

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

527H0264

SENATE BILL NO. 104

Introduced by: Senators Olson (Ed), Diedrich (Larry), Diedrich (Elmer), Duxbury, Hagen,
and Stagers and Representatives Abdallah, Flowers, and Pummel

1 FOR AN ACT ENTITLED, An Act to exempt certain motor vehicles used to transport
2 inventory replacement vehicles to a dealer's principal place of business from the requirement
3 to be licensed as a commercial motor vehicle.

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

5 Section 1. That § 32-9-3 be amended to read as follows:

6 32-9-3. For the purposes of this chapter, the following do not come within the definition of
7 the terms, "motor carriers" or "commercial vehicles", if used in intrastate operations:

- 8 (1) A motor vehicle registered in South Dakota used to carry private business property
9 of five hundred pounds or less;
- 10 (2) A motor vehicle chassis registered in South Dakota on which is mounted a
11 cornsheller, grain cleaner, feed grinder, grain and alfalfa feed mixing machine,
12 haystack mover, sawmill, water well drilling equipment, power shovel, ditchdigger,
13 mobile crane which exceeds the maximum size or weight limits prescribed by chapter
14 32-22, drag line, posthole auger, and which is not used for demonstration or display
15 purposes outside the limits of a municipality, or a truck tractor and trailer carrying



- 1 permanently mounted hay grinding equipment;
- 2 (3) Any motor vehicle registered in South Dakota used for the transportation of liquid or
3 solid livestock waste including trailers and equipment used to load liquid or solid
4 livestock waste and any vehicle registered in South Dakota used for the application,
5 distribution, spraying, or transportation from retail business to user of dry, liquid, or
6 anhydrous ammonia fertilizers or agricultural chemicals;
- 7 (4) A motor vehicle registered in South Dakota of less than thirty thousand pounds gross
8 weight owned by a merchant licensed under chapter 10-45 or the merchant's
9 commissioned paid employee and used to transport the merchant's previously sold
10 merchandise to a purchaser outside the limits of a municipality and to return
11 exchanged property or to transport fuels to a purchaser within a municipality or an
12 unincorporated town which is without such service;
- 13 (5) A motor vehicle registered in South Dakota, owned by a farmer of this state and used
14 by or for the farmer to transport property for the farmer's farming operation, to
15 transport farm property from farm to farm or from a community or market to the farm
16 or from the farm to a community or market, to transport livestock in a vehicle or
17 combination of vehicles registered at twenty-six thousand pounds or less without
18 monetary compensation, or to transport farm property when the vehicles are used as
19 reimbursement in the ordinary exchange of farm work;
- 20 (6) A motor vehicle registered in South Dakota operated by or for its owner and
21 exclusively used to transport products originating in or produced from logging or
22 mining operations or lumber milling waste products if such products are owned in fee
23 by the motor vehicle owner;
- 24 (7) Any motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis

1 registered in South Dakota, which is used exclusively on the job site for the
2 construction of township roads, stock water dugouts, dams, farm and ranch irrigation
3 systems, or other soil and water conservation projects on farms and ranches, or for
4 the construction or maintenance of highways in the State of South Dakota. Prior to
5 moving any such vehicle or equipment between job sites or from job site to a central
6 location, the owner shall register the vehicle or equipment pursuant to § 32-9-58;

7 (8) A motor vehicle used principally for providing prearranged transportation of persons
8 to or from their place of employment and is operated by a person who does not drive
9 the vehicle for the person's principal occupation, but is driving it only to or from the
10 person's principal place of employment or for personal use as permitted by the owner
11 of the vehicle;

12 (9) A motor vehicle that is not for hire and is operated solely for educational purposes by
13 a student or an instructor as part of a heavy motor vehicle or heavy equipment
14 operator's course offered by a nonprofit postsecondary institution located in the state;

15 (10) A motor vehicle used for personal purposes and not operated for private business use;

16 (11) A motor vehicle used for recreational purposes and not operated for private business
17 use;

18 (12) A motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis,
19 registered in South Dakota and used to move equipment involved in soil and water
20 conservation projects or township road work when operated between job sites or
21 from a job site to a central location or point of repair;

22 (13) Any motor vehicle used by an implement dealer to transport farm machinery to and
23 from a county fair or the state fair;

24 (14) A motor vehicle owned by a licensed motor vehicle dealer and used to transport

1 inventory replacement vehicles to the dealer's principal place of business. For the
2 purpose of this subdivision, motor vehicle ~~does not include~~ includes any motor
3 vehicle licensed pursuant to § 32-5-6 which carries inventory replacement vehicles
4 entirely upon its own structure operating with a maximum gross vehicle or
5 combination vehicle weight of twenty-six thousand pounds.