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Name
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RE: Non-resident Titling and Registration Requirements

Greetings:

The Department of Revenue and Regulation, Division of Motor Vehicles, recognizes that South Dakota is home to a number of businesses that provide their customers mail forwarding services and assist them with a number of matters, including South Dakota vehicle registration.

In light of that recognition, the Department offers the following direction as to titling and registration of "non-residents" in our state.

The Department has determined that the current language of Title 32 does not expressly prohibit out-of-state applicants from titling and registering in South Dakota. This position is consistent with a 1996 letter opinion from the South Dakota Attorney General's Office.

However, the Department and the counties have encountered a steady stream of applicants listing addresses to which they appear to have little to no actual affiliation. It is assumed that many of these false addresses are provided in an attempt to show South Dakota residency when, in fact, under current law, South Dakota residency is not required for titling and registration.

The Department remains committed to ensuring that applicants are providing accurate information on their applications. Both SDCL 32-3-18 and 32-5-3 require an applicant to provide either a South Dakota driver's license number (SDDL) or Social Security Number (SSN). To ensure validity, applicants who list a SSN and who do not have a South Dakota driver's license must now provide a photo copy of their picture ID (e.g., out-of-state driver's license or tribal photo identification). This applies to each applicant listed on the application. Additional information may be required if the identity or the numbers provided are deemed to be questionable.

The above-referenced statutes also require an applicant to provide "the county in which the vehicle is to be kept." Please make sure applicants are providing this information, regardless of state. The above-referenced statutes further require an applicant to provide a "residence post office address." There is,

understandably, much confusion surrounding what address information is sufficient to satisfy application requirements. Again, South Dakota law does not prohibit out-of-state residents from registering in our state. If an applicant truly lives at an out-of-state address, that's the information we want reflected on our applications. The ultimate goal is to discourage **false** information and encourage applicants to provide their actual home address, regardless of state.

The Department anticipates that some applications will continue to reflect South Dakota addresses that, in all likelihood, have absolutely no connection to the applicant. While establishing residence is not difficult, it does require at least brief "bodily presence as an inhabitant in a given place." Black's Law Dictionary (8th ed. 2004). If an applicant provides a South Dakota residential post office address and it is reasonably suspected that the applicant has never had physical presence at said location, the application will be denied until such time as the applicant provides sufficient proof to satisfy at least the minimum burden of physical presence. Once again, an applicant need not have a South Dakota address to apply for South Dakota title and registration. Under current law, out-of-state residential post office addresses will suffice.

The Department understands that there are a number of mail forwarding services whose customers are, in fact, true "nomads" without abodes in this or any other state. Applicants wishing to list only a mail forwarding address will be required to indicate, under the penalties of perjury already present on current applications, that he or she claims no residential post office address in this or any other state. This will allow true nomads to provide their mail forwarding address information without requiring a traditional residential post office address. However, if the person does claim residence in another state, they are required to list that address, even if it is outside of South Dakota. If it is determined that the applicant provided false information, further action may be taken in the matter.

We appreciate your cooperation in this matter, and if you have any questions, please feel free to contact this office.

Respectfully,

Debra A. Hillmer
Director
Division of Motor Vehicles

Cc: County Treasurers