**South Dakota Division of Motor Vehicles**
**2014 Legislation Summary**

**HB 1056: Repeals Provisions Regarding the Taxation, Licensing and Regulation of Motor Vehicles.**

- *Repeal of SDCL 32-5B-5*, requiring a manufacturer to notify DMV of any model or price revisions. And the requirement of DMV to file the approved national dealer and appraisal guides used with the Secretary of State's Office. (With the implementation of the 3% motor vehicle excise tax in 1985, this became obsolete.)

- *Repeal of SDCL 32-5-129 - 32-5-135*, a provision that allowed Licensing Agents to do the work of County Treasurers.

- *Repeal of SDCL 32-5-106*, provision allowing municipalities to license, tax, and regulate motor vehicles.

**HB1059: Revises the Exemption of Mass Transit Motor Vehicles from Licensing, Registration Fees, and the Motor Vehicle Excise Tax.**

- *SDCL 32-5-42*, clarifies which mass transit vehicles qualify for special plates and exemption from the 3% motor vehicle excise tax.

**HB1060: Revises Provisions Regarding Military Specialty Plates.**

- *SDCL 32-5*: Reorganized statutes to make easier to read, understand and apply. No major changes.

- Removes the requirement to be eligible for National Guard plates, the applicant must be a member of the South Dakota National Guard.

- Defines "Veteran" as any person who meets provisions *33A-2*-1: must be an honorably discharged veteran who served on active duty for a period of at least 90 days.

- Defines "owner" as any person who operates a motor vehicle operated on public highways.

- Sets Class 1 Misdemeanor for falsifying application.

- Establishes the procedure to deal with the loss, transfer or destruction of a vehicle with military specialty plates.

**HB1061: Includes Limited Liability Corporations (LLCs) to Statutes**

- Adds Limited Liability Corporations (LLCs) to statutes so they are treated like Corporations when vehicles are transferred or sold. *(32-5B-2, 32-5-2.2, 32-5-27, 32-6C-3, 32-7A-4.1, 32-7B-4, 32-6D, 32-9, and 32-10)*

**SB 54: Revises the Definition of Dealers**

- Revises the definition of "Boat Dealer" *(32-3A-2)* to say new or used large boats rather than qualifying used as selling 5 or more in a year.

- (Under *32-7A-1*), removed the requirement that manufactured/mobile home dealer must sell 3 or more homes in a consecutive 12 month period. Revised to anyone who with the intent to make a profit is engaged in the business of selling, renting or exchanging mobile/manufactured homes falls under the definition.

- Provides for a Class 2 Misdemeanor for selling without a license and a Class 1 Misdemeanor for a subsequent violation within 2 years. *(32-6B4, 32-6C-2, 32-7A-3, 32-7B-2)*

- Clarified that licensing requirements do not apply to regulated lenders and insurance companies authorized to do business in this state, or financial institutions that acquire the vehicle as an incident to its business. *(32-6C-2, 32-7A-3, 32-7B-2)*

**SB 59: Increases the Penalty for Trafficking of Vehicle License Plates and Decals, Provides a Penalty for the Unauthorized Transfer of a Vehicle License Plate or Decal, and Imposes a Penalty for Altering or Forging Certain Vehicle Registration Cards.**

- Increases the penalty for buying, selling or dealing in license plates or decals from a Class 2 Misdemeanor to a Class 1 Misdemeanor. *(32-5-103)*

- Provides for a Class 1 Misdemeanor for any person that transfers license plates or decals from a motor vehicle it is registered to, to any other motor vehicle.

- Provides for a Class 6 felony for altering or forging a motor vehicle registration card or other temporary registration device. *(32-5)*

**SB 60: Revises Certain Provisions Regarding the Titling and Licensing of Boats and Motor Vehicles and Establishes Penalties for Violations of those Provisions.**

- Requires a boat dealer to deliver a title or MSO to a purchaser within 30 days of the date of sale. Establishes a penalty of a Class 2 Misdemeanor for the first violation

and a Class 1 Misdemeanor for any subsequent violation that occurs within 2 years from any violation. *(32-3A-23, 32-3A-24)*

- Changes the exemption from the 3% excise tax on a boat that is 11 or more years old which is sold or transferred from $1,500 or less to $2,200 or less before trade-in. Is now uniform with the motor vehicle tax exemption. *(32-3A-52)*

**SB61: Revises Certain Provisions Regarding Organization, First Responder, and Organ Donor Emblem Specialty Plates for Motor Vehicles.**

- Changes reference from organization plates to Emblem Specialty Plates. *(32-5)*

**SB 95: Revises Certain Vehicle Dealer Licensing Provisions.**

- Clarifies who is exempt from the "licensing provisions" of *32-6B-5*.

- Removes exemptions *6-9* and *19* from *32-6B-5* clarifying that manufacturers have an agreement with dealers that pertain to event permits for a manufacturer, customizer and dealer and for the sale of classic vehicles and motorcycles.