

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0256

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB 1081** - 01/25/2007

Introduced by: The Committee on Transportation at the request of the Department of
Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions to provide that motor vehicle
2 license plates remain with the owner of the plates.

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

4 Section 1. That § 32-5-2.3 be repealed.

5 ~~32-5-2.3. Each owner of a noncommercial motor vehicle registered before January 1, 1990,~~
6 ~~shall, no later than March 31, 1990, renew the registration of the vehicle by payment of the~~
7 ~~registration fee. To implement this section, the initial licensing and registration period may be~~
8 ~~for a period varying from six months to eighteen months to comply with § 32-5-2.2. All~~
9 ~~registration fees shall be prorated on a monthly basis.~~

10 Section 2. That § 32-5-2.4 be amended to read as follows:

11 32-5-2.4. ~~After the conversion period, all~~ All owners shall continue to renew the
12 registrations of their vehicles during the month assigned to the first initial of their last name.
13 Each registration fee shall be prorated on a monthly basis. All license plates or validation
14 stickers issued on a staggered basis shall expire on the last day of the month assigned for the
15 renewal of registration by § 32-5-2.2. If a person operates a motor vehicle without the current



license plate displaying the proper validation sticker he is guilty of a Class 2 misdemeanor.

Section 3. That section 4 of chapter 158 of the 2005 Session Laws be amended to read as follows:

Section 4. That § 32-5-2.5 be amended to read as follows:

32-5-2.5. A person who acquires a motor vehicle required to be annually registered shall, at the time of application and no later than thirty days after the date of purchase apply for a certificate of title or transfer of title, ~~renew the vehicle's registration by purchasing license plates or validation decals which would be valid~~ register the vehicle until the appropriate month assigned to the person for renewal by § 32-5-2.2. ~~The person who acquires a vehicle that is registered in this state shall be given credit for all full months remaining on the vehicle's unexpired registration. This section does not apply if the vehicles are exempted from the excise tax by § 32-5B-2.~~

Section 4. That section 1 of chapter 158 of the 2005 Session Laws be amended to read as follows:

Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

If the ownership of a vehicle registered pursuant to the provisions of this chapter is transferred or assigned, ~~the registration of the vehicle expires and the transferor shall remove the number plates from the vehicle~~ and shall receive credit for the unexpired months at the time the plates are attached to another vehicle. No refund may be issued if the plate is detached and not reattached. If the transferor fails to remove the number plates pursuant to this section, the transferor loses any credit and the plates are no longer valid. A violation of this section is guilty of a Class 2 misdemeanor.

Section 5. That section 2 of chapter 158 of the 2005 Session Laws be repealed.

Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

~~— A transferor pursuant to section 1 of this Act who has removed number plates from a motor vehicle shall, within thirty days, either:~~

~~— (1) — Affix the number plates to any vehicle acquired by the transferor; or~~

~~— (2) — Destroy the number plates.~~

~~— If the transferor affixes the number plates to any vehicle, the transferor shall register the vehicle within thirty days.~~

~~— Any violation of this section is a Class 2 misdemeanor.~~

Section 6. That section 3 of chapter 158 of the 2005 Session Laws be amended to read as follows:

Section 3. ~~If a person purchases a motor vehicle that the number plates have been removed pursuant to section 1 of this Act, the person may operate the motor vehicle for five days from the date of purchase without number plates if a dated notarized bill of sale is carried in the motor vehicle.~~ If a vehicle is sold or transferred, the seller shall provide the purchaser with a seller's permit that shall allow for the movement of the vehicle until registered but no later than thirty days from the date of purchase. Failure to comply with this section is a Class 2 misdemeanor.

Section 7. That § 32-5-3 be amended to read as follows:

32-5-3. The application required by § 32-5-2 shall also state the name of ~~the~~ each owner along with the owner's South Dakota driver license number or social security number, or, if a business, the federal employer identification number, of the motor vehicle, ~~his~~ the owner's residence post office address ~~and or his~~ the owner's business address, including county, and if in a first or second class municipality, ~~his~~ the street number, ~~and in case of a truck, truck tractor,~~

1 ~~road tractor, trailer, semitrailer, or recreational vehicle whether or not used exclusively within~~
2 ~~the corporate limits of any municipality, and such other information as may be required by the~~
3 ~~department.~~

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

5 32-5-5. Vehicle license fees provided by this chapter are based, except as otherwise
6 specifically provided, upon manufacturers' weights, including accessories. If a noncommercial
7 motor vehicle is an automobile, pickup truck, or van with a manufacturer's shipping weight,
8 including accessories, of ten thousand pounds or less, the license fees for such a motor vehicle
9 shall be as provided by § 32-5-6. However, if the noncommercial motor vehicle is a pickup
10 truck that weighs more than six thousand pounds, the owner has the choice of paying the license
11 fees pursuant to § 32-5-6 or paying the license fees based on the gross weight of the motor
12 vehicle as provided in § 32-5-6.3. The license fees for a noncommercial motor home are as
13 provided by § 32-5-6.1. The license fees for a motorcycle are as provided by § 32-5-9. The
14 license fees for a snowmobile are as provided by § 32-5-9.1. The license fees for any other
15 noncommercial motor vehicle are based on the gross weight of the motor vehicle and are as
16 provided in § 32-5-6.3. If the department determines the actual dry weight of any model vehicle
17 with accessories to be at variance with the manufacturers' shipping weight, the department shall
18 certify the correct weight to be used in determining fees. These fees shall be assessed and paid
19 annually to the county treasurer. Upon initial registration of a vehicle, the fees shall be assessed
20 based upon the date of sale.

21 Section 9. That § 32-5-6.3 be amended to read as follows:

22 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile,
23 pickup truck, or van licensed pursuant to § 32-5-6 shall be determined by the gross weight of
24 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 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 section at a gross weight in excess of the gross weight for which it has been licensed. If the owner chooses to lower the registered weight, the plate shall be returned along with any validation decal and a new plate issued with the correct registered weight.

Section 10. That § 32-5-23 be amended to read as follows:

32-5-23. If a registered and licensed motor vehicle is destroyed by collision or fire, disposed of for salvage, or if rejected or condemned for use on the highways as the result of action by any inspection authority of this state, the registered owner of the current license plates thereon may remove the license plates and ~~forward them to the department to be destroyed. The owner shall receive a refund of the regular license fee only for the fractional year involved, prorated monthly. The refund shall be paid by the county treasurer of the county issuing the license on order of the secretary. The refund can only be issued to the person who originally paid the license fees for the current year~~ attach the plates to a newly acquired vehicle. Credit for the remaining months on the registration shall be given. If the plates were destroyed, the owner shall apply for a replacement set of plates for a fee of ten dollars.

Section 11. That § 32-5-79 be repealed.

~~32-5-79. The department shall furnish all application blanks and receipt blanks necessary for the registration of motor vehicles and on or before the thirty-first day of December of each year shall furnish to each county treasurer, such quantity of number plates or decals as may be deemed necessary for the subsequent calendar year.~~

Section 12. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

At the time of sale of a vehicle, the seller shall file a report of sale with the department indicating the purchaser's name and address. Failure to file such a report is a Class 2 misdemeanor.

Section 13. 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 and shall be apportioned on a monthly basis.

Section 14. That § 32-11-4.1 be amended to read as follows:

32-11-4.1. All funds collected for motor vehicle licenses in each county shall be distributed in the following manner:

(1) Fifty-four percent of all funds collected shall be transmitted to the secretary of revenue and credited to the local government highway and bridge fund;

(1A) Twenty-two and one-half percent shall be credited to the county road and bridge fund of the county in which they were collected;

(2) Fourteen percent shall be retained by the county and placed in a fund to be known as

the special highway fund, which shall be used for the construction, reconstruction, and maintenance of roads and bridges in the county as provided by this section and §§ 32-11-5 to 32-11-9, inclusive. If the county in which funds are collected for motor vehicle licenses has completed the construction of the county highway system, the entire amount in the special highway fund shall be used for township roads, and the board of county commissioners may direct the county auditor to pay the collected amount directly to the townships pursuant to §§ 32-11-6 and 32-11-7;

(3) Five percent shall be forwarded to the municipalities within the counties in the following proportions: each municipality within each county shall receive funds in the proportion which the total street mileage of each municipality bears to the total street mileage of all the municipalities within the county. The apportionment shall be made quarterly by the county commissioners at the first meeting in January, April, July, and October. In any county having no municipalities, the five percent collection shall be placed in the county road and bridge fund of the county;

(4) ~~Two~~ One and three-fourths percent shall be credited to the state motor vehicle fund; and

(5) One-fourth of one percent shall be credited to the county treasurer fund in the county in which the fees were collected to cover expenses for supplies such as toner, paper, etc.;

(6) Two and one-half percent shall be credited to the state license plate special revenue fund.

Section 15. That § 32-3-18 be amended to read as follows:

32-3-18. Application for a certificate of title shall be made to the secretary, upon a form prescribed by the secretary, ~~containing~~. The application shall contain a listing of all owners

1 along with either a South Dakota driver license number or social security number, or, if a
2 business, the federal employer identification number; the address of the applicant; a full
3 description of the vehicle with vehicle identification numbers, if any;; a statement of applicant's
4 title and all liens and encumbrances thereon;; the county in which the vehicle is to be kept;; and
5 the names and addresses of the holders of all liens, title reservations, and encumbrances thereon;
6 ~~and any other information as the secretary shall require.~~ The application shall be accompanied
7 by a fee of five dollars. If a certificate of title has previously been issued for the motor vehicle,
8 trailer, or semitrailer in this state, it shall be accompanied by the certificate of title duly
9 assigned, unless provided for in this chapter.

10 Section 16. That § 32-5-97.2 be repealed.

11 ~~32-5-97.2. Electric or gas utilities as defined in chapter 49-34A or any common carrier~~
12 ~~offering telecommunications service to the public as defined in chapter 49-31 who own straight~~
13 ~~trucks with two or three axles, used wholly and exclusively to carry their own equipment or~~
14 ~~property used for the construction or maintenance of their operating utility property, may apply~~
15 ~~to the county treasurer for a decal with the word "utility" inscribed thereon. The decal shall be~~
16 ~~placed on the license plate of the vehicle for which the application is made. The department~~
17 ~~shall prescribe the form and size of the decal and the manner of application. The department~~
18 ~~shall supply the decals to the county treasurer.~~

19 Section 17. That § 32-5-55 be amended to read as follows:

20 32-5-55. Any owner of a motor vehicle, who is a resident of this state, who is a regularly
21 enlisted or commissioned member of the South Dakota National Guard, other than an inactive
22 member thereof, and who has complied with all of the laws of this state in relation to the
23 registration of a motor vehicle, may receive plates bearing a ~~distinctive~~ special number and
24 design, and designating the person as a member or retired member of the South Dakota National

Guard. The number plates shall be designed by the adjutant general and subject to the approval of the department. ~~The distinctive plates shall be in addition to the regular number plates issued for the motor vehicle pursuant to § 32-5-98.~~ The ~~distinctive~~ special plates shall be displayed as set forth in § 32-5-98 ~~and the regular number plates shall be kept on or in the motor vehicle.~~

Section 18. That § 32-5-56 be amended to read as follows:

32-5-56. Each person receiving national guard ~~distinctive~~ special number plates shall pay a ten dollar fee ~~therefor which shall be fixed by the department so as to reimburse the State of South Dakota~~ for the cost of producing the special number plates. All fees collected under this section shall be placed in the license plate special revenue fund, as provided under § 32-5-67.

Section 19. That § 32-5-59 be amended to read as follows:

32-5-59. Each member of the South Dakota National Guard shall apply to the county treasurer of the county of ~~his~~ his residence for the issuance of ~~regular~~ special number plates for the motor vehicles owned by ~~him~~ the member. The guard member, in order to receive the ~~distinctive~~ special plates, shall have paid the appropriate license fee for the ~~regular number plates and submitted the registration slip for the regular number plates to the adjutant general~~ registration of the vehicle.

Section 20. That § 32-5-62 be amended to read as follows:

32-5-62. If any member of the South Dakota National Guard is discharged, separated, or furloughed therefrom to a reserve or inactive status, the adjutant general shall, before relieving the member, require ~~him~~ the member to surrender the ~~distinctive~~ special number plates identifying him ~~or her~~ as a member of the South Dakota National Guard. The ~~distinctive~~ special plates shall be surrendered to the adjutant general who shall notify the secretary who shall make the necessary changes in ~~his~~ the registration file. The vehicle owner shall ~~retain the~~ obtain regular number plates issued under § 32-5-55.

Section 21. That § 32-5-63 be amended to read as follows:

32-5-63. If at any time a motor vehicle subject to the ~~distinctive~~ special number plates issued for the national guard shall be sold, conveyed, or otherwise transferred by the member or retired member of the South Dakota National Guard to whom such ~~distinctive~~ special number plates have been issued, ~~he the member~~ shall notify the ~~adjutant general~~ county treasurer of the county of residence. The ~~adjutant general~~ county shall process a new registration indicating the motor vehicle to which the ~~distinctive~~ special plates are to be transferred and send it to the department. The secretary shall make the necessary changes in the file. The department shall notify the applicant of any corrections which need to be made.

~~—The regular number plates shall remain with the motor vehicle to which they were issued. If the motor vehicle to which the distinctive plates are being transferred does not have valid regular number license plates, the guard member shall obtain regular number license plates.~~

Section 22. That § 32-5-65 be amended to read as follows:

32-5-65. Any commercial radio station or broadcasting company that holds an unrevoked and unexpired official license issued by the federal communications commission or employees of ~~such~~ the station or company when requested and approved by the station or the company, and who are residents of this state and have complied with all the laws of this state in ~~obtaining~~ regular number plates for such motor vehicle regards to the registration of a motor vehicle, may apply for a set of ~~distinctive~~ special plates bearing an inscription thereon of the call letters authorized for the station or company radio license by making application therefor as provided in § 32-5-66. The ~~distinctive~~ special plates are in ~~addition to~~ lieu of the regular number plates issued for the motor vehicle. The ~~distinctive~~ special plates shall be displayed as set forth in § 32-5-98 ~~and the regular number plates shall be kept on or in the motor vehicle~~. A ten dollar fee shall be charged for the ~~distinctive~~ special plates and for the renewal stickers. If the federal

1 communication commission's license is revoked, the owner shall surrender the ~~distinctive~~
2 special license plates to the department. If the employee is no longer employed by the station
3 or the broadcasting company, the employee shall surrender the ~~distinctive~~ special license plates
4 to the department. The secretary shall make the necessary changes in ~~his~~ the registration file.
5 The owner shall ~~retain the~~ obtain regular number plates. Failure to surrender the ~~distinctive~~
6 special license plates as required by this section is a Class 2 misdemeanor.

7 Section 23. That § 32-5-65.1 be amended to read as follows:

8 32-5-65.1. Any owner of a motor vehicle who holds an unrevoked and unexpired official
9 amateur radio license, is a resident of this state and has complied with all the laws of this state
10 in ~~obtaining regular number plates for such motor vehicle~~ regards to the registration of a motor
11 vehicle, may apply for a set of ~~distinctive~~ special plates bearing an inscription thereon of the call
12 letters authorized for his amateur radio license by making application therefor as provided in
13 § 32-5-66. The ~~distinctive~~ special plates are in ~~addition to~~ lieu of the regular number plates
14 issued for the motor vehicle. The ~~distinctive~~ special plates shall be displayed as set forth in § 32-
15 5-98 ~~and the regular number plates shall be kept on or in the motor vehicle~~. A ten dollar fee
16 shall be charged for the ~~distinctive~~ special plates and for renewal stickers. If the amateur radio
17 license is revoked, the owner shall surrender the ~~distinctive~~ special license plates to the
18 department. The secretary shall make the necessary changes in ~~his~~ the registration file. The
19 owner shall ~~retain the~~ obtain regular number plates. Failure to surrender the ~~distinctive~~ special
20 license plates as required by this section is a Class 2 misdemeanor.

21 Section 24. That § 32-5-66 be repealed.

22 ~~32-5-66. Application for the special plates authorized by §§ 32-5-65 and 32-5-65.1 shall be~~
23 ~~made in writing to the secretary, and if the applicant has met all of the requirements of law and~~
24 ~~the rules promulgated by the secretary, special plates bearing an inscription of the applicant's~~

1 ~~radio call letters shall be furnished to the applicant.~~

2 Section 25. That § 32-5-67 be amended to read as follows:

3 32-5-67. All fees received pursuant to ~~§ 32-5-66~~ §§ 32-5-65 and 32-5-65.1 shall be credited
4 to a fund to be known as the license plate special revenue fund. The special revenue fund shall
5 be expended for the purchase of special plates required pursuant to this chapter and the expenses
6 of the office incident to the issuance thereof. Disbursements from this fund shall be made by
7 warrants drawn by the state auditor on vouchers duly approved by the secretary.

8 Section 26. That § 32-5-76 be amended to read as follows:

9 32-5-76. An owner of a motor vehicle, who is a resident of this state, who has complied with
10 all the laws of this state in ~~obtaining regular number license plates for the motor vehicle~~ regards
11 to the registration of a motor vehicle, and who operates or directs the operation of the vehicle,
12 may submit to the county treasurer an application containing a physician's certificate on a form
13 approved by the secretary, stating that the applicant is a person with a substantial physical
14 disability that makes it impossible or causes substantial hardship to walk. The secretary shall
15 promulgate a rule, pursuant to chapter 1-26, defining a person with a physical disability. The
16 county treasurer shall procure, issue, and deliver to the applicant plates with letters, numbers,
17 or symbols, or any combination thereof, as the secretary may prescribe. The plates shall be
18 designed to readily apprise law enforcement officers of the fact that the motor vehicle is owned,
19 operated, or used in transporting a person with a substantial disability. No charge may be made
20 for the issuance of the ~~distinctive~~ special plates. The ~~distinctive~~ special plates shall be in
21 ~~addition to~~ lieu of the regular number plates issued for the motor vehicle. The ~~distinctive~~ special
22 plates shall be displayed as set forth in § 32-5-98 ~~and the regular number plates shall be kept on~~
23 ~~or in the motor vehicle~~. If the applicant is no longer a person with a physical disability or is
24 deceased, the ~~distinctive~~ special plates shall be surrendered within thirty days to the county

1 treasurer of the applicant's residence, and the treasurer shall notify the secretary who shall make
2 the necessary changes in the registration file. The owner shall obtain regular number plates ~~shall~~
3 ~~remain with the motor vehicle to which the plates were issued.~~ Failure to surrender the
4 ~~distinctive~~ special license plates as required by this section is a Class 2 misdemeanor. It is a
5 Class 1 misdemeanor to submit a false or fraudulent application.

6 Section 27. That § 32-5-76.3 be amended to read as follows:

7 32-5-76.3. Any nursing facility licensed pursuant to the provisions of chapter 34-12 and
8 which has complied with all laws of this state in ~~obtaining title, license plates, and registration~~
9 ~~for its motor vehicles~~ regards to the registration of a motor vehicle, may apply for a set of
10 ~~distinctive~~ special plates as prescribed by § 32-5-76 permitting the operator of a vehicle
11 transporting any person with a disability to park pursuant to § 32-30-11.1. However, the vehicle
12 may only park for the time reasonably necessary to load or unload passengers in any space
13 reserved for persons with disabilities. The application shall be made on a form approved by the
14 secretary. If the department determines that the applicant is licensed as a nursing facility, the
15 secretary shall issue and deliver a set of ~~distinctive~~ special plates to the applicant. The secretary
16 may promulgate rules, pursuant to chapter 1-26, regarding the application for, term of, and
17 conditions under which the ~~distinctive~~ special plates may be issued. If the applicant no longer
18 transports persons with physical disabilities, the applicant shall surrender the ~~distinctive~~ special
19 plates to the department within thirty days. Failure to surrender the ~~distinctive~~ special license
20 plates as required by this section is a Class 2 misdemeanor.

21 Section 28. That § 32-5-89.2 be amended to read as follows:

22 32-5-89.2. Any owner of a motor vehicle, including a motorcycle, who is a resident of this
23 state, and who has complied with all laws of this state in ~~obtaining regular license plates for a~~
24 ~~motor vehicle, including a motorcycle~~ regards to the registration of a motor vehicle, may have

1 the license plates replaced by special personalized license plates which shall conform in size and
2 color combinations as may be provided by the secretary. No personalized license plate for a
3 motor vehicle other than a motorcycle may contain more than seven letters nor less than two
4 letters. No personalized license plate for a motorcycle may contain more than six letters nor less
5 than two letters. There may be no duplication of the personalized license plates issued by the
6 secretary. The secretary may refuse to issue any letter combination which carries connotations
7 offensive to good taste and decency.

8 Section 29. That § 32-5-89.3 be amended to read as follows:

9 32-5-89.3. Application for special personalized license plates shall be made on forms
10 prescribed by the secretary. Upon the receipt of a properly completed application form and
11 payment of a fee of twenty-five dollars for any motor vehicle other than a motorcycle, the
12 department shall order the special plates. The fee for a personalized license plate for a
13 motorcycle is twenty dollars. Upon issuance of the personalized license plates, the owner shall
14 display the special plates on the assigned vehicle. ~~The regular plates assigned to the vehicle shall~~
15 ~~be kept in or on the vehicle.~~

16 Personalized license plates shall be validated with ~~distinctive~~ stickers and are valid only for
17 the registration year for which the stickers are issued. The annual fee for personalized license
18 plate validation stickers for a motor vehicle other than a motorcycle is twenty-five dollars. The
19 annual fee for a personalized license plate validation sticker for a motorcycle is twenty dollars.
20 During the year originally issued, the personalized license metal plate fee includes the cost of
21 that year's validation sticker. ~~Special personalized plates and current year validation stickers are~~
22 ~~not in lieu of regular plates or the applicable license fees prescribed in this chapter.~~ The fees for
23 personalized plates and validation stickers shall be credited to a fund to be known as the license
24 plate special revenue fund.

Section 30. That § 32-5-89.6 be repealed.

~~32-5-89.6. Any applicant issued a personalized vehicle license plate that was issued after January 1, 1996, and before July 1, 1996, may receive a refund of license fees in the amount of fifty dollars. Any applicant issued a personalized motorcycle license plate that was issued after January 1, 1996, and before July 1, 1996, may receive a refund of license fees in the amount of thirty dollars.~~

Section 31. That § 32-5-108 be amended to read as follows:

32-5-108. Any resident veteran owner of a motor vehicle who has received the United States Veterans' Administration K Award, meets the qualifications established by Public Law 187 of the Eighty-second Congress for a veteran to receive an automobile, or a veteran who has been rated as in receipt of a statutory benefit for loss or loss of use of one or more extremities, or a veteran who receives a veteran's allotment for total disability under compensation which is considered a service-connected injury, upon application to the department shall receive a set of distinct special license plates in addition to a set of regular number license plates. The distinctive special plates shall be displayed as set forth in § 32-5-98 and the number plates shall be kept on or in the motor vehicle. The design of the license plate shall consist of a white background bordered on the left by a blue field with white stars and on the right by alternating red and white stripes. The words "Disabled Veteran" shall be inscribed on the plate in blue, in at least ten point bold type. The license plate shall be reflectorized and validated each year with a sticker in the same manner as a noncommercial license plate. License fees for the distinctive special plates and the regular number plates shall be ten dollars for both and ten dollars for the plates and the renewal stickers. No license fee or sticker fee pursuant to § 32-5-6 may be charged to the veteran. The fees shall be deposited in the license plate special revenue fund.

In order to qualify for a special license plate pursuant to this section, a veteran shall, in

1 addition to meeting the qualifications established in the first paragraph, have incurred ~~his~~
2 disabling injuries while serving the United States in active duty during a time of war or while
3 participating in a military mission involving armed conflict. If it is determined that the veteran
4 owner does not qualify for the ~~distinctive~~ special plates or if the veteran owner dies, the plates
5 shall be surrendered to the county treasurer of applicant's residence. The treasurer shall notify
6 the secretary who shall make the necessary changes in the registration file. ~~The regular number~~
7 ~~plates shall remain with the motor vehicle to which they were issued.~~ Failure to surrender the
8 ~~distinctive~~ special license plates as required by this section is a Class 2 misdemeanor.

9 Section 32. That § 32-5-109 be amended to read as follows:

10 32-5-109. Any resident of this state who was a prisoner of war while serving in the United
11 States armed forces and who received an honorable discharge from the United States armed
12 forces is eligible to apply to the secretary for special motor vehicle license plates if ~~he~~ the
13 resident has first complied with all laws of this state ~~in obtaining standard motor vehicle license~~
14 ~~plates.~~ Each application shall be on a form prescribed by the secretary and shall include
15 certification of the applicant's prisoner of war status from the United States Veterans'
16 Administration. The applicant shall pay a ten dollar fee and shall receive ~~both distinctive~~ special
17 ~~plates and regular number plates.~~ The ~~regular number plates shall be kept on or in the motor~~
18 ~~vehicle, and the distinctive~~ special plates shall be displayed as set forth in § 32-5-98. A fee of
19 ten dollars shall be paid for the renewal stickers. No registration fee or sticker fee may be
20 charged to the applicant pursuant to § 32-5-6. The fees shall be deposited into the license plate
21 special revenue fund. Upon approval of the application, the secretary shall issue the license
22 plates which shall be numbered consecutively, beginning with the number 1, and the number
23 shall be preceded by the letters POW. If it is determined that an applicant does not qualify for
24 the ~~distinctive~~ special plates or if the applicant dies, the plates shall be surrendered to the county

1 treasurer of the applicant's residence. The treasurer shall notify the secretary who shall make the
2 necessary changes in the registration file. ~~The regular number plates shall remain with the motor~~
3 ~~vehicle to which they were issued.~~ Failure to surrender the distinctive special license plates as
4 required by this section is a Class 2 misdemeanor.

5 Section 33. That § 32-5-109.1 be amended to read as follows:

6 32-5-109.1. Any resident of this state who was serving in the United States armed forces and
7 survived the attack at Pearl Harbor, Hawaii, on December 7, 1941, and who received an
8 honorable discharge, may apply to the secretary for special motor vehicle license plates. Each
9 application shall be on a form prescribed by the secretary and shall include such information as
10 the secretary may require. The applicant shall pay a ten dollar fee and shall receive ~~both~~
11 ~~distinctive special plates and regular number plates.~~ The ~~regular number plates shall be kept on~~
12 ~~or in the motor vehicle, and the distinctive special plates shall be displayed as set forth in § 32-~~
13 5-98. A fee of ten dollars shall be paid for the renewal stickers. No registration fee or sticker fee
14 may be charged to the applicant pursuant to § 32-5-6. The fee shall be deposited into the license
15 plate special revenue fund. Upon approval of the application, the secretary shall issue the license
16 plates. The license plates shall be numbered consecutively beginning with number 1 and contain
17 a symbol to be determined by the secretary indicating that the owner of the vehicle is a Pearl
18 Harbor survivor. If it is determined that an applicant does not qualify for the distinctive special
19 plates or if the applicant dies, the plates shall be surrendered to the county treasurer of the
20 applicant's residence. The treasurer shall notify the secretary who shall make the necessary
21 changes in the registration file. ~~The regular number plates shall remain with the motor vehicle~~
22 ~~to which they were issued.~~

23 Section 34. That § 32-5-109.2 be amended to read as follows:

24 32-5-109.2. Any resident veteran owner of a motor vehicle who has received the Purple

1 Heart Medal may apply to the secretary to receive a maximum of two sets of ~~distinct~~ special
2 license plates. ~~Such distinctive~~ The special license plates and the renewal stickers for the plates
3 shall be issued only upon proof of payment of the current registration fees ~~for regular plates~~
4 ~~issued by a county treasurer~~. The ~~distinctive~~ special plates shall be numbered consecutively
5 beginning with number 1 and contain a symbol to be determined by the secretary indicating that
6 the owner has received the Purple Heart Medal. The ~~distinctive~~ special plates shall be displayed
7 as set forth in § 32-5-98 ~~and the number plates shall be kept on or in the motor vehicle~~. The
8 ~~distinctive~~ special license plate shall be reflectorized and validated each year with a sticker in
9 the same manner as a noncommercial license plate. No license fees may be charged for the
10 ~~distinctive~~ special plates and its renewal stickers. If it is determined that the veteran owner does
11 not qualify for the ~~distinctive~~ special plates or if the veteran owner dies, the plates shall be
12 surrendered to the county treasurer of the applicant's residence. The treasurer shall notify the
13 secretary who shall make the necessary changes in the registration file. ~~The regular number~~
14 ~~plates shall remain with the motor vehicle to which they were issued~~. Failure to surrender the
15 ~~distinctive~~ special license plates as required by this section is a Class 2 misdemeanor.

16 Section 35. That § 32-5-109.3 be amended to read as follows:

17 32-5-109.3. Any resident veteran owner of a motor vehicle who has received the
18 Congressional Medal of Honor may apply to the secretary to receive a maximum of two sets of
19 ~~distinctive~~ special license plates. The ~~distinctive~~ special plates shall be numbered and contain
20 a symbol to be determined by the secretary indicating that the owner has received the
21 Congressional Medal of Honor. The symbol shall include a facsimile of the medallion portion
22 of the Congressional Medal of Honor for the branch of the armed forces in which the recipient
23 served at the time the award was earned. The ~~distinctive~~ special plates shall be displayed as set
24 forth in § 32-5-98 ~~and the number plates shall be kept on or in the motor vehicle~~. The ~~distinctive~~

1 special license plate shall be reflectorized and validated each year with a sticker in the same
2 manner as a noncommercial license plate. No license fees may be charged for the ~~distinctive~~
3 special plates and its renewal stickers, and any annual vehicle registration fees or other fees
4 associated with the plates and renewal stickers are waived. If it is determined that the veteran
5 owner does not qualify for the ~~distinctive~~ special plates, the plates shall be surrendered to the
6 county treasurer of the applicant's residence. The treasurer shall notify the secretary who shall
7 make the necessary changes in the registration file. The ~~regular number plates shall remain with~~
8 ~~the motor vehicle to which they were issued, except that the distinctive~~ special plates may be
9 retained by the veteran owner's family upon the veteran owner's death, but may not be displayed
10 on the vehicle beyond the expiration of the plates or renewal stickers. Failure to surrender the
11 ~~distinctive~~ special license plates as required by this section is a Class 2 misdemeanor.

12 Section 36. That § 32-5-109.4 be amended to read as follows:

13 32-5-109.4. An owner of a motor vehicle, who is a resident of this state, who has a valid
14 South Dakota driver's license, and who signs an affidavit attesting to the fact that he or she is
15 an honorably discharged veteran having served on active duty in the armed forces of the United
16 States, may apply to the secretary to receive a set of ~~distinctive~~ special motor vehicle license
17 plates designating the person as a veteran. If an owner of a motor vehicle falsely attests that he
18 or she is an honorably discharged veteran having served on active duty in the armed forces of
19 the United States, the owner is guilty of a Class 2 misdemeanor. The plate may allow for
20 additional indication of the conflict, rank, or status of the veteran. The ~~distinctive~~ special plates
21 shall be displayed as set forth in § 32-5-98, ~~and the number plates shall be kept on or in the~~
22 ~~motor vehicle.~~ The ~~distinctive~~ special license plate shall be reflectorized and validated each year
23 with a sticker in the same manner as a noncommercial license plate. In addition to the
24 noncommercial license plate fees an additional fee of ten dollars shall be charged for the

1 ~~distinctive~~ special license plates and any renewal stickers. If it is determined that the veteran
2 owner does not qualify for the ~~distinctive~~ special plates or if the veteran owner dies, the plates
3 shall be surrendered to the county treasurer of the applicant's residence. However, if the veteran
4 owner dies, the ~~distinctive~~ special plates may be retained by the veteran owner's family, but may
5 not be displayed on the vehicle beyond the expiration of the plates or renewal stickers. The
6 treasurer shall notify the secretary who shall make the necessary changes in the registration file.
7 ~~The noncommercial number plates shall remain with the motor vehicle to which they were~~
8 ~~issued.~~ Failure to surrender the ~~distinctive~~ special license plates as required by this section is a
9 Class 2 misdemeanor.

10 Section 37. That § 32-5-111 be amended to read as follows:

11 32-5-111. The secretary of revenue and regulation may promulgate rules pursuant to chapter
12 1-26 and issue such instructions as are necessary to ensure and obtain uniformity in the
13 administration of the provisions of this chapter. ~~Such rules may be adopted in the following~~
14 ~~areas:~~

- 15 ~~—(1)— License plate issuance;~~
- 16 ~~—(2)— Special plate amateur radio licenses;~~
- 17 ~~—(3)— Military personnel and domestic volunteers;~~
- 18 ~~—(4)— Farm truck special licensing;~~
- 19 ~~—(5)— Personalized license plates;~~
- 20 ~~—(6)— Registration tax dealers guides for used vehicles or mobile homes, older motor~~
21 ~~vehicles and government vehicles, title and license requirements, nonresident~~
22 ~~reciprocity, manufacturer's price sticker, wrecked motor vehicles, leased vehicles,~~
23 ~~and homemade vehicles.~~

24 All local officials charged with the administration of the provisions of this chapter are

governed in their official acts by the rules promulgated by the secretary.

Section 38. That § 32-5-113 be amended to read as follows:

32-5-113. Any owner of a motor vehicle, who is a resident of this state, who is a firefighter and who has complied with all of the laws of this state in relation to the registration of a motor vehicle, may receive plates bearing a ~~distinctive~~ special number and design, and designating ~~such the~~ the person as a firefighter. ~~Such~~ The number plates shall be designed by the fire marshal and subject to the approval of the Department of Revenue and Regulation. ~~The distinctive plates shall be in addition to the regular number plates issued for the motor vehicle pursuant to § 32-5-98.~~ The ~~distinctive~~ special plates shall be displayed as set forth in § 32-5-98 ~~and the regular number plates shall be kept on or in the motor vehicle.~~

Section 39. That § 32-5-114 be amended to read as follows:

32-5-114. Each person receiving firefighter ~~distinctive~~ special number plates shall pay a ten dollar fee ~~therefor~~ which shall be fixed by the Department of Revenue and Regulation so as to reimburse the State of South Dakota for the cost of producing such special number plates and decals. All fees collected under this section shall be placed in the license plate special revenue fund, as provided under § 32-5-67.

Section 40. That § 32-5-116 be amended to read as follows:

32-5-116. Any firefighter desiring ~~distinctive~~ special license plates authorized by § 32-5-113 for use during the next year shall make application to the Department of Revenue and Regulation specifying the number of vehicles to be licensed, ~~his~~ the firefighter's name, and the county of ~~his~~ residence. The department shall notify the manufacturer of the number of special number plates required in sufficient time that ~~such distinctive~~ the plates may be produced and sent to the department.

Section 41. That § 32-5-117 be repealed.

1 ~~32-5-117. Each firefighter requesting such special number plates shall be issued a certificate~~
2 ~~showing his county of residence and the number of vehicles upon which such special plates are~~
3 ~~to be used. Such certificate shall bear the signature of the secretary of revenue and regulation~~
4 ~~, and shall be in such form as the Department of Revenue and Regulation provides.~~

5 Section 42. That § 32-5-118 be amended to read as follows:

6 32-5-118. Each firefighter shall apply to the county treasurer of the county of ~~his~~ the
7 firefighter's residence for the issuance of ~~regular~~ special number plates for the motor vehicles
8 owned by ~~him~~ the firefighter. The firefighter, in order to receive the ~~distinctive~~ special plates,
9 shall have paid the registration fee for the ~~regular number~~ plates and submitted the registration
10 slip for the regular number plates to the Department of Revenue and Regulation.

11 Section 43. That § 32-5-120 be amended to read as follows:

12 32-5-120. ~~Whenever~~ If any firefighter is discharged, separated, or retires ~~he, the firefighter~~
13 shall surrender the ~~distinctive~~ special number plates identifying him or her as a firefighter. The
14 ~~distinctive~~ special plates shall be surrendered to the secretary of revenue and regulation who
15 shall make the necessary changes in ~~his~~ the registration file. The firefighter shall ~~retain the~~
16 obtain regular number plates ~~issued under § 32-5-113.~~

17 Section 44. That § 32-5-121 be amended to read as follows:

18 32-5-121. If at any time a motor vehicle subject to the ~~distinctive~~ special number plates
19 issued for the firefighter shall be sold, conveyed, or otherwise transferred by the firefighter to
20 whom ~~such distinctive~~ the special number plates have been issued, ~~he~~ the firefighter shall notify
21 the Department of Revenue and Regulation . The Department of Revenue and Regulation shall
22 process a new registration indicating the motor vehicle to which the ~~distinctive~~ special plates
23 are to be transferred. The secretary shall make the necessary changes in the file. The department
24 shall notify the applicant of any corrections which need to be made.

~~The regular number plates shall remain with the motor vehicle to which they were issued. If the motor vehicle to which the distinctive plates are being transferred does not have valid regular number license plates, the firefighter shall obtain regular number license plates.~~

Section 45. That § 32-5-122 be amended to read as follows:

32-5-122. All statutes of this state relating to the registration of motor vehicles, and the titling and licensing of motor vehicles, the fees for registering, titling, and licensing of motor vehicles, and the retention of plates from year to year shall be applicable to firefighters and the ~~distinctive~~ special plates issued in conformity with § 32-5-113.

Section 46. That § 32-5-123 be amended to read as follows:

32-5-123. Any owner of a motor vehicle who is a resident of this state and who has complied with all of the laws of this state in relation to the registration of a motor vehicle may receive plates bearing a ~~distinctive~~ special design identifying an Indian tribe located within the state. ~~Such~~ The special license plates shall be issued only upon proof of payment of the current registration fees for regular plates issued by a county treasurer of this state. The ~~distinctive~~ special plates shall be in ~~addition to~~ lieu of the regular number plates issued for the motor vehicle pursuant to § 32-5-98. ~~The distinctive plates shall be displayed as set forth in § 32-5-98 and the regular number plates shall be kept on or in the motor vehicle.~~ Annual renewal of these special plates shall be in accordance with the general provisions of this chapter.

Section 47. That § 32-5-124 be amended to read as follows:

32-5-124. A ten dollar administrative fee shall be charged for the ~~distinctive~~ special plates and deposited into the treasury of the designated tribe to be used for the maintenance, construction, and supervision of tribal highways and bridges.

Section 48. That § 32-5-141 be repealed.

~~32-5-141. If, before April 1, 2000, an applicant requests a refund of the fifteen dollar~~

1 ~~temporary permit fee, the department shall authorize the refund upon receipt of the request, the~~
2 ~~temporary permit, and a copy of the registration.~~

3 Section 49. This Act is effective on January 1, 2009.