

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

681E0235

HOUSE BILL NO. 1116

Introduced by: Representatives Broderick, Abdallah, Adelstein, Brown (Richard), Flowers, Garnos, Hennies (Don), Hennies (Thomas), Juhnke, Konold, McCoy, Monroe, Pederson (Gordon), Smidt, Solum, Valandra, and Wick and Senators Vitter, Brosz, Daugaard, Diedtrich (Elmer), Duxbury, Everist, Hutmacher, McCracken, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to require that certain vehicles and equipment used for
2 construction be registered.

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

4 Section 1. That § 32-5-75 be repealed.

5 ~~— 32-5-75. Notwithstanding any provisions contained in this title, any motor vehicle, trailer,~~
6 ~~semitrailer, motor propelled or traileed vehicle chassis, or other item of equipment or machinery~~
7 ~~which is used exclusively for the construction of township roads, stock water dugouts, dams, and~~
8 ~~other soil and water conservation practices on farms or ranches, or the construction or~~
9 ~~maintenance of highways in the State of South Dakota and which by reason of either its length,~~
10 ~~width, or weight exceeds the maximum limit prescribed by law and which when operated on the~~
11 ~~highways of the State of South Dakota under a special permit obtained in accordance with this~~
12 ~~title, such item of equipment or its owner or operator shall be exempt from any license plate or~~
13 ~~compensation plate for unusual use of the highways prior to or at the time of the operation of~~

1 ~~any of the above items on the highways of the State of South Dakota.~~

2 Section 2. That § 32-9-3.3 be amended to read as follows:

3 32-9-3.3. The owner of any vehicle or equipment as defined by subdivision ~~32-9-3(9)~~ 32-9-
4 3(7) shall, prior to the calendar year in which it is to be operated, file an application for a license
5 with the department. The application shall be on a form prescribed and furnished by the
6 department and shall provide the department with the information necessary to implement this
7 section. The fee shall be twenty-five dollars.

8 Section 3. That § 32-9-3 be amended to read as follows:

9 32-9-3. For the purposes of this chapter, the following do not come within the definition of
10 "motor carriers" or "commercial vehicles" if used in intrastate operations:

11 (1) A motor vehicle registered in South Dakota used to carry private business property
12 of five hundred pounds or less;

13 (2) A motor vehicle chassis registered in South Dakota on which is mounted a
14 cornsheller, grain cleaner, feed grinder, grain and alfalfa feed mixing machine,
15 haystack mover, sawmill, water well drilling equipment, power shovel, ditchdigger,
16 mobile crane which exceeds the maximum size or weight limits prescribed by chapter
17 32-22, drag line, posthole auger, and which is not used for demonstration or display
18 purposes outside the limits of a municipality, or a truck tractor and trailer carrying
19 permanently mounted hay grinding equipment;

20 (3) Any motor vehicle registered in South Dakota used for the transportation of liquid or
21 solid livestock waste including trailers and equipment used to load liquid or solid
22 livestock waste and any vehicle registered in South Dakota used for the application,
23 distribution, spraying, or transportation from retail business to user of dry, liquid, or
24 anhydrous ammonia fertilizers or agricultural chemicals;

- 1 (4) A motor vehicle registered in South Dakota of less than thirty thousand pounds gross
2 weight owned by a merchant licensed under chapter 10-45 or the merchant's
3 commissioned paid employee and used to transport the merchant's previously sold
4 merchandise to a purchaser outside the limits of a municipality and to return
5 exchanged property or to transport fuels to a purchaser within a municipality or an
6 unincorporated town which is without such service;
- 7 (5) A motor vehicle registered in South Dakota, owned by a farmer of this state and used
8 by or for the farmer to transport property for the farmer's farming operation, to
9 transport farm property from farm to farm or from a community or market to the farm
10 or from the farm to a community or market, to transport livestock in a vehicle or
11 combination of vehicles registered at twenty-six thousand pounds or less without
12 monetary compensation, or to transport farm property when the vehicles are used as
13 reimbursement in the ordinary exchange of farm work;
- 14 (6) A motor vehicle registered in South Dakota operated by or for its owner and
15 exclusively used to transport products originating in or produced from logging or
16 mining operations or lumber milling waste products if such products are owned in fee
17 by the motor vehicle owner;
- 18 (7) ~~Except as provided in § 32-9-3.3, any~~ Any motor vehicle, trailer, semitrailer, motor
19 propelled, or trailed vehicle chassis registered in South Dakota, which is used ~~for~~
20 ~~highway construction or~~ exclusively on the job site for the construction of township
21 roads, stock water dugouts, dams, farm and ranch irrigation systems, or other soil and
22 water conservation projects on farms and ranches ~~and used exclusively on the job site.~~
23 Such, or for the construction or maintenance of highways in the State of South
24 Dakota. Prior to moving any such vehicle or equipment may move between job sites

1 or from job site to a central location, the owner shall register the vehicle or equipment
2 pursuant to section 4 of this Act;

3 (8) A motor vehicle used principally for providing prearranged transportation of persons
4 to or from their place of employment and is operated by a person who does not drive
5 the vehicle for the person's principal occupation, but is driving it only to or from the
6 person's principal place of employment or for personal use as permitted by the owner
7 of the vehicle;

8 (9) A motor vehicle that is not for hire and is operated solely for educational purposes by
9 a student or an instructor as part of a heavy motor vehicle or heavy equipment
10 operator's course offered by a nonprofit postsecondary institution located in the state;

11 (10) A motor vehicle used for personal purposes and not operated for private business use;

12 (11) A motor vehicle used for recreational purposes and not operated for private business
13 use;

14 (12) A motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis,
15 registered in South Dakota and used to move equipment involved in soil and water
16 conservation projects or township road work when operated between job sites or
17 from a job site to a central location or point of repair;

18 (13) Any motor vehicle used by an implement dealer to transport farm machinery to and
19 from a county fair or the state fair;

20 (14) A motor vehicle owned by a licensed motor vehicle dealer and used to transport
21 inventory replacement vehicles to the dealer's principal place of business. For the
22 purpose of this subdivision, motor vehicle does not include any motor vehicle which
23 carries inventory replacement vehicles entirely upon its own structure.

24 Section 4. That chapter 32-9 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 Before any motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis
3 defined in subdivision 32-9-3(7) is moved between job sites or from one job site to a central
4 location, the owner shall register the unit pursuant to § 32-9-3.3 and purchase a five dollar
5 permit for the movement of the vehicle or equipment on the roads and highways or register the
6 vehicle or equipment pursuant to § 32-5-6.3, 32-5-8, or 32-5-8.1. The owner shall purchase the
7 permit from an agent, patrol officer, motor carrier enforcement officer, or motor carrier inspector
8 of the Department of Commerce and Regulation. The permit shall be prescribed by the secretary
9 of revenue and the permit fees shall be deposited credited to the local government highway and
10 bridge fund created pursuant to § 32-11-34.