

AN ACT

ENTITLED, An Act to require that certain vehicles and equipment used for construction be registered.

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

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 That § 32-5-75 be repealed.

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

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

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

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

- (1) A motor vehicle registered in South Dakota used to carry private business property of five hundred pounds or less;
- (2) A motor vehicle chassis registered in South Dakota on which is mounted a cornsheller, grain cleaner, feed grinder, grain and alfalfa feed mixing machine, haystack mover, sawmill, water well drilling equipment, power shovel, ditchdigger, mobile crane which exceeds the maximum size or weight limits prescribed by chapter 32-22, drag line, posthole auger, and which is not used for demonstration or display purposes outside the limits of a municipality, or a truck tractor and trailer carrying permanently mounted hay grinding equipment;
- (3) Any motor vehicle registered in South Dakota used for the transportation of liquid or solid

livestock waste including trailers and equipment used to load liquid or solid livestock waste and any vehicle registered in South Dakota used for the application, distribution, spraying, or transportation from retail business to user of dry, liquid, or anhydrous ammonia fertilizers or agricultural chemicals;

- (4) A motor vehicle registered in South Dakota of less than thirty thousand pounds gross weight owned by a merchant licensed under chapter 10-45 or the merchant's commissioned paid employee and used to transport the merchant's previously sold merchandise to a purchaser outside the limits of a municipality and to return exchanged property or to transport fuels to a purchaser within a municipality or an unincorporated town which is without such service;
- (5) A motor vehicle registered in South Dakota, owned by a farmer of this state and used by or for the farmer to transport property for the farmer's farming operation, to transport farm property from farm to farm or from a community or market to the farm or from the farm to a community or market, to transport livestock in a vehicle or combination of vehicles registered at twenty-six thousand pounds or less without monetary compensation, or to transport farm property when the vehicles are used as reimbursement in the ordinary exchange of farm work;
- (6) A motor vehicle registered in South Dakota operated by or for its owner and exclusively used to transport products originating in or produced from logging or mining operations or lumber milling waste products if such products are owned in fee by the motor vehicle owner;
- (7) Any motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis registered in South Dakota, which is used exclusively on the job site for the construction of township roads, stock water dugouts, dams, farm and ranch irrigation systems, or other soil and

water conservation projects on farms and ranches, or for the construction or maintenance of highways in the State of South Dakota. Prior to moving any such vehicle or equipment between job sites or from job site to a central location, the owner shall register the vehicle or equipment pursuant to section 4 of this Act;

- (8) A motor vehicle used principally for providing prearranged transportation of persons to or from their place of employment and is operated by a person who does not drive the vehicle for the person's principal occupation, but is driving it only to or from the person's principal place of employment or for personal use as permitted by the owner of the vehicle;
- (9) A motor vehicle that is not for hire and is operated solely for educational purposes by a student or an instructor as part of a heavy motor vehicle or heavy equipment operator's course offered by a nonprofit postsecondary institution located in the state;
- (10) A motor vehicle used for personal purposes and not operated for private business use;
- (11) A motor vehicle used for recreational purposes and not operated for private business use;
- (12) A motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis, registered in South Dakota and used to move equipment involved in soil and water conservation projects or township road work when operated between job sites or from a job site to a central location or point of repair;
- (13) Any motor vehicle used by an implement dealer to transport farm machinery to and from a county fair or the state fair;
- (14) A motor vehicle owned by a licensed motor vehicle dealer and used to transport inventory replacement vehicles to the dealer's principal place of business. For the purpose of this subdivision, motor vehicle does not include any motor vehicle which carries inventory replacement vehicles entirely upon its own structure.

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

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

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1116

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1116

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
SS.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State