

AN ACT

ENTITLED, An Act to revise certain provisions pertaining to motor vehicle titling and registration and to provide penalties for certain violations.

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

Section 1. That § 32-3-27 be amended to read as follows:

32-3-27. Except as provided in § 32-3-26 for licensed dealers, if the application for certificate of title is presented more than thirty days after date of assignment of the certificate of title or the manufacturer's certificate of origin of the motor vehicle, trailer or semitrailer to the purchaser, the officer receiving the application shall collect, in addition to the fee established in § 32-3-18, a late fee of one dollar for each week or fraction thereof beyond the thirty-day limitation for twenty-five weeks and a late fee of fifty dollars for twenty-six weeks or more. Any person applying for a title more than ninety days after the date of assignment is guilty of a Class 2 misdemeanor. If the purchaser of a vehicle fails to comply with the provisions of § 32-3-26 to transfer the title within thirty days, and the seller files a written complaint attesting to the facts, the purchaser is guilty of a Class 2 misdemeanor.

Section 2. That § 32-3-48 be amended to read as follows:

32-3-48. If it appears at any time to the secretary that an applicant for a certificate of title or registration of a motor vehicle, trailer or semitrailer is not entitled thereto, under the provisions of this chapter or chapters 32-5 or 32-5B, the secretary may refuse to issue a certificate or to register any vehicles owned by the person. If it is determined that the title holder or lienholder was not entitled to a title or registration already issued, under the provisions of this chapter or chapters 32-5, 32-9, 32-10, or 32-5B, the department shall by certified mail notify the title holder or lienholder that the title or license plate will be revoked and canceled ten days after the date of receipt, refusal to accept receipt, or the last day the postal service attempted delivery. The notice shall also demand that the title holder or lienholder return the certificate of title or license plates to the department. If the vehicle

owner or lienholder believes that the title or registration should not be revoked, the owner may request in writing, a hearing pursuant to the provisions of chapter 1-26. The request for hearing shall be made prior to the effective date of the title or registration revocation. The intentional use of title after receiving the department's notice of revocation is a Class 1 misdemeanor.

Section 3. That § 32-5-76 be amended to read as follows:

32-5-76. An owner of a motor vehicle, who is a resident of this state, who has complied with all the laws of this state in obtaining regular number license plates for the motor vehicle and who operates or directs the operation of the vehicle, may submit to the county treasurer an application containing a physician's certificate on a form approved by the secretary, which states that the applicant is so substantially disabled by a physical disability that it is impossible or causes substantial hardship to walk. The county treasurer shall procure, issue, and deliver to the applicant plates with letters, numbers, or symbols, or any combination thereof, as the secretary may prescribe. The plates shall be designed to readily apprise law enforcement officers of the fact that the motor vehicle is owned, operated, or used in transporting a substantially disabled person. No charge may be made for the issuance of the distinctive plates. The distinctive plates shall be in addition to the regular number plates issued for the motor vehicle. 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. If the applicant is no longer disabled by a physical disability or is deceased, the distinctive plates shall be surrendered to the county treasurer of the applicant's residence, and the treasurer shall notify the secretary who shall make the necessary changes in the registration file. The regular number plates shall remain with the motor vehicle to which they were issued. Failure to surrender the distinctive license plates as required by this section is a Class 2 misdemeanor. It is a Class 1 misdemeanor to submit a false or fraudulent application.

Section 4. That § 32-5-76.1 be amended to read as follows: 32-5-76.1. Any person who is disabled by a physical disability so that it is impossible or causes substantial hardship to walk may

be issued a portable serially numbered certificate by the secretary which permits the person or the operator of a vehicle being used in transporting the person to park without time limitation pursuant to § 32-30-11.1 and to park in any space reserved for the handicapped. The person shall submit an application containing a physician's certificate on forms approved by the secretary to prove that the person meets the criteria established by this section. If the secretary determines that the applicant meets the criteria, the secretary shall issue a portable certificate to the applicant. The secretary shall promulgate rules pursuant to chapter 1-26 governing the application for, term of, and conditions under which such certificates may be issued. It is a Class 1 misdemeanor to submit a false or fraudulent application.

Section 5. That § 32-5-76.2 be amended to read as follows:

32-5-76.2. Any nonprofit organization, licensed hospital, retirement home, or educational institution which has under its care or responsibility physically disabled persons, which transports physically disabled persons and which has complied with all laws of this State in obtaining title, license plates and registration for its motor vehicles may apply for a portable serially numbered certificate which permits the operator of a vehicle transporting the disabled person to park pursuant to § 32-30-11.1 and to park only for the time reasonably necessary to load or unload passengers in any space reserved for the handicapped. In addition, any local government entity that owns a vehicle used to transport disabled individuals may apply for the portable certificate. The application shall be made on a form approved by the secretary. If the department determines that the applicant transports disabled persons, the secretary shall issue and deliver a portable certificate to the applicant. The secretary may promulgate rules pursuant to chapter 1-26 regarding the application for, term of, and conditions under which the certificate may be issued. If the applicant no longer transports physically disabled persons, it shall surrender the certificate to the department. It is a Class 1 misdemeanor to submit a false or fraudulent application.

Section 6. That § 32-5-42 be amended to read as follows:

32-5-42. Motor vehicles which are the property of this state, the United States, of counties, townships, municipalities, public or nonpublic schools accredited by the Department of Education and Cultural Affairs, of Indian mission schools in this State, Indian tribes, fire departments, or buses owned by churches, or vehicles purchased by the State under sections 18 and 16(b)2 of the Urban Mass Transportation Act of 1964 to provide public transportation or specialized transportation or both in rural and urbanized areas may be registered upon application, in the manner provided for other motor vehicles, except that the application shall be made by the custodian of the vehicle directly to the department. No fees may be charged for the registration of the vehicle. The number plates for the vehicle shall be furnished by the department upon payment to it of the actual cost of the plates. All costs collected under the provisions of this section shall be deposited in the license plate special revenue fund and disbursements therefrom made by warrants drawn by the state auditor on vouchers duly approved by the department. If the vehicle is used for a private business use or as a commercial motor carrier as defined in § 32-9-1, the operator shall secure vehicle registration pursuant to chapter 32-9 for such use.

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I certify that the attached Act originated in the

SENATE as Bill No. 184

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 184
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State