

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

545N0385

SENATE BILL NO. 94

Introduced by: Senators McCracken, Napoli, and Peterson (Jim) and Representatives Krebs,
McLaughlin, Vanneman, and Willadsen

1 FOR AN ACT ENTITLED, An Act to require a motor vehicle manufacturer to reimburse a
2 consumer for excise tax and license and registration fees if a vehicle is replaced under lemon
3 law provisions.

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

5 Section 1. That § 32-6D-3 be amended to read as follows:

6 32-6D-3. If, after reasonable attempts, the manufacturer or its authorized dealer is unable
7 to conform the motor vehicle to any express warranty by repairing or correcting a
8 nonconforming condition of the motor vehicle which first occurred during the lemon law rights
9 period, the manufacturer shall, through its authorized dealer, at the option of the consumer,
10 replace the motor vehicle with a comparable new motor vehicle and shall refund the customer
11 all collateral charges, including excise tax, license, and registration fees and similar government
12 charges or shall accept return of the vehicle from the consumer and refund to the consumer the
13 following:

14 (1) The full contract price including charges for undercoating, dealer preparation, and
15 transportation charges, and installed options, plus the nonrefundable portions of



- 1 extended warranties and service contracts;
- 2 (2) All collateral charges, including excise tax, license, and registration fees and similar
- 3 government charges;
- 4 (3) All finance charges incurred by the consumer after he first reported the
- 5 nonconformity to the manufacturer or its authorized dealer; and
- 6 (4) Any incidental damages which shall include the reasonable cost of alternative
- 7 transportation during the period that the consumer is without the use of the motor
- 8 vehicle because of the nonconforming condition.