

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

860C0856

HOUSE ENGROSSED NO. **SB233** - 3/3/99

Introduced by: Senator Rounds and Representative Cutler

1 FOR AN ACT ENTITLED, An Act to provide increased funding for the maintenance of state
2 and local highways and roads and to declare an emergency.

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

4 Section 1. That § 10-47B-4 be amended to read as follows:

5 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

6 (1) Motor fuel (except ethanol blends, E85 and M85 blends, and aviation gasoline) ~~-\$18~~
7 \$.22 per gallon;

8 (2) Special fuel (except jet fuel) ~~-\$18~~ \$.22 per gallon;

9 (3) Ethanol blends ~~-\$16~~ \$.20 per gallon;

10 (4) Aviation gasoline ~~-\$06~~ \$.20 per gallon;

11 (5) Jet fuel ~~-\$04~~ \$.20 per gallon;

12 (6) E85 and M85 ~~-\$06~~ \$.10 per gallon;

13 (7) E85 and M85 used in aircraft ~~-\$04~~ \$.20 per gallon;

14 (8) Liquid petroleum gas ~~-\$16~~ \$.20 per gallon;

15 (9) Compressed natural gas ~~-\$06~~ \$.10 per gallon.

16 Section 2. That § 32-5-6 be amended to read as follows:

17 32-5-6. License fees and compensation on a noncommercial motor vehicle which is an

1 automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the
2 manufacturer's shipping weight, including accessories, as follows:

- 3 (1) Two thousand pounds or less, inclusive, ~~twenty~~ thirty dollars;
- 4 (2) From 2,001 to 4,000 pounds, inclusive, ~~thirty~~ forty-two dollars;
- 5 (3) From 4,001 to 6,000 pounds, inclusive, ~~forty~~ fifty-five dollars;
- 6 (4) ~~to (11) Repealed by SL 1992, ch 26, § 7~~ Over 6,000 pounds, sixty-five dollars.

7 Section 3. That § 32-5-6.1 be amended to read as follows:

8 ~~32-5-6.1. License fees and compensation on recreational motor buses as defined by this~~
9 ~~section shall be determined pursuant to § 32-5-6.3. However, the maximum license fee and~~
10 ~~compensation for a recreational motor bus shall be one hundred dollars. For the purposes of this~~
11 ~~section the term, recreational motor bus, means a motor bus which has been converted for~~
12 ~~recreational purposes subsequent to the initial retail sale. License fees for any noncommercial~~
13 ~~motor home shall be determined by the manufacturer's shipping weight, including accessories,~~
14 as follows:

- 15 (1) Six thousand pounds or less, inclusive, sixty dollars;
- 16 (2) From 6,001 to 8,000 pounds, inclusive, eighty dollars;
- 17 (3) From 8,001 to 10,000 pounds, inclusive, one hundred dollars;
- 18 (4) For each additional 2,000 pounds or major fraction thereof, in excess of 10,000
19 pounds, twenty dollars.

20 For the purposes of this section, a motor home is a vehicle designed to provide temporary
21 living quarters for recreational, camping, or travel use, built on or permanently attached to a self-
22 propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the
23 completed vehicle.

24 Section 4. That § 32-5-6.3 be amended to read as follows:

25 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup

truck, or van ~~as provided by~~ licensed pursuant to § 32-5-6 shall be determined by the gross weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

- (1) Eight thousand pounds or less, inclusive, ~~forty-eight~~ fifty-five dollars;
- (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000 pounds, inclusive, three dollars;
- (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000 pounds, inclusive, six dollars;
- (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000 pounds, inclusive, eighteen dollars;
- (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000 pounds, twenty-four dollars.

It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this section at a gross weight in excess of the gross weight for which it has been licensed.

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

32-5-5. ~~Subject to the provisions of §§ 32-5-17 to 32-5-45, inclusive, license fees and compensation for use of the highways, fees shall be~~ Vehicle license fees provided by this chapter are based, except as otherwise specifically provided, upon manufacturers' weights, including accessories. If a noncommercial motor vehicle is an automobile, pickup truck, or van with a manufacturer's shipping weight, including accessories, of ~~six~~ ten thousand pounds or less, the license fees for such a motor vehicle shall be as provided by § 32-5-6. However, if the noncommercial motor vehicle is a pickup truck that weighs more than six thousand pounds, the owner has the choice of paying the license fees pursuant to § 32-5-6 or paying the license fees based on the gross weight of the motor vehicle as provided in § 32-5-6.3. The license fees for a noncommercial motor home are as provided by § 32-5-6.1. The license fees for motorcycles shall be a motorcycle are as provided by § 32-5-9. The license fees for ~~snowmobiles shall be a~~

snowmobile are as provided by § 32-5-9.1. The license fees for any other noncommercial motor vehicle ~~shall be~~ are based on the gross weight of the motor vehicle and are as provided in § 32-5-6.3. If the department determines the actual dry weight of any model vehicle with accessories to be at variance with the manufacturers' shipping weight, the department shall certify the correct weight to be used in determining fees.

These fees shall be paid annually to the county treasurer, ~~and shall be as provided by this chapter.~~

Section 6. That § 32-5-8 be amended to read as follows:

32-5-8. License fees and compensation for any recreational vehicle as defined in § 32-3-1 or for any noncommercial trailer and semitrailer, for use of the highways payable under § 32-5-5 and pulled by a noncommercial motor vehicle on which the license fees were paid pursuant to § 32-5-6, shall be determined upon the basis of their actual weight as follows:

- (1) One thousand pounds or less, inclusive, ~~five~~ ten dollars;
- (2) From 1,001 to 2,000 pounds, inclusive, ~~fifteen~~ twenty dollars;
- (3) From 2,001 to 3,000 pounds, inclusive, ~~twenty-five~~ thirty-five dollars;
- (4) From 3,001 to 4,000 pounds, inclusive, ~~thirty-five~~ forty-five dollars;
- (5) From 4,001 to 5,000 pounds, inclusive, ~~forty-five~~ fifty-five dollars;
- (6) From 5,001 to 6,000 pounds, inclusive, ~~fifty-five~~ sixty-five dollars;
- (7) From 6,001 to 7,000 pounds, inclusive, ~~sixty-five~~ seventy-five dollars;
- (8) From 7,001 to 8,000 pounds, inclusive, ~~seventy-five~~ eighty-five dollars;
- (9) From 8,001 to 9,000 pounds, inclusive, ~~eighty-five~~ ninety-five dollars;
- (10) From 9,001 to 10,000 pounds, inclusive, ~~ninety-five~~ one hundred five dollars;
- (11) For each additional 1,000 pounds or major fraction thereof, in excess of 10,000 pounds, ten dollars.

Any trailer or semitrailer licensed pursuant to this section may be pulled by a noncommercial

1 motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor vehicle if the
2 motor vehicle is registered at a gross weight to cover the weight of the trailer and its load.

3 Section 7. That § 32-5-8.1 be amended to read as follows:

4 32-5-8.1. Each trailer or semitrailer pulled by a noncommercial motor vehicle on which the
5 license fees were paid pursuant to § 32-5-6.3 shall have an identification plate displayed in a
6 conspicuous manner. The fee for the identification plate is ten dollars. The identification plate
7 is valid for the useful life of the trailer or semitrailer. However, if the title to the trailer or
8 semitrailer is transferred, the new owner shall within thirty days of the date of transfer make
9 application to the department for a new identification plate. All revenue raised by the fees shall
10 be placed in the license plate special revenue fund. However, no identification plate may be
11 displayed on a recreational vehicle as defined in § 32-3-1. Such a recreational vehicle shall be
12 licensed pursuant to § 32-5-8.

13 Section 8. That § 32-5-9 be amended to read as follows:

14 32-5-9. License fees and compensation for use of the highways payable under § 32-5-5 shall
15 be: ~~seven~~ nine dollars and fifty cents for motorcycles with a piston displacement of less than three
16 hundred fifty cubic centimeters and ~~ten~~ twelve dollars for motorcycles with a piston displacement
17 of three hundred fifty cubic centimeters or more.

18 Section 9. That § 32-6B-21 be amended to read as follows:

19 32-6B-21. The department shall issue metal numerical license plates to licensed dealers upon
20 application and payment of a ~~thirty~~ forty-two dollar yearly fee to be paid at the time of the annual
21 review date for each set desired. Such fees shall be distributed in the manner specified in
22 §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be numbered
23 consecutively and shall bear as a prefix the number "77". The plates may be issued for a multiple
24 year period. If a dealer's license is revoked or canceled or the dealer goes out of business the
25 "77" plates shall be returned to the department. If any person operates a motor vehicle with "77"

plates after the dealer license is revoked or canceled or after the dealer goes out of business, or if the person refuses to return the plates, the person is guilty of a Class 2 misdemeanor.

Section 10. That § 32-10-35 be amended to read as follows:

32-10-35. Fees collected by the secretary of revenue and not otherwise provided for shall be distributed as provided by this section. Fees collected under chapter 32-10 by the secretary of revenue pursuant to § 32-5B-1 shall be deposited in the state highway fund. Fees collected under chapter 32-10 by the secretary of revenue pursuant to chapter 32-9 shall be distributed with ~~fifty-four~~ fifty-seven percent to the ~~state highway~~ local government highway and bridge fund, forty-one and one-half percent to counties, ~~two~~ one-half percent to the state motor vehicle fund, and ~~two and one-half~~ one percent to the state license plate special revenue fund. The counties' portion shall be distributed among the counties, pro rata, twenty-five percent according to truck registrations, twenty-five percent according to population, and fifty percent according to total road mileage. Each county shall distribute fifty-four percent of its portion to the county general fund, thirty-four percent of its portion to the special highway fund as provided by § 32-11-4.1, and twelve percent of its portion to the municipalities of the county pursuant to § 32-11-4.1.

Section 11. There is hereby appropriated each fiscal year from the state highway fund the sum of one million thirty-three thousand two hundred sixty-nine dollars and ten cents to the Department of Revenue for distribution to the counties. The moneys shall be distributed to the counties in the same amounts as funds were distributed to the counties by the Department of Game, Fish and Parks for license fees in calendar year 1997, pursuant to § 41-6-70. The moneys shall be deposited in the special highway fund of each county. The secretary of revenue shall distribute the money prior to December thirty-first of each year.

Section 12. The effective date of section 1 of this Act is April 1, 1999.

Section 13. The effective date of sections 2 to 11, inclusive, of this Act is July 1, 1999.

Section 14. Whereas, this Act is necessary for the support of the state government and its

- 1 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
- 2 force and effect from and after its passage and approval.

1 **BILL HISTORY**

2 2/1/99 First read in Senate and referred to State Affairs. S.J. 278

3 2/10/99 Scheduled for Committee hearing on this date.

4 2/10/99 State Affairs Do Pass, Passed, AYES 7, NAYS 2. S.J. 443

5 2/12/99 Senate Deferred to another day. S.J. 485

6 2/16/99 Senate Deferred to another day. S.J. 504

7 2/17/99 Senate Deferred to another day. S.J. 531

8 2/18/99 Motion to Amend, Passed. S.J. 560

9 2/18/99 Motion to Amend, Passed. S.J. 562

10 2/18/99 Senate Do Pass Amended, Passed, AYES 27, NAYS 7. S.J. 562

11 2/18/99 Senate Title Amended Passed. S.J. 563

12 2/19/99 First read in House and referred to State Affairs. H.J. 653

13 2/26/99 Scheduled for Committee hearing on this date.

14 3/1/99 Scheduled for Committee hearing on this date.

15 3/1/99 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 835

16 3/3/99 House of Representatives Placed on Calendar.