

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

860C0856

HOUSE STATE AFFAIRS COMMITTEE 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, to repeal the wheel tax, 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~~ per gallon;

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

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

13 (7) E85 and M85 used in aircraft ~~-\$04~~ 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:

32-5-6. License fees and compensation on a noncommercial motor vehicle which is an automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the manufacturer's shipping weight, including accessories, as follows:

- (1) Two thousand pounds or less, inclusive, ~~twenty~~ thirty-two dollars;
- (2) From 2,001 to 4,000 pounds, inclusive, ~~thirty~~ forty-two dollars;
- (3) From 4,001 to 6,000 pounds, inclusive, ~~forty~~ fifty-two dollars;
- (4) ~~to (11) Repealed by SL 1992, ch 26, § 7~~ From 6,001 to 8,000 pounds, inclusive, sixty-two dollars;
- (5) From 8,001 to 10,000 pounds, inclusive, seventy-two dollars.

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

32-5-6.1. License fees and compensation on recreational motor buses as defined by this section shall be determined pursuant to § 32-5-6.3. However, the maximum license fee and compensation for a recreational motor bus shall be one hundred and twelve dollars. For the purposes of this section the term, recreational motor bus, means a motor bus which has been converted for recreational purposes subsequent to the initial retail sale.

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

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~~ sixty 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

1 pounds, inclusive, eighteen dollars;

2 (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000
3 pounds, twenty-four dollars.

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

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

7 32-5-8. License fees and compensation for any recreational vehicle as defined in § 32-3-1 or
8 for any noncommercial trailer and semitrailer, for use of the highways payable under § 32-5-5
9 and pulled by a noncommercial motor vehicle on which the license fees were paid pursuant to
10 § 32-5-6, shall be determined upon the basis of their actual weight as follows:

- 11 (1) One thousand pounds or less, inclusive, ~~five~~ seven dollars;
- 12 (2) From 1,001 to 2,000 pounds, inclusive, ~~fifteen~~ seventeen dollars;
- 13 (3) From 2,001 to 3,000 pounds, inclusive, ~~twenty-five~~ twenty-seven dollars;
- 14 (4) From 3,001 to 4,000 pounds, inclusive, ~~thirty-five~~ thirty-seven dollars;
- 15 (5) From 4,001 to 5,000 pounds, inclusive, ~~forty-five~~ forty-seven dollars;
- 16 (6) From 5,001 to 6,000 pounds, inclusive, ~~fifty-five~~ fifty-seven dollars;
- 17 (7) From 6,001 to 7,000 pounds, inclusive, ~~sixty-five~~ sixty-seven dollars;
- 18 (8) From 7,001 to 8,000 pounds, inclusive, ~~seventy-five~~ seventy-seven dollars;
- 19 (9) From 8,001 to 9,000 pounds, inclusive, ~~eighty-five~~ eighty-seven dollars;
- 20 (10) From 9,001 to 10,000 pounds, inclusive, ~~ninety-five~~ ninety-seven dollars;
- 21 (11) For each additional 1,000 pounds or major fraction thereof, in excess of 10,000
22 pounds, ten dollars.

23 Any trailer or semitrailer licensed pursuant to this section may be pulled by a noncommercial
24 motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor vehicle if the
25 motor vehicle is registered at a gross weight to cover the weight of the trailer and its load.

Section 6. That § 32-5-8.1 be amended to read as follows:

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

Section 7. That § 32-5-9 be amended to read as follows:

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

Section 8. That § 32-6B-21 be amended to read as follows:

32-6B-21. The department shall issue metal numerical license plates to licensed dealers upon application and payment of a ~~thirty~~ forty-two dollar yearly fee to be paid at the time of the annual review date for each set desired. Such fees shall be distributed in the manner specified in §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be numbered consecutively and shall bear as a prefix the number "77". The plates may be issued for a multiple year period. If a dealer's license is revoked or canceled or the dealer goes out of business the "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 9. 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~~ one 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 10. 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 11. The effective date of section 1 of this Act is April 1, 1999.

Section 12. The effective date of sections 2 to 10, inclusive, of this Act is July 1, 1999.

Section 13. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

Section 14. That § 32-5A-1 be repealed.

~~32-5A-1. Any county may, by ordinance, impose a wheel tax on all motor vehicles, as defined in § 32-3-1, registered in the county at a rate not to exceed four dollars per vehicle wheel. The tax shall be administered and collected by the county. The total vehicle tax may not exceed sixteen dollars per vehicle.~~

Section 15. That § 32-5A-2 be repealed.

~~32-5A-2. The proceeds from the tax created by this chapter shall be retained by the county, deposited in a special highway fund, and the revenue may be used only for highway and bridge maintenance and construction. The board of county commissioners shall, by resolution, establish a means of distributing the revenue generated by this chapter among the county and the municipalities and townships located within the county.~~

Section 16. That § 32-5A-3 be repealed.

~~32-5A-3. Upon purchasing a vehicle from a dealer, the purchaser shall pay the appropriate tax at the time of title transfer. Nothing in this chapter shall prevent an automobile dealer from licensing the vehicles on his lot without paying any taxes created by this chapter.~~

Section 17. That § 32-5A-4 be repealed.

~~32-5A-4. The Department of Revenue shall include on any motor vehicle registration document mailed out to a vehicle owner prior to the annual registration of a motor vehicle, the amount of tax imposed pursuant to § 32-5A-1. A county in which such registration documents are mailed to motor vehicle owners shall reimburse the Department of Revenue for the cost of implementing this section for that county.~~

Section 18. That § 32-5A-5 be repealed.

~~32-5A-5. The per vehicle wheel rate imposed pursuant to § 32-5A-1 may be imposed according to the manufacturer's shipping weight, including accessories, and may vary according to the following schedule:~~

1 ~~—(1)—Two thousand pounds or less, inclusive;~~

2 ~~—(2)—From 2001 to 4000 pounds, inclusive;~~

3 ~~—(3)—From 4001 to 6000 pounds, inclusive;~~

4 ~~—(4)—Over 6000 pounds.~~

5 Section 19. That § 32-5A-6 be repealed.

6 ~~—32-5A-6. If a county imposes a wheel tax pursuant to § 32-5A-1 in excess of two dollars per~~
7 ~~wheel, all of the revenue from the tax that is in excess of two dollars per wheel shall be used to~~
8 ~~replace property taxes the county imposes for highway purposes.~~

9 Section 20. That § 32-5A-7 be repealed.

10 ~~—32-5A-7. If a motor vehicle is licensed for a period of time of less than twelve months, any~~
11 ~~wheel tax imposed on such motor vehicle pursuant to this chapter shall be prorated on a monthly~~
12 ~~basis.~~

13 Section 21. That § 32-5-78 be amended to read as follows:

14 32-5-78. Except as otherwise specifically provided and except as to compensation for use
15 of the highways by motor carriers, the license fees and taxes imposed upon all of the classes of
16 motor vehicles as specified in §§ 32-5-5 to 32-5-46, inclusive, 32-5-77, 32-5B-1, and 32-5B-20
17 are in lieu of all taxes, general or local, ~~except for the tax created in § 32-5A-1~~, to which such
18 vehicle would otherwise be subject.

19 Section 22. That § 32-5-129 be amended to read as follows:

20 32-5-129. The secretary of revenue may license agents to perform the duties of county
21 treasurers, including collecting fees and taxes, registering and titling vehicles or boats, and noting
22 liens on titles, pursuant to this chapter, ~~chapter 32-5A~~, chapter 32-5B, chapter 32-3, and chapter
23 42-8.

24 Section 23. That § 32-5-135 be amended to read as follows:

25 ~~32-5-135. Licensed agents shall submit all revenue collected pursuant to chapter 32-5A to~~

1 ~~the secretary of revenue for distribution to counties.~~ Licensed agents shall submit all revenue
2 collected pursuant to chapter 32-5B to the secretary of revenue for deposit in the state highway
3 fund.

4 Section 24. The effective date of sections 14 to 23, inclusive, of this Act is January 1, 2000.

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