

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

455Q0058

SENATE TRANSPORTATION ENGROSSED NO. **HB 1007** - 3/4/2009

Introduced by: Representatives Olson (Ryan), Krebs, Noem, Putnam, and Rausch and
Senator Vehle at the request of the Interim Committee on South Dakota
Highway Needs and Financing

1 FOR AN ACT ENTITLED, An Act to increase certain noncommercial and commercial motor
2 vehicle license fees and to increase the fuel excise tax on certain fuel used by motor
3 vehicles.

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

5 Section 1. That § 32-5-6 be amended to read as follows:

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

9 (1) Two thousand pounds or less, inclusive, ~~thirty~~ forty dollars;

10 (2) From 2,001 to 4,000 pounds, inclusive, ~~forty-two~~ fifty-two dollars;

11 (3) From 4,001 to 6,000 pounds, inclusive, ~~fifty-five~~ sixty-five dollars;

12 (4) Over 6,000 pounds, ~~sixty-five~~ seventy-five dollars.

13 Section 2. That § 32-5-6.1 be amended to read as follows:

14 32-5-6.1. License fees for any noncommercial motor home shall be determined by the



manufacturer's shipping weight, including accessories, as follows:

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

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

Section 3. 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 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, ~~fifty-five~~ sixty-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

1 section at a gross weight in excess of the gross weight for which it has been licensed. If the
2 owner chooses to lower the registered weight, the plate shall be returned along with any
3 validation decal and a new plate issued with the correct registered weight.

4 Section 4. That § 32-5-8 be amended to read as follows:

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

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

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

Section 5. 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 ~~forty-two~~ sixty-two dollar yearly fee to be paid at the time of the annual review date for each set desired. ~~Such~~ The 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 6. That § 32-5-30 be amended to read as follows:

32-5-30. If any noncommercial motor vehicle, according to the manufacturer's model year designation, is ~~five~~ seven years old or more on January first of the year for which a license fee is required, such fee shall be ~~seventy~~ seventy-five percent of the fee ordinarily prescribed.

Section 7. That § 32-9-15 be amended to read as follows:

32-9-15. In consideration of the unusual use of the public highways, each person, except as otherwise provided in this chapter, desiring to operate a motor vehicle, trailer, or semitrailer, upon the public highways of this state as a motor carrier, shall annually pay the commercial motor vehicle fee as follows, to the county treasurer of the county of which ~~he~~ the person is a resident, if a carrier of property; or to the Department of Revenue and Regulation, if ~~he~~ the person is not a resident of this state:

- (1) Gross weight under 4000 pounds, eighty-five dollars;
- (2) Gross weight of 4001 to 6000 pounds, one hundred dollars;

- 1 (3) Gross weight of 6001 to 8000 pounds, one hundred fifteen dollars;
- 2 (4) Gross weight of 8001 to 10,000 pounds, one hundred thirty dollars;
- 3 (5) Gross weight of 10,001 to 12,000 pounds, one hundred fifty dollars;
- 4 (6) Gross weight of 12,001 to 14,000 pounds, one hundred seventy-five dollars;
- 5 (7) Gross weight of 14,001 to 16,000 pounds, two hundred dollars;
- 6 (8) Gross weight of 16,001 to 18,000 pounds, two hundred twenty-five dollars;
- 7 (9) Gross weight of 18,001 to 20,000 pounds, two hundred fifty dollars;
- 8 (10) For each additional 2000 pounds or major fraction thereof in excess of 20,000
- 9 pounds, forty dollars;:
- 10 (11) For each vehicle or combination of vehicles as defined in § 32-22-10 with a gross
- 11 weight in excess of 78,000 pounds, seven dollars in addition to the fee schedule
- 12 above.
- 13 ~~—If any commercial motor vehicle, according to the manufacturer's model year designation,~~
- 14 ~~is five years old or more on January first of the year for which a license fee is required, that fee~~
- 15 ~~is ninety percent of the fee ordinarily prescribed.~~

16 Section 8. That § 10-47B-4 be amended to read as follows:

17 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 18 (1) Motor fuel (except ~~ethanol blends, E85 and M85 blends~~ ethyl alcohol, methyl
- 19 alcohol, and aviation gasoline)--~~\$.22~~ \$.25 per gallon;
- 20 (2) Special fuel (except jet fuel)--~~\$.22~~ \$.25 per gallon;
- 21 (3) ~~Ethanol blends--\$.20 per gallon;~~
- 22 ~~—(4)—Aviation gasoline--\$.06 per gallon;~~
- 23 ~~(5)(4)~~ Jet fuel--\$.04 per gallon;
- 24 ~~—(6)—E85 and M85--\$.10 per gallon;~~

- 1 ~~(7)~~ ~~E85 and M85 used in aircraft--\$.04 per gallon;~~
- 2 ~~(8)~~(5) Liquid petroleum gas--~~\$.20~~ \$.23 per gallon;
- 3 ~~(9)~~(6) Compressed natural gas--~~\$.10~~ \$.13 per gallon;
- 4 (7) Ethyl alcohol and methyl alcohol--\$.09 per gallon.