at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2020

Governor

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

Filed _____, 2020
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State