

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0618

SENATE BILL NO. 184

Introduced by: Senators Rounds, Brown (Arnold), and Flowers and Representatives Koskan, Diedrich, and Volesky

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to motor vehicle
2 titling and registration and to provide penalties for certain violations.

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

4 Section 1. That § 32-3-27 be amended to read as follows:

5 32-3-27. Except as provided in § 32-3-26 for licensed dealers, if the application for certificate
6 of title is presented more than thirty days after date of assignment of the certificate of title or the
7 manufacturer's certificate of origin of the motor vehicle, trailer or semitrailer to the purchaser,
8 the officer receiving the application shall collect, in addition to the fee established in § 32-3-18,
9 a late fee of one dollar for each week or fraction thereof beyond the thirty-day limitation for
10 twenty-five weeks and a late fee of fifty dollars for twenty-six weeks or more. Any person
11 applying for a title a year or more beyond the thirty-day limitation more than ninety days after
12 the date of assignment is guilty of a Class 2 misdemeanor. If the purchaser of a vehicle fails to
13 comply with the provisions of § 32-3-26 to transfer the title within thirty days, and the seller files
14 a written complaint attesting to the facts, the purchaser is guilty of a Class 2 misdemeanor.

15 Section 2. That § 32-3-48 be amended to read as follows:

1 32-3-48. If it appears at any time to the secretary that an applicant for a certificate of title or
2 registration of a motor vehicle, trailer or semitrailer is not entitled thereto, under the provisions
3 of this chapter ~~and or~~ chapters 32-5 ~~and or~~ 32-5B, ~~he~~ the secretary may refuse to issue a
4 certificate or to register ~~such~~ any vehicles, ~~and may for a like reason, and after notice and~~
5 ~~hearing, revoke title, license and registration already acquired. The notice shall be served in~~
6 ~~person or by registered or certified mail~~ owned by the person. If it is determined that the title
7 holder or lienholder was not entitled to a title or registration already issued, under the provisions
8 of this chapter or chapters 32-5, 32-9, 32-10, or 32-5B, the department shall by certified mail
9 notify the title holder or lienholder that the title or license plate will be revoked and canceled ten
10 days after the date of receipt, refusal to accept receipt, or the last day the postal service
11 attempted delivery. The notice shall also demand that the title holder or lienholder return the
12 certificate of title or license plates to the department. If the vehicle owner or lienholder believes
13 that the title or registration should not be revoked, the owner may request in writing, a hearing
14 pursuant to the provisions of chapter 1-26. The request for hearing shall be made prior to the
15 effective date of the title or registration revocation. The intentional use of title after receiving the
16 department's notice of revocation is a Class 1 misdemeanor.

17 Section 3. That § 32-5-76 be amended to read as follows:

18 32-5-76. An owner of a motor vehicle, who is a resident of this state, who has complied with
19 all the laws of this state in obtaining regular number license plates for the motor vehicle and who
20 operates or directs the operation of the vehicle, may submit to the county treasurer an application
21 containing a physician's certificate on a form approved by the secretary, which states that ~~he~~ the
22 applicant is so substantially disabled by a physical disability that it is impossible or causes
23 substantial hardship ~~for him~~ to walk. The county treasurer shall procure, issue, and deliver to ~~him~~
24 the applicant plates with letters, numbers, or symbols, or any combination thereof, as the
25 secretary may prescribe. The plates shall be designed to readily apprise law enforcement officers

1 of the fact that the motor vehicle is owned, operated, or used in transporting a substantially
2 disabled person. No charge may be made for the issuance of the distinctive plates. The distinctive
3 plates shall be in addition to the regular number plates issued for the motor vehicle. The
4 distinctive plates shall be displayed as set forth in § 32-5-98 and the regular number plates shall
5 be kept on or in the motor vehicle. If the applicant is no longer disabled by a physical disability
6 or is deceased, the distinctive plates shall be surrendered to the county treasurer of the applicant's
7 residence, and the treasurer shall notify the secretary who shall make the necessary changes in
8 ~~his~~ the registration file. The regular number plates shall remain with the motor vehicle to which
9 they were issued. Failure to surrender the distinctive license plates as required by this section is
10 a Class 2 misdemeanor. It is a Class 6 felony to submit a false or fraudulent application.

11 Section 4. That § 32-5-76.1 be amended to read as follows: 32-5-76.1. Any person who is
12 disabled by a physical disability so that it is impossible or causes substantial hardship ~~for him~~ to
13 walk may be issued a portable serially numbered certificate by the secretary which permits ~~him~~
14 the person or the operator of a vehicle being used in transporting ~~him~~ the person to park without
15 time limitation pursuant to § 32-30-11.1 and to park in any space reserved for the handicapped.
16 The person shall submit an application containing a physician's certificate on forms approved by
17 the secretary to prove that ~~he~~ the person meets the criteria established by this section. If the
18 secretary determines that the applicant meets the criteria, ~~he~~ the secretary shall issue a portable
19 certificate to the applicant. The secretary shall promulgate rules pursuant to chapter 1-26
20 governing the application for, term of, and conditions under which such certificates may be
21 issued. It is a Class 6 felony to submit a false or fraudulent application.

22 Section 5. That § 32-5-76.2 be amended to read as follows:

23 32-5-76.2. Any nonprofit organization, licensed hospital, retirement home, or educational
24 institution which has under its care or responsibility physically disabled persons, which transports
25 physically disabled persons and which has complied with all laws of this State in obtaining title,

1 license plates and registration for its motor vehicles may apply for a portable serially numbered
2 certificate which permits the operator of a vehicle transporting the disabled person to park
3 pursuant to § 32-30-11.1 and to park only for the time reasonably necessary to load or unload
4 passengers in any space reserved for the handicapped. In addition, any local government entity
5 that owns a vehicle used to transport disabled individuals may apply for the portable certificate.
6 The application shall be made on a form approved by the secretary. If the department determines
7 that the applicant transports disabled persons, the secretary shall issue and deliver a portable
8 certificate to the applicant. The secretary may promulgate rules pursuant to chapter 1-26
9 regarding the application for, term of, and conditions under which the certificate may be issued.
10 If the applicant no longer transports physically disabled persons, it shall surrender the certificate
11 to the department. It is a Class 6 felony to submit a false or fraudulent application.

12 Section 6. That § 32-5-42 be amended to read as follows:

13 32-5-42. Motor vehicles which are the property of this state, the United States, of counties,
14 townships, municipalities, ~~or~~ public or nonpublic schools accredited by the Department of
15 Education and Cultural Affairs, of Indian mission schools in this State, Indian tribes, fire
16 departments, or buses owned by churches, or vehicles purchased by the State under sections 18
17 and 16(b)2 of the Urban Mass Transportation Act of 1964 to provide public transportation or
18 specialized transportation or both in rural and urbanized areas may be registered upon
19 application, in the manner provided for other motor vehicles, except that the application shall be
20 made by the custodian of the vehicle directly to the department. No fees may be charged for the
21 registration of the vehicle. The number plates for the vehicle shall be furnished by the department
22 upon payment to it of the actual cost of the plates. All costs collected under the provisions of this
23 section shall be deposited in the license plate special revenue fund and disbursements therefrom
24 made by warrants drawn by the state auditor on vouchers duly approved by the department. If
25 the vehicle is used for a private business use or as a commercial motor carrier as defined in

1 § 32-9-1, the operator shall secure vehicle registration pursuant to chapter 32-9 for such use.