

## **2013 DMV LEGISLATIVE UPDATE**

### **House Bill 1009:**

Correct an error in the recreational vehicle title statute.

Under the criteria that the unit must be equipped with, it now requires that it has to meet at least 5 of the criteria (before it indicated that the unit had to be equipped with the following, so would have had to have all the criteria).

### **House Bill 1040:**

Authorize the Department of Revenue to provide lists of licensed boat dealers.

Added boat dealers (32-7B) to the exception of lists of taxpayers, licensees, or applicants compiled by the Department of Revenue considered to be confidential.

### **House Bill 1041:**

Revise certain provisions regarding the purchase price of rebuilt motor vehicles and to create a motor vehicle excise tax exemption for sales tax paid on parts used in rebuilt motor vehicles manufactured by individuals.

The purchase price on a rebuilt vehicle, upon its initial registration and titling, is the total consideration for the salvage vehicle, whether received in money or otherwise, and the total consideration for any assemblies, subassemblies, parts, or component parts used.

Any part used in a rebuilt motor vehicle or motor vehicle manufactured by an applicant, previously subjected to sales tax, use tax, motor vehicle excise tax, or similar tax by this or any other state or its political subdivision, is not subject to the 3% motor vehicle excise tax, if the applicant applies for registration of the vehicle in this state within 5 years from the purchase date of the part.

### **House Bill 1042:**

Authorize manufactured home dealers to submit license fees directly to the Department of Revenue and provide an electronic renewal notice to certain dealers.

Allows for payment of the manufactured home dealer license fee to the department.

Provides that if a dealer uses the dealer online computer system, the dealer will receive the dealer license renewal notice electronically and not by mail.

**House Bill 1043:**

Authorizes the Department of Revenue to establish an electronic title system for motor vehicles and revises certain provisions regarding the electronic lien filing system.

Allows the department to establish an electronic title system for motor vehicles. Any participant must submit electronic applications in a form and format prescribed by the department, providing all documentation or information required. The department must verify authenticity of electronic information.

Provides that a lien release must contain the vehicle identification number (VIN) or the certificate of title number and the owner's name (before it required the title number and the date of notation).

(rewording) Provides for an electronic lien filing system. If a lien is noted electronically in the ELT system, no paper title can be issued. Provides that a lien can be noted or cancelled electronically if an electronic title exists and the lienholder participates in the ELT system.

Provides that a lien noted electronically is considered perfected as if a paper title were issued and a lien noted on it.

**House Bill 1117:**

Revises the definition of a temporary special events lot for purposes of dealer licensing.

Allows a used car dealer or a licensed vehicle dealer to sell any type of trailer at a temporary special events lot (fairs, auctions, shopping center sales, tent sales, 10 days). It used to allow them to only sell travel trailers at these events.

**House Bill 1118:**

Revises certain provisions regarding special vehicle license plates for veterans with disabilities.

In the qualifying criteria for the special plates, a veteran who receives a veteran's allotment for a total **service-connected** disability (changed from: receives a veteran's allotment for a total disability under compensation which is considered a service-connected injury) qualifies. The veteran must have incurred the **disability** (changed from disabling injuries) while serving the US in active duty during a time of war while participating in a military mission involving armed conflict.

#### **House Bill 1141:**

Revises certain provisions regarding certain motor vehicle dealer license plates and permits.

Allows 88 dealer plates, in addition to being able to be used as a motor carrier by the dealer for transporting dealer-owned inventory replacement vehicles to also be used by a prospective buyer as a motor carrier for demonstration purposes for a period of 3 days in accordance with 32-6B-25 (32-6B-25, use of dealer's demonstration or in-transit permits).

Removes the weight restriction that the maximum licensed gross weight could not exceed 26,000 pounds to allow that the actual gross weight of the vehicle and load could not exceed the licensed gross weight.

Requires a dealer to maintain a log detailing use when a used or new vehicle is used by a prospective buyer with 88 dealer plates. The log must include the name and address of the prospective buyer, the dates of use, and the description of the vehicle including the VIN, make and model. The log must be available for inspection during normal business hours by any law enforcement officer or dealer inspector.

#### **House Bill 1162:**

Provides for special organ donation decals for license plates.

Allows for organ donation decals to be used on organization plates. (same requirements as other org decals – owner of a mv, resident of state, valid SD driver license or ID, use on noncommercial vehicles, no add fee if requested at time of initial app or \$10 if later requested).

This would have been included in our current statutes, however, the organization/group could not meet the requirements that the organization or group of nonprofit corporations be on file with the secretary of state's office, as the organization's main headquarters are not in SD.

**House Bill 1174:**

Revises certain provisions pertaining to snowmobile operation.

Changes the definition of a snowmobile (as requested by GF&P because these larger units can't be used on their trails). The vehicle now cannot exceed 48 inches in width to be considered a snowmobile. Based on this, some of the larger units, such as some SnowCats and SnoBears will no longer be categorized as a snowmobile and we will no longer title and license. We figure there are less than 30 of these currently licensed. We will not recall the title, but will not allow registration renewal.

Provides that a resident owner that has a titled motorcycle that has been modified to comply with the definition of a snowmobile for use as a snowmobile on a state snowmobile trail or area can purchase an annual permit that is valid December 1 to March 31 for a fee of \$20. It is to be affixed to the motorcycle on the right side of the unit and must be clearly visible. The Department of Game, Fish and Parks will collect the annual permit fee and it goes in the snowmobile trail fund.

**House Bill 1220:**

Permits the use of golf carts under certain circumstances within state parks and recreation areas.

The Department of Game, Fish and Parks is authorized to promulgate rules to permit the use of golf carts on roads within state parks and state recreation areas that are designed to be used by golf carts. The golf cart must be insured, have a rearview mirror, and have functioning headlights and brake lights. It must also display a valid park entrance license and any person operating it on any such designated roads must have a valid driver license.

**Senate Bill 53:**

Expands the application of a farm decal system.

The statute now provides that farmers or ranchers who own any motor vehicle (removed the restriction to straight trucks with 2 or 3 axles or truck tractors) can get a farm decal. This was expanded because of a federal requirement.

