



2021 South Dakota Legislature

Senate Bill 82

Introduced by: **Senator Duvall**

1 **An Act to revise certain regulations pertaining to dealers of motor vehicles, boats,**
2 **snowmobiles, or manufactured homes and mobile homes.**

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

4 **Section 1.** That a NEW SECTION be added:

5 **32-1-7. Dealer information available to public.**

6 Information regarding dealers licensed pursuant to chapters 32-6B, 32-6C, 32-7A,
7 and 32-7B shall be made available to the public by the department. The information shall
8 include the dealership name, physical address, mailing address, telephone number, dealer
9 license number, and the type of dealer license.

10 **Section 2.** That § 32-3-30.2 be AMENDED.

11 **32-3-30.2. Abstract of title history or damage disclosure statements--Fee.**

12 The department may, upon written request and payment of a five dollar fee, furnish
13 a person ~~a certified~~ an abstract of the title history ~~which shall include the~~ of any motor
14 vehicle registered pursuant to this chapter or any boat registered pursuant to chapter 32-
15 3A including any damage disclosure statements statement of any the motor vehicle,
16 trailer, or semitrailer registered under the provisions of this chapter or the boat. The
17 abstract may include all documents filed with the department to establish the title history
18 of the vehicle or the boat. The fee shall be deposited in the state motor vehicle fund.
19 Governmental entities and their subdivisions are exempt from this fee requirement.

20 **Section 3.** That § 32-3A-28 be AMENDED.

21 **32-3A-28. Dealer record of large boats--Inspection by Department of**
22 **Revenue.**

23 A dealer shall maintain for ~~three~~ five years a record of any large boat bought, sold,
24 exchanged, or received for sale or exchange. ~~This record~~ The dealer shall ~~be open to~~

1 ~~inspection by~~ allow department representatives to inspect the record during reasonable
2 business hours.

3 **Section 4.** That § 32-3A-59 be AMENDED.

4 **32-3A-59. Seller's books and records--Availability--Retention.**

5 Any seller of a large boat shall, on demand by the secretary of revenue, make
6 available all books, records, and memoranda ~~which that~~ relate to the sale of a large boat.
7 The secretary, ~~in the event of any failure or refusal to produce such records,~~ may conduct
8 an audit of the books and records of any seller of a large boat dealer ~~failing or refusing to~~
9 produce such records. All books, records, and memoranda which relate to the sale of a
10 large boat shall be retained by the seller for ~~three~~ five years.

11 **Section 5.** That § 32-5-90.1 be AMENDED.

12 **32-5-90.1. Abstract of registration information--Fee.**

13 The department may, upon written request and payment of a two-dollar fee,
14 furnish a person ~~a certified~~ an abstract regarding of the registration information of any
15 motor vehicle, ~~trailer, or semitrailer~~ registered ~~under the provisions of~~ pursuant to this
16 chapter or any boat registered pursuant to chapter 32-3A. The fee shall be deposited in
17 the state motor vehicle fund. Governmental entities and their subdivisions are exempt
18 from this fee requirement.

19 **Section 6.** That § 32-6B-68 be REPEALED.

20 **32-6B-68. Sale of lists of dealers authorized--Fees.**

21 **Section 7.** That § 32-6C-6 be AMENDED.

22 **32-6C-6. Books, records, and files to be kept--Inspection.**

23 Any ~~A~~ A dealer licensed under the provisions of this chapter, shall keep books,
24 records, or files, for five years in such the form as ~~prescribed or approved~~ by the
25 department, ~~including and include~~ the following in the dealer's books, records, or files:
26 (1) A record of the purchase, sale, or exchange, of any snowmobile;
27 (2) A description of each snowmobile purchased, sold, or exchanged, together with the
28 name and address of the owner or other person from whom the snowmobile was
29 purchased or received and to whom it was sold or delivered. The description ~~shall~~

1 must include the snowmobile identification number and manufacturer's make and
2 model; and

3 (3) A certificate of title from the previous owner of any snowmobile not purchased from
4 the manufacturer, from the time the snowmobile is delivered to the dealer until it
5 has been disposed of by the dealer.

6 The books and ~~records~~ and ~~other papers and documents~~ files shall, at all times during
7 business hours of the day, be subject to inspection by the secretary of revenue.

8 **Section 8.** That § 32-7A-12 be AMENDED.

9 **32-7A-12. Books, records, and files kept by licensees.**

10 ~~Any A~~ dealer or manufacturer licensed under the provisions of this chapter, shall
11 keep books, records, or files, for five years in such the form as may be prescribed by the
12 Department of Revenue, ~~including and include~~ the following in the dealer's books, records,
13 or files:

14 (1) A record of the purchase, sale, or exchange, of any mobile or manufactured home;

15 (2) A description of each mobile or manufactured home purchased, sold, or exchanged,
16 together with the name and address of the owner or other person from whom the
17 mobile or manufactured home was purchased or received and to whom it was sold
18 or delivered. The description ~~shall~~ must include the mobile or manufactured home
19 identification number and manufacturer's make and model; and

20 (3) A certificate of title from the previous owner of any mobile or manufactured home
21 not purchased from the manufacturer, from the time the mobile or manufactured
22 home is delivered to the dealer until it has been disposed of by the dealer.

23 The books and ~~records~~ and ~~other papers and documents~~ files shall, at all times during
24 business hours of the day, be subject to inspection by the secretary of revenue.