State of South Dakota

# Procedures Manual

Motor Vehicle Division

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# General
# Mission Statement

- **Department of Revenue**

  We partner with our stakeholders to provide customer-oriented, fair, reliable revenue administration.

- **Division of Motor Vehicles**

  To provide prompt and courteous customer service to all stakeholders, while administering the motor vehicle laws of South Dakota.

# Insufficient Funds or No Account Check

A. The division may suspend a license, title, or registration and issue the county a credit if the check used to pay for the motor vehicle's fees is dishonored.

B. Distress warrant must be issued to recover license plates or tags issued if a purchaser purchased the plates or tags or paid the excise tax or any title fees with an insufficient funds or no account check.

1. If the check is not made good within 30 days, and the sheriff is unable to collect, the county treasurer must report it to the state's attorney for prosecution.

2. At this point, the division will suspend such registration, title, or license and credit the county. To request suspension and receive credit, submit a statement of the facts along with a refund invoice.

3. The statement should document the above process, including the dates, title number, bad check information, distress warrant, whether the plates have been collected, and when it was turned over for prosecution.

C. In addition to the statement, please attach copies of the following:

- Bad check.
- Dishonored check notice.
- Certified return receipt card.
- Returned distress warrant.

D. A record cannot be suspended if the title has already been transferred or repossessed, or the dishonored check is not in a title owner's name.

1. A suspension does not prevent the sale of the vehicle, if the vehicle is later sold, the record suspension will be removed.

2. A $40 fee is added to the DMV fees for collection of an insufficient fund check.

E. If collection is made on the dishonored check, this is entered on to the system and the documents stating the title number(s), specific fee(s) and circumstances must be submitted.

# Motor Vehicle Fee Schedule

| | |
|---|---|
| Certificate of title | $10 |
| Interest: All fees will be assessed from purchase date, regardless of when an applicant applies for title and registration.* | The system will automatically assess interest at the rate of 1 % on any application made after 45 days from the date of purchase.* |
| Penalty: All fees will be assessed from purchase date, regardless of when an applicant applies for title and registration. ** | In addition to the interest, a 10% penalty or $10 fee, whichever is greater, will automatically be applied against an application made 60 days from the purchase date.** |
| Written requests for damage disclosure information | $5 |
| Written requests for title histories | $5 |
| Duplicate title | $10 |
| Repossession title | $10 |
| Lien notation | $10 |
| Lien cancellation | No fee |
| Issuance and attachment of assigned serial number | $25 |
| License plate mailing fee (per set) | $5 |
| Decal mailing fee (per set) | $1.00 |
| License plate reassignment fee | $5.00 |
| Fee charged for dishonored check | $40.00 |

Interest and Penalty (applies to motor vehicle excise tax and 4% initial registration fee). All fees are assessed from purchase date regardless of when an applicant applies for title and registration.

*The system automatically assesses interest on the tax owed for each month or part thereof for which the tax payment is late at the rate of 1 % or $5, whichever is greater, for the first month; and 1 % per month thereafter on any application made after 45 days from the date of purchase. (Interest is not calculated on interest.)

**A one-time penalty equal to 10% of the tax or $10, whichever is greater, is automatically applied against any application made after 60 days from the purchase date.

## BOAT FEE SCHEDULE

**Annual Fee**

**Non-motorized Boats Over 12' and Boats** $15 Fee
**Propelled Only by Electric Motors**
**Motorboats under 19' (includes ski jets)** $25 Fee

**Motorboats 19' and Over** $45 Fee

**Temporary fishing tournament boat license (10 consecutive dates**) ----------$50

## OTHER FEES

**Certificate of Title** (Boat Over 12' in Length
And All Motorized Boats).....$10

**Lien Fee**.....$10 for each lien noted

**Duplicate Title**.....$10

**Transfer of Boat Ownership** (Boats exempt from titling).....$3(Fee is Submitted to Division of Motor Vehicles)

**Registration** (CT administrative fee assessed on
Each boat licensed) .....$1 (Fee is Retained)

**Duplicate Registration**.....$2 (Fee is retained by the County)

**Duplicate Boat Decals**.....$3 ($1 of This Fee is Retained by the County)

**Written Requests for Damage Disclosure Information**……. $5

**Mailing Fees**----------$1 per decal

Interest and Penalty (applies to 3% boat excise tax). All fees are assessed from purchase date regardless of when an applicant applies for title and registration.

The system automatically assesses interest on the tax owed for each month or part thereof for which the tax payment is late at the rate of 1% or $5, whichever is greater, for the first month; and 1% per month thereafter on any application made after 45 days from the date of purchase. (Interest is not calculated on interest.)

A one-time penalty equal to 10% of the tax or $10, whichever is greater, is automatically applied against any application made after 60 days from the purchase date.

# Driver's Privacy and Protection Act

**What is the Driver's Privacy Protection Act?**

Law enacted by Congress in 1994 to restrict state governments from disclosing personal information about any persons' or entities' motor vehicle records

The DPPA is a Federal law paralleled with State law
Enforced by S.D.C.L. 32-5-143—32-5-150

**Why was the DPPA enacted?**

The DPPA was enacted to protect personal information from being available to the general public after a local DMV provided an address of an individual who was stalked and murdered.

**The DPPA restricts the following:**

Use of vehicle plate number or VIN to search owner's name

Use of the name of a driver to find the mailing or physical address of the driver

A search for names and addresses of previous owners of a vehicle

**Authorization of Release of Information:**

In South Dakota there are eight (8) exceptions to disclosing personal information from motor vehicle records

The 8 exceptions are the "qualifications" listed in **Section C** of the South Dakota DPPA form:

For use by the record holder, or by the record holder's direct authorization

For use by any government agency (NO FEE ASSESSED)

For use by any legitimate business to carry out normal functions, but only to:

To verify accuracy of personal information submitted by the individual

To obtain the correct information (if what was submitted is incorrect) to prevent fraud, pursue legal action, or recover debts from the individual

For use in civil, criminal, administrative, or arbitral legal processes leading up to court proceedings

For use by insurers or their agents in connection with claims investigation activities, anti-fraud activities, rating, or underwriting

For use by licensed towing agencies to notify owners of towed, impounded, or abandoned vehicles (NO FEE ASSESSED)

For use by any licensed private investigative agency

For use by any employer to obtain or verify CDL information (Driver Licensing and DOT use this one)

**Requests Available and Fees:**

Record Search $2.00

Title History & Damage Disclosure $5.00

32-3-30.2

32-3-67

# Contact Us

## Central Office DMV

| | |
|---|---|
| General Information Center | 605.773.3541 |
| ELT | 605.773.2433 |
| Prorate | 605.773.3314 |
| Dealer Licensing | 605.882.5192 |
| | |

## ELT Questions

Please submit all ELT related questions to the following email address:

Dor.dmvelt@state.sd.us

# Dealer Agents

**DEALER AGENTS IN THE FIELD**

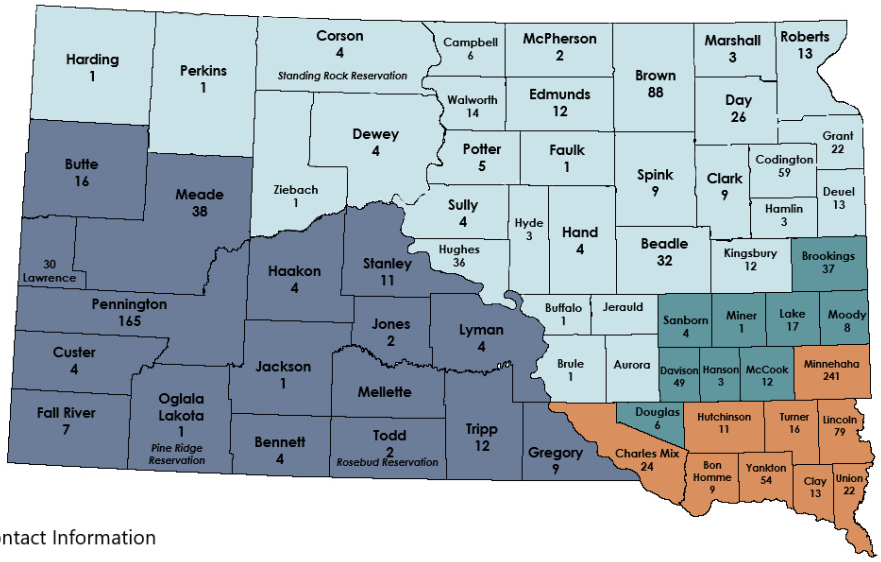
Supervisor - Lori Colberg - Watertown - 605-882-5192 (office) 605-520-9360 (cell)

Pilo Pena - Rapid City - 605-394-3394 (office) 605-381-7236 (cell)

Ron Rysavy - Sioux Falls - 605-367-5814 (office) 605-941-4742 (cell)

Jason Silvernagel - Aberdeen - 605-626-2249 (office)  605-216-5893 (cell)

**SD Department of Revenue**
**Motor Vehicle Division**
**Dealer Agent Territory Map**




Agent Contact Information

Pilo Pena: 605-394-3394 | Jason Silvernagel: 605-626-2249 | Lori Colberg: 605-882-5192 | Ron Rysavy: 605-367-5814

# Definitions

"Abandoned motor vehicle," any motor vehicle left on a public street or highway or left on private property without the permission of the landowner or tenant;

"Administrator," the administrator of the dealer licensing and inspection program of the Department of Revenue;

"Administrator," the secretary of revenue;

"Auctioneer," a person who presides over a public auction where following an initial starting price, bids are taken from two or more people until a final bid or price is established for a motor vehicle;

"Authorized emergency vehicle," any vehicle of a fire department and any ambulance and emergency vehicle of a municipal department or public service corporation that are designated or authorized by the Department of Public Safety or the Department of Health;

"Boat," every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;

"Boat dealer," any person or business who in the ordinary course of business sells new or used large boats or any person or business who in the ordinary course of business sells five or more large boats in a year;

"Broker," a person who, for a fee, commission, or other valuable consideration, arranges or offers to arrange a transaction involving the sale or exchange of vehicles, and who is not:

(a) A dealer or a bona fide agent or employee of a dealer;
(b) A representative or a bona fide agent or employee of a manufacturer; or
(c) At any point in the transaction the bona fide owner of the vehicle involved in the transactions;

"Chassis cab," any incomplete motor vehicle, with a completed occupant compartment, that requires only the addition of cargo carrying, work performing, or load bearing components to perform the vehicle's intended function.

"Commercial motor vehicle," any motor vehicle used or maintained for the transportation of persons or property for hire, compensation, or profit, or designed, used, or maintained primarily for the transportation of property, and not specifically excluded under § 32-9-3;

"Commercial motor vehicle," any motor vehicle used or maintained for the transportation of persons or property for hire, compensation or profit or designed, used or maintained primarily for the transportation of property, and not specifically excluded under § 32-9-3;

"Commercial vehicle," any vehicle which is operated in interstate commerce in furtherance of any commercial enterprise;

"Commission," the Game, Fish and Parks Commission of this state acting directly or through its authorized officers;

"Community," the franchisee's area of responsibility as stipulated in the franchise. A community has a minimum radius of ten miles around an existing dealership;

"Compensation," the charge imposed upon motor carriers in consideration of the unusual use of the public highways in this state by such motor carriers;

"Compensation certificate," the certificate issued upon application by a motor carrier, as defined in §§ 32-9-2 and 32-9-3, showing authority to use and payment of compensation for the unusual use of the highways by the one to whom issued;

"Component part," any part of a motor vehicle, trailer, or semitrailer other than a tire, having a vehicle identification number;

"Converter," a person who modifies or installs on previously assembled chassis special bodies or equipment which, when completed, form an integral part of the vehicle and which constitutes a major manufacturing alteration and who may issue a supplemental or secondary statement of origin;

"Dealer," any person who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new, or new and used vehicles, or who is engaged wholly or in part in the business of selling new, or new and used vehicles, whether or not such vehicles are owned by that person;

"Demonstration," the noncommercial use of a dealer owned vehicle by any employee of the dealership for any purpose in the ordinary course of business relating to the sale of the vehicle within the trade or market area of the dealership or demonstration by any prospective buyer for a period of three days. The term includes vehicles donated by a dealership to a community or organization and used for a one-day parade or event;

"Department," Department of Revenue;

"Department," the Department of Revenue;

"Department," Department of Revenue;

"Department," the Department of Revenue;

"Department" the Department of Public Safety.

"Department," the Department of Revenue;

"Emergency vehicle dealer," any person who converts or manufacturers authorized emergency vehicles and who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of new, or new and used authorized emergency vehicles, or who is engaged wholly or in part in the business of selling new, or new and used authorized emergency vehicles;

"Final stage manufacturer dealer," any person who assembles or installs on a previously assembled new motor vehicle chassis cab any special body or equipment that forms an integral part of the motor vehicle, constitutes a major manufacturing alteration, and completes the vehicle;

"For hire," for remuneration of any kind, paid or promised, either directly or indirectly, for the transportation of persons or property. An occasional accommodative transportation service by a person not in the transportation business while on an errand for himself, is not a service for hire, even though the person transported shares in the cost or pays for the service;

"Franchise," a written or oral agreement or contract between a franchisor and franchisee which fixes the legal rights and liabilities of the parties to such agreement or contract;

"Franchisee," person who receives vehicles from a franchisor under a franchise and who offers and sells the vehicles to the general public;

"Franchisor," any person engaged in the manufacturing or distribution of vehicles including any person who acts for the franchisor;

"Good faith," honesty in fact and the observance of reasonable, nondiscriminatory commercial standards of fair dealing in the trade, as defined and interpreted in the Uniform Commercial Code as amended to January 1, 2010;

"Gross vehicle weight rating," the value specified by the manufacturer as the loaded weight of a single vehicle;

"Gross weight," the total weight of the chassis, body, equipment, and maximum load of each motor vehicle, trailer, or semitrailer as fixed by the applicant for a compensation certificate;

"In-transit," the noncommercial use of a dealer owned vehicle by any employee of the dealership for travel to and from any service facility, detail shop, repair shop, gas station, car wash, dealer auction, another lot owned by the dealer, a supplemental lot, temporary special events lot, temporary supplemental lot, or any other location to facilitate a dealer trade;

"Interstate commerce," the movement of a vehicle between jurisdictions but does not include the movement of any vehicle which transports or is being used to transport persons or property, the transportation of which originates in one jurisdiction and passes into or through another jurisdiction or jurisdictions, for delivery in the jurisdiction in which the transportation originated;

"Impounded vehicle," any vehicle removed or caused to be removed from a public highway pursuant to § 32-30-19;

"Junking certificate," a certificate of ownership, which may not be restored to a title document which allows highway use, issued by the department to the owner of a vehicle which is going to be dismantled and sold for parts;

"Junk motor vehicle," any motor vehicle which has been placed on the property of a recognized junk dealer for the purposes of salvage;

"Jurisdiction," a state, district, territory, or possession of the United States, a foreign country, and a state or province of a foreign country;

"Large boat," any boat over twelve feet in length or a motorboat, used or capable of being used as a means of transportation on water, except canoes, inflatable boats, kayaks, sailboards and seaplanes;

"Low-speed vehicle," a four-wheeled motor vehicle whose speed attainable in one mile is more than twenty miles per hour and not more than twenty-five miles per hour on a paved level surface.

"Manufactured home," a structure, transportable in one or more sections, which is eight body feet or more in width or forty body feet or more in length in the traveling mode, or is three hundred twenty or more square feet when erected on a site; which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities; and which contains the plumbing, heating, air conditioning, and electrical systems therein. The term includes any structure which meets all the requirements of this subdivision and any other structure which has been certified by the secretary of housing and urban development. The term does not include a recreational park trailer;

"Manufacturer," any person, firm, corporation, limited liability company, or association engaged in the manufacture of new motor vehicles as a regular business;

"Manufacturer," a person who manufactures or assembles vehicles, including motor homes, and who issues the original or first manufacturer's statement of origin. The term, manufacturer, includes a central or principal sales corporation through which it distributes its products to franchised dealers;

"Mobile home," a movable or portable unit, designed and constructed to be towed on its own chassis (comprised of frame and wheels), and designed to be connected to utilities for year-round occupancy. The term includes:

(a) Units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity; and

(b) Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing.

The term does not include a recreational park trailer;

"Moped," a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged;

"Moped" a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

"Motorboat," any boat propelled by machinery, whether or not such machinery is the principal source of propulsion, but does not include a boat which has a valid marine document issued by the commissioner of customs of the United States government or any federal agency successor thereto;

"Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with motor attached, and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor;

"Motorcycle" includes motorcycles, motorbikes, mopeds, bicycles with motor attached, and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor.

"Motor home," a motor vehicle designed as an integral unit to be used as a conveyance upon the public highways and for use as a temporary or recreational dwelling and having at least four of the following permanently installed systems:

(a) Cooking facilities;

(b) Ice box or mechanical refrigerator;

(c) Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both;

(d) Self-contained toilet connected to a plumbing system with connection for external water disposal;

(e) Heating or air conditioning system, or both, separate from the vehicle engine or the vehicle electrical system;

(f) A one hundred ten--one hundred fifteen volt alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply;

"Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers, and all vehicles propelled by power other than muscular power, except traction engines, road rollers, farm wagons, freight trailers, vehicles that run only on rails or tracks, and off-road vehicles as defined in § 32-20-1;

"Motor vehicle," all vehicles or machines propelled by any power other than muscular used upon the public highways for the transportation of persons or property or both;

"Motor vehicle," shall have the meaning ascribed to it by § 32-9-1;

"Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailer coaches, cabin trailers, and all vehicles propelled by power other than muscular power, except traction engines, road rollers, fire trucks, wagons and engines, police and patrol wagons, farm wagons, freight trailers, and such vehicles as run only on rails or tracks;

"New motor vehicle," any motor vehicle to which a manufacturer's statement of origin has not been transferred, or is a motor vehicle on which title was issued from the manufacturer's statement of origin or manufacturer's certificate of origin and is still in the name of the first person who took title to the vehicle;

"Noncommercial motor vehicle," any motor vehicle not classified as a commercial motor vehicle;

"Noncommercial trailer or semitrailer," any trailer or semitrailer not used or maintained for the transportation of persons or property for hire, compensation, or profit;

"Notation," a physical or electronic process of recording a lien on a certificate of title, a manufacturer's statement of origin, or a manufacturer's certificate of origin;

"Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes all terrain vehicles, dune buggies, and any vehicle whose manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not for highway use. The term does not include a farm vehicle as defined in this section;

"Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all-terrain vehicles, dune buggies and any vehicle whose manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not for highway use. Off-road vehicle does not include a farm vehicle as defined in § 32-3-2.4.

"Operate," to navigate or otherwise use a boat;

"Owner," any person, firm, association, or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days; as between contract vendor and contract vendee, the term, owner, shall refer to the contract vendee, unless the contrary clearly appears from the context of chapters 32-3 to 32-5B, inclusive, or a person having legal possession or title;

"Owner," as defined in subdivision 32-3-1(16), except that for the purposes of proportional registration of vehicles as authorized and provided in §§ 32-10-10 and 32-10-15 to 32-10-28, inclusive, "owner" means a person who holds a legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event while a vehicle is subject to a lease with an immediate right of possession vested in the lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee or mortgagee is considered to be the owner;

"Owner," a person, other than a lien holder, having the property in or title to a boat. The term includes a person entitled to the use or possession of a boat subject to an interest in another person reserved or created by

agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;

"Person" shall have the meaning ascribed to it by § 32-9-1;

"Personal watercraft," any motorboat that has an inboard or outboard motor powering a water jet pump or caged propeller as its primary source of motive power and is designed to be operated by a person standing on, kneeling on, sitting astride, or being towed behind the watercraft, and has the probability that the operator and passengers may in the normal course of use, fall overboard;

"Preceding year," a period of twelve consecutive months fixed by the administrator which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the administrator in fixing such period shall make it conform to the terms, conditions, and requirements of any applicable agreement or arrangement for the proportional registration of vehicles;

"Private business use," the transportation of persons or property for hire, compensation, profit, or remuneration of any kind, or the transportation of any property of a business venture not specifically excluded under § 32-9-3;

"Properly registered," as applied to place of registration:

(a) The jurisdiction where the person registering the vehicle has his legal residence; or

(b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from such place of business, and, the owner has assigned the vehicle to such place of business; or

(c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the administrator shall make final determination, but in making such determination, may confer with administrators of the other states or jurisdictions affected;

"Public auction," a business that is open to the public where South Dakota titled motor vehicles are consigned, displayed, and auctioned to the highest bidder by an auctioneer;

"Public highway," every street, alley, public road, public thoroughfare, or highway in this state;

32-5B-4. Purchase price defined. For the purposes of this chapter, the purchase price is:

(1) For a new motor vehicle sale or lease, the total consideration whether received in money or otherwise. However, when a motor vehicle is taken in trade as a credit or part payment on a new motor vehicle, the credit or trade-in value allowed by the seller shall be deducted from the total consideration for the new motor vehicle to establish the purchase price;

(2) For a used motor vehicle sold or leased by a licensed motor vehicle dealer, the total consideration for the used motor vehicle whether received in money or otherwise. However, when a motor vehicle is taken in trade by the dealer as a credit or part payment on a used motor vehicle, the credit or trade-in value allowed by the dealer shall be deducted from the consideration so that the net consideration is established;

(3) For a used motor vehicle sold, leased, or transferred by any person other than a licensed motor vehicle dealer, the total consideration received in money or otherwise. However, when a motor vehicle is taken in trade as a credit or part payment on a used motor vehicle, the credit or trade-in value shall be deducted from the total consideration so that the net consideration is established. The purchaser and seller of the motor vehicle shall submit to the county treasurer a bill of sale, approved and supplied by the secretary. If a bill of sale is not submitted, the excise tax will be assessed on the retail value as stated in a nationally recognized

dealers' guide as approved by the secretary of revenue. If the excise tax is assessed on the retail value, the value of the motor vehicle taken in as credit on trade-in shall be the retail value as stated in the nationally recognized dealers' guide;

(4) For a new or used motor vehicle acquired by gift or other transfer for no or nominal consideration, the manufacturers' suggested dealer list price for new motor vehicles and for used motor vehicles the retail value stated in a nationally recognized dealers' guide approved and furnished by the secretary of revenue;

(5) For a motor vehicle manufactured by a person who registers it under the laws of this state, the amount expended for materials, labor, and other properly allocable costs of manufacture or in the absence of actual expenditures for the manufacture of a part or all of the motor vehicle, the reasonable value of the completed motor vehicle;

(6) For a rebuilt motor vehicle, upon its initial registration and titling, 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;

(7) For either a new or used motor vehicle, as defined by § 32-5B-21, which is a closed lease, the total consideration whether received in money or otherwise. Total consideration is all lease payments including cash, rebates, the net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle. Total consideration does not include title fees, registration fees, vehicle excise tax paid pursuant to §§ 32-5B-1, 32-5B-1.1, and 32-5B-21 to 32-5B-24, inclusive, federal excise taxes attributable to the sale of the vehicle to the owner or to the lease of the vehicle by the owner, insurance, and refundable deposits;

(8) For either a new or used motor vehicle, as defined by § 32-5B-21, which is leased, and the terms of the lease are either not certain at the time the lease contract is executed or the lease is open ended, the purchase price shall be the total consideration whether received in money or otherwise. Total consideration includes the purchase price of the vehicle, plus cash, rebates, the net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle. Total consideration does not include title fees, registration fees, vehicle excise tax paid pursuant to §§ 32-5B-1, 32-5B-1.1, and 32-5B-21 to 32-5B-24, inclusive, federal excise taxes attributable to the sale of the vehicle to the owner or to the lease of the vehicle by the owner, insurance, and refundable deposits.

"Racing boat," any boat designed and manufactured exclusively for racing;

"Rebuilt vehicle," any motor vehicle, trailer, or semitrailer that has been rebuilt by the addition or deletion of assemblies, subassemblies, parts, or component parts so that upon gross visual examination it does not appear to be the vehicle described in the certificate of title last issued for the vehicle, or whose title has been marked as rebuilt by this state or another state or jurisdiction;

"Recreational park trailer," a vehicle that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use and which:

(a) Is built on a single chassis mounted on wheels;

(b) Has a gross trailer area not exceeding four hundred square feet in the setup mode;

(c) Is certified by the manufacturer as complying with American National Standards Institute Standard No. A119.5 in effect on January 1, 2008; and

(d) Has at least a seventeen digit identification number and the manufacturer has designated the vehicle as a recreational park model on the manufacturer statement of origin;

"Recreational park trailer," a vehicle that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use and which:

(a) Is built on a single chassis mounted on wheels;

(b) Has a gross trailer area not exceeding four hundred square feet in the setup mode;

(c) Is certified by the manufacturer as complying with American National Standards Institute Standard No. A119.5 in effect on January 1, 2008; and

(d) Has at least a seventeen digit identification number and the manufacturer has designated the vehicle as a recreational park model on the manufacturer statement of origin;

"Recreational vehicle," a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, vacation, or seasonal uses, permanently identified as a travel trailer or a recreational park trailer by the manufacturer of the trailer;

"Removal agency," any public body, private or nonprofit organization authorized to remove and salvage abandoned and junk motor vehicles and other scrap metals. The removal agency may be authorized by chapter 32-30 to remove vehicles, may be hired or appointed by a public body or may be in the business of removing or salvaging vehicles;

"Road tractor," any motor vehicle designed and used for drawing other vehicles, except farm or logging tractors used exclusively for farming or logging, and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;

"Sailboard," any single-hulled boat equipped with an articulating mast and designed to be operated by a person standing on the board, maneuvering through the trim of the hand-held sail and distributing his body weight on the board;

Salvage vehicle defined--Application. For purposes of §§ 32-3-51.5, 32-3-51.20, and 32-3-51.21, the term, salvage vehicle, means any motor vehicle that an insurer or self-insurer determines a total loss due to theft or to damage caused by fire, vandalism, collision, weather, submersion in water, or flood. This section does not apply to any motor vehicle more than ten model years old or with a gross vehicle weight rating of more than sixteen thousand pounds.

"Scrap metals," waste or refuse metals that have been in actual use and have been abandoned and are fit only to be remanufactured or recycled.

"Secretary," secretary of revenue;

"Secretary," secretary of revenue;

"Sell-it-yourself lot," any space provided to a person for a fee to display that person's boat or vehicle for sale;

"Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle

"Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;

"Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;

"Snowmobile," any engine-driven vehicle of a type which uses sled type runners or skis with an endless belt tread or similar means of contact with the surface upon which it is operated and the vehicle does not exceed forty-eight inches in width;

"State," includes the territories and the federal districts of the United States;

"Supplemental lot," a physically separate location owned and maintained by a licensed dealer within the same county as the principal place of business;

"Temporary special events lot," a location other than the principal place of business, supplemental lot, or temporary supplemental lot where a licensed trailer dealer, a licensed used car dealer, or a licensed vehicle dealer selling only truck tractors, trailers, or motor homes, or any combination thereof, may conduct business for a period of time not to exceed ten consecutive days for a specific purpose such as fairs, auctions, shopping center sales, or tent sales. A temporary special events lot shall meet all local zoning and building codes for the type of business being conducted;

"Temporary supplemental lot," a location other than the principal place of business or supplemental lot but within the same county as the principal place of business, or within the corporate limits of a municipality which overlaps boundaries of a county, or in an adjoining county, if the adjoining county has no licensed vehicle dealer selling automobiles, pick-ups, or passenger vans and the temporary supplemental lot is no more than ten miles from the principal place of business, where a licensed vehicle dealer or a licensed used vehicle dealer may conduct business for a period of time not to exceed ten consecutive days for a specific purpose such as fairs, auto shows, auctions, shopping center promotions, or tent sales. A temporary supplemental lot shall meet all local zoning and building codes for the type of business being conducted. If a licensed vehicle dealer establishes a temporary supplemental lot in a county with a licensed used vehicle dealer, a licensed used vehicle dealer may establish a temporary supplemental lot in a county with a licensed vehicle dealer. A licensed vehicle dealer may establish, for manufacturer sponsored events, a temporary supplemental lot in an adjoining county that has no like franchised licensed dealer;

"Trailer," any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle;

"Trailer," any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle;

"Trailer," every vehicle without motive power designed to carry property or persons wholly on its own structure and to be drawn by a motor vehicle.

"Trailer dealer," any person who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new or used trailers, semitrailers or travel trailers or who is engaged in the business of selling new or used trailers, semitrailers or travel trailers whether or not such vehicles are owned by such person;

"Travel trailer," any trailer or semitrailer which provides as its primary purpose adequate, comfortable, temporary living quarters while on pleasure excursions or while touring for business, professional, educational or recreational purposes;

"Truck tractor," any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

"Used vehicle," any motor vehicle to which title has been issued to someone other than the first person who took title to the motor vehicle from the manufacturer's statement of origin or manufacturer's certificate of origin; and

"Used vehicle dealer," any person who, for commission or with intent to make a profit or gain sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of used vehicles or who is engaged in the business of selling used vehicles;

"Vehicle," any new or used automobile, truck, truck tractor, motorcycle, motor home, trailer, semitrailer or travel trailer of the type and kind required to be titled and registered under chapters 32-3 and 32-5, except manufactured homes, mobile homes, mopeds or snowmobiles;

"Vehicle" shall have the meaning ascribed to it by § 32-9-1.

"Vehicle dealer," any person who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new, or new and used vehicles, or who is engaged wholly or in part in the business of selling new, or new and used vehicles.

"Vehicle identification number," the number assigned by the manufacturer or by the department for the purpose of identifying the vehicle. The term includes any number or letters assigned by the manufacturer for the purpose of identifying a component part and any such number stamped on a vehicle or part according to law or the rules promulgated by the department for the purpose of identifying the vehicle or part.

"Waters of this state," any public waters within the territorial limits of this state and all waters which form a common boundary between this state and Minnesota, North Dakota, Montana, Wyoming, Iowa, or Nebraska.

# Chapter 32-3 Title Registration, Liens and Transfers

TITLE REGISTRATION, LIENS AND TRANSFERS

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32-3-22.1 Fee for assignment of vehicle identification number.
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32-3-53.4 Trailer defined.
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32-3-73 Delivery of manufacturer's statement or certificate of origin upon sale and delivery--Default on sale--Notice--Violation as misdemeanor.

## Chapter 32-3A Title, Registration and Taxation of Boats

TITLE, REGISTRATION AND TAXATION OF BOATS

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## Chapter 32-5 Annual Registration and License Plates

ANNUAL REGISTRATION AND LICENSE PLATES

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32-5-2.9 Seller's permit for sold or transferred vehicle--Time for registration--Violation as misdemeanor.
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32-5-6.2 Repealed.
32-5-6.3 Schedule of fees for noncommercial vehicles other than automobiles, pickup trucks, or vans--Misdemeanor.
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32-5-9.2 Disposition of snowmobile fees and initial registration tax.
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32-5-16.1 Mobile home or manufactured home license fee--Establishment of purchase price by bill of sale or retail book value--Fee in lieu of certain taxes--Exemption for certain entities.
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32-5-24 Refund of overpayments authorized--Fund available for payment--Time limit for application.
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32-5-27.1 Repealed.
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32-5-36 Transferred.

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32-5-65 Special plates for employees of commercial radio or broadcasting companies--Fee--Surrender of plates--Violation as misdemeanor.
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32-5-81 Application to county treasurer--Issuance of distinctive number plate--Fuel used by vehicle--Failure to identify fuel as misdemeanor.
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REGULATION OF VEHICLE DEALERS

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REGULATION OF SNOWMOBILE DEALERS

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COMMERCIAL MOTOR VEHICLE CERTIFICATES

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# Chapter 32-36 Abandoned, Derelict and Junk Motor Vehicles and Scrap Metals

ABANDONED, DERELICT AND JUNK MOTOR VEHICLES AND SCRAP METALS

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# Ownership

# Requiring South Dakota Driver's License Number or Social Security Number

A. South Dakota driver's license or social security number required.

    1. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.

    2. Out of state applicants must supply their social security number and photo ID.

    3. Out of country applicants must supply a United States social security number, and either a US Passport and I94 form or an out-of-state driver's license.

    4. International driver licenses are unacceptable.

B. An applicant must also provide the county in which the vehicle is to be kept (regardless of state).

C. An applicant must also provide his/her residence post office address. An out-of-state resident is not prohibited from registering in South Dakota. An applicant must provide his/her actual resident address, which can be out-of-state.

D. An applicant using a PMB or mail forwarding address must confirm (Affidavit Claiming Lack of Residence) that he/she claims no residential post office address in this or any other state. If a person does claim residence in another state, the applicant is required to list that address on the application.

    32-5-3; 25-7A-56.2 ; 1-1-26

# Transfer of Ownership

A. Individual/private sales and dealer sales allow the seller 45 days from the date of sale to deliver the title to the buyer. The buyer must apply for title within 45 days from the date of purchase.

B. A properly assigned title must be turned in to the county treasurer.

C. All liens shown on the face of the title should be released by the county treasurer.

    1. The county treasurer can accept a title submitted for transfer with an open lien if there is a lien release attached to the title.

D. If the application for title is turned in more than 45 days after the date of sale, in addition to the title fee, the following applies.

    1. A late fee for late application for title.

2. Interest and Penalty (applies to motor vehicle excise tax and 4% initial registration fee). All fees are calculated from purchase date regardless of when an applicant applies for title and registration.
    a) The system automatically applies interest on the tax owed for each month or partial month that the tax payment is late.

    b) Interest will be charged at 1% or $5, whichever is greater, for the first month; and 1% per month on any application made after 45 days from the date of purchase. (Interest is not calculated on interest.)

    c) A one-time penalty equal to 10% of the tax or $10, whichever is greater, is automatically applied to any application made after 60 days from the purchase date.

    d) In addition, any person applying for a title more than 90 days after the date of assignment is guilty of a Class 2 misdemeanor.

E. If a buyer fails to transfer the title within 45 days, and the seller files a written complaint stating the facts, the buyer is guilty of a Class 2 misdemeanor.

F. If a buyer defaults on the terms of the sale within the 45-day period, the seller does not have to deliver the title to the buyer. The seller must notify the Division of Motor Vehicles in writing of the seller's refusal to deliver title to the buyer within 14 days of the buyer's default on the terms of the sale.

G. If the sale date is changed on the title, the applicant must provide proof of the correct purchase date. This could be done by a bill of sale, sales contract, etc. The penalty would continue to run while the applicant is obtaining proof of the date of purchase.

H. Use of Secure Power of Attorney
    1. Federal regulations prohibit the same person from signing as both the seller and the buyer in the same transaction involving a sale or purchase by dealer. Federal regulations apply to motor vehicles 9 model years and newer and less than 16,000 Gross Vehicle Weight Rating.

    2. A secure Power of Attorney can only be used if the title is with the lienholder (or ELT) or if the title has been lost and a duplicate title is required.

    3. With the expansion of electronic titles, titles (including out-of-state titles) may be assigned by a dealer (as seller) with a power of attorney. The title will give the appearance that there was not a lien (or a duplicate title). In these situations, the Power of Attorney can be accepted, as long as the title has a recent issue or print date.

I. Use of Non-Secure Power of Attorney

    1. A non-secure Power of Attorney may be used when the vehicle is not subject to Federal Odometer regulations.

    2. Non-Secure Powers of Attorney are commonly used in private transactions.

32-3-7; 32-3-3; 32-3-30.1; 32-3-27

# Ownership Transfers

**Joint Ownership**

A. Assignment should be completed in the regular manner from the recorded owner to the joint ownership.

B. No certificate of title will be issued showing the phrase "and/or" in any joint ownership.

   1. Assignment must be completed from the recorded joint owners to the new purchaser as follows:

| | |
|---|---|
| | "John Doe or Mary Doe" must be assigned by either. |
| | "John Doe and Mary Doe" must be assigned by both. |
| | "John Doe and Mary Doe, with rights of survivorship (WROS)" must be assigned by both except on the death of one, may be assigned by the survivor, when a certified copy of death certificate is attached to the certificate of title. |

C. If a document had previously been issued with the joint ownership shown as "and/or", form of ownership must be construed as "or" and the title may be assigned by either owner.

D. To change the type of joint ownership the title and title application must be properly completed and turned in to the county treasurer with the required title fee. The appropriate exemption must be noted on the title application.

E. The form of ownership on an out-of-state title will be treated the same as a South Dakota title.

**Transfer due to Marriage or Name Change**

F. Assignment must be made the same way as any other transfer except on the reverse side of the title, the owner must sign as seller using the exact name as shown on the face of the title and then type or print their correct married name as purchaser.

   1. The title fee must be charged.

**Transfer of Ownership by Court Order**

G. The county treasurer requires the surrender of title covering the vehicle(s) involved (if available), along with the original court order (or a certified copy), the required title fee, and the title application signed by the person granted ownership of such vehicle(s).

   1. An application for each vehicle covered will be required.

**Transfer of Ownership by Inheritance/Succession**

**No probate of estate.**

H. An Affidavit of Vehicle Ownership by Succession must be completed where there is no probate proceedings in the matter of the estate of the deceased.

1. If a South Dakota resident inherits a vehicle (not through probate) that is titled in another state, the applicant must apply for title through the state where the deceased lived.

    a) There have been some exceptions to this when the state involved will not title the vehicle because it is not present in that state or because the applicant is not a resident of that state.

        i. In these situations, an affidavit from the applicant stating this fact is required to title the vehicle in our state.
        ii. In most instances an affidavit of succession should only be used for South Dakota titled vehicles.

2. The county treasurer must require the surrender of the South Dakota title for the motor vehicle set out in the Affidavit of Vehicle Ownership by Succession.

    a) If the title is not available, it must be indicated on the affidavit. A duplicate title application is not required.

    b) The affidavit indicating the immediate heir(s) or successor(s), a title application completed by the heir(s) or successor(s), and the title fee are also required.

3. The title must first be issued in the name of the heir(s) or successor(s) before the title can be transferred to another owner.

4. If more than one vehicle is involved, a separate Affidavit of Vehicle Ownership by Succession must be completed for each vehicle.

**Probate of estate - Personal representative transfers title to heir.**

I. The county treasurer must require the surrender of the South Dakota certificate of title.

1. If the title cannot be located, the personal representative must apply for a duplicate before transferring title to the heir.

2. A copy of the court filed papers appointing the personal representative, an application for title, and the title fee are also required.

3. If a resident inherits a vehicle titled in another state through probate (letters of appointment of an administrator or executor) a South Dakota title can be applied for with copies of the probate papers.

4. The Last Will and Testament is not a legal court document and will not be accepted.

5. The certificate of title will be issued to the heir(s).

**Probate of estate - Personal representative selling vehicle.**

J. The personal representative must complete the assignment of title and attaches a copy of the papers appointing them as personal representative.

1. If the title is lost, the personal representative must apply for a duplicate before transferring title to the purchaser.

2. Personal representative paper must accompany the duplicate title application.

64:28:13:05.; 64:28:13:06.; 64:28:13:04.; 32-3-6.

# Duplicate Certificate of Title

A. The duplicate title application can be turned in to any county treasurer.

B. The recorded owner or a duly authorized agent holding power of attorney can apply for a duplicate title.

   1. A copy of the power of attorney document must be attached to the application form.

   2. Duplicate title will be issued in the name indicated on the original title.

   3. If the title has been issued with names joined by “and”, all owners must sign the application.

   4. The address can be updated on the application.

C. A duplicate title application can only be submitted when the original title has been lost, mutilated, or destroyed.

   1. The mutilated certificate of title must be attached to the application.

4. Duplicate title applications won't be accepted by the county treasurer or the Division of Motor Vehicles when the original title is being held by the lienholder or is an electronic title (ELT).

E. When there are existing liens, the lienholder’s signature must also be on the application, unless a lien release is attached.

   1. If the title has an existing lien and a lien release is submitted with the application, a free and clear title will be mailed to the address indicated on the form. There is no fee for a lien release.

6. In the event of a name change due to marriage, divorce, or a court order, the duplicate title will be issued as the original title record reads. The title can then be resubmitted with all appropriate documents to change the name.

   1. If the applicant's name has changed since the original title was issued, the applicant should sign using the name that was used on the original title.

   2. The application may be signed using both names.

   3. If the owner chooses to sign using his/her new name, a notarized affidavit stating he/she is one and the same must accompany the application.

   4. If the title is listed only in the name of a trust, the application must be signed by the trustee(s). The portion of the trust appointing the trustee(s) and the signature page of the trust must be attached.

   5. If the trust appoints multiple trustees with the form of ownership as “and”, all of the trustees’ signatures are required.

G. The current odometer reading must be completed on the application if applicable.

H. The duplicate title fee must be collected.

32-3-29

# Replacement of Lost Title Document (Lost in Mail)

A. If the original title is not received through the mail, the county treasurer can waive the duplicate title fee if:

1. The application for replacement of lost title is made within ninety (90) days from the date that the original title was issued.

2. The title is being mailed to the same address the original title was mailed to.

B. In cases where the original title was received and then lost, the duplicate title fee must be collected.

# Consignment Sales by Dealers or Public Auctions

A. Any dealer or public auction may sell or offer to sell South Dakota titled vehicles/boats on consignment.

B. A titled vehicle that is at least 20 years old and a motorcycle that is at least 30 years old that is not titled in South Dakota may be sold at a public auction if a title is issued in the name of the seller.

1. Dealer to Dealer consignments are not allowed (unless sold at public auction).

2. A dealer is not allowed to use dealer plates or permits on a consigned vehicle.

3. An out-of-state dealer may sell a vehicle that is at least 20 years old or a motorcycle that is at least 30 years old that is titled in the dealer's name (out-of-state title) at public auction if the dealer purchases a temporary permit from the division.

a) The dealer must provide proof that the dealership is in good standing in the dealer's home state and has no outstanding dealer violations.

b) The fee for the permit is $250 if purchased prior to the auction or $500 if purchased at or after the auction.

c) Any dealer in violation shall be denied a temporary permit for a period of one year from the date of the violation.

C. Consignment is defined as: the delivery of a vehicle/boat by the owner into the possession of another without transfer of title for the purpose of sale or where there is any condition that the purchaser does not have an absolute obligation to pay for the vehicle/boat or has a right to return the vehicle to the seller.

D. Public auction is defined as: a business that is open to the public where South Dakota titled motor vehicles/boats are consigned, displayed, and auctioned to the highest bidder by an auctioneer.

E. Auctioneer is defined as: a person who presides over a public auction where following an initial starting price, bids are taken from 2 or more people until a final bid or price is established for a motor vehicle/boat.

F. If a person trades in a vehicle to a dealer or enters into a consignment with a dealer and the vehicle has a lien notated on the title, the parties may agree that the dealer will satisfy the lien. Failure to satisfy a lien constitutes theft.

1. A dealer must satisfy the lien within ten business days after receipt of the funds.

2. Proof of payment of the lien shall be the confirmation number when payment is made on-line or a copy of the check and the certified return mail card if payment is not made on-line.

3. A dealer may not offer the vehicle for sale until payment has been made to the lienholder, except on a consigned vehicle on which the dealer must comply with the terms of the consignment agreement. Proof of payment shall be documented as listed above "2".

G. Any dealer or public auction that sells or offers to sell South Dakota titled vehicles/boats on consignment shall enter into a contract with the consignor. The contract shall contain, at a minimum, the following information:

1. Name and address of consignor (owner);

2. Name and address of consignee (dealer or auctioneer);

3. Vehicle/boat description: title number, year, make serial number;
4. When applicable, completed odometer disclosure;

5. Agreed upon price or range;

6. Agreed upon amount that the owner will pay the dealer or auctioneer;

7. Length of time vehicle/boat will be with the dealer or auctioneer;

8. Disclosure by dealer or auctioneer that the sale is a consignment sale;

9. Signature of owner and dealer or auctioneer.

H. The following documents must be available at the dealership or auction prior to sale of a vehicle/boat:

1. South Dakota title in the name of the consignor;

2. Completed and signed consignment sales contract containing information set out above;

3. When applicable, an odometer reading certified by the owner (may be included on contract);

4. Federal FTC Buyer Guide must be displayed in a vehicle being offered for sale on dealer lot.

I. The following documents must be available at the dealership or auction upon sale of a vehicle/boat:

1. South Dakota title properly assigned by the consignor (owner);

2. Bill of sale;

3. Prior disbursement of proceeds if lien is indicated (lien must be satisfied and released).

J. A violation of these provisions is a Class 2 misdemeanor.

K. A dealer and auctioneer are required to keep the following records:

1. Dealer or auctioneer must maintain record of consignment sales for 5 years;

2. Dealer or auctioneer must retain a copy of consignment sales contract for 5 years.

L. A dealer or an auctioneer may not sell a vehicle/boat that has a title with a lien on it for less than the full amount of the lien, without the advance written consent of the lienholder. A dealer or an auctioneer may not release the proceeds from the sale of a vehicle/boat with a lien until the lienholder signs a release of the lien. A violation of these provisions is a Class 2 misdemeanor.

M. Every dealer and public auction shall keep books, records and files. A record shall be kept on every vehicle/boat offered for sale, including the serial number or vehicle/hull identification number and a description of the vehicle/boat and the name and address of the owner. If the vehicle/boat is sold, the name and address of the person purchasing the vehicle/boat and the price for which it is sold.

N. All records must be open and available to inspection by a dealer inspector.

32-6B-3; 32-6B-3.1; 32-6B-3.2; 32-6B-3.3; 32-6B-3.4; 32-6B-3.5; 32-6B-20.3

# Tax and Exemptions

# Wheel Tax

A. County may, by ordinance, impose a wheel tax on all motor vehicles (auto, truck, motorcycle, house trailers, trailers and off-road vehicles). *32-5A-1*

   1. Rate may not exceed $5 per vehicle wheel.

   2. Total tax may not exceed $60 per vehicle.

   3. Fee retained by county for highway and bridge maintenance and construction with distribution among county and the municipalities and townships within the county. *32-5A-2*

   4. Dealer is exempt from tax unless they are licensing commercially. *32-5A-3*

B. Wheel tax rate may be charged according to manufactured shipping weight, including accessories and may vary according to the following: 2,000 pounds or less; 2001-4000 pounds, inclusive; 4001-6000 pounds, inclusive; over 6000 pounds. *32-5A-5*

C. If vehicle licensed for less than 12 months, fee is prorated on a monthly basis. *32-5A-7*

# Excise Tax

A. Motor vehicles

   1. In addition to all other license and registration fees for the use of the highways, a person must pay an excise tax at the rate of **4%** on the purchase price of any motor vehicle purchased or acquired for use on the streets and highways of South Dakota and required to be registered under the laws of this state. 32-5B-1

   2. This tax is place of any tax collected on the sales of such vehicles.

   3. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

B. Boats

   1. In addition to all other fees, a person must pay an excise tax at the rate of **3%** on the purchase price of any large boat purchased or acquired for use on the waters of this state and required to be registered under the laws of this state.

      a) This tax is in place of any tax charged by chapters 10-45 and 10-46 on the sales of such large boats.

      b) Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

   2. For a used vehicle/large boat sold by a licensed motor vehicle/boat dealer:

a. When a vehicle/large boat is taken in trade by the dealer as a credit or partial payment, the trade allowance must be deducted so the net purchase price is established.

b. The trade-in value of any damaged motor vehicle may include the value of any check from an insurance company which is intended to cover the damages of the traded motor vehicle.

c. Rebates are taxable

3. For a used motor vehicle/large boat sold or transferred by any person other than a licensed motor vehicle/boat dealer, motor vehicle excise tax is due on the purchase price.

   a. If a bill of sale is not available, tax is based on the retail value stated in a nationally recognized dealer's guide approved and provided by the Secretary of Revenue.

   b. If a bill of sale cannot be obtained, a statement by the applicant must be provided or it must be indicated on the title application that a bill of sale is not available.

   c. When there is a trade-in indicated on the bill of sale, tax is due on the difference.

      i. For example: a 1970 Chevrolet plus $2,000 is traded for a 1979 Chevrolet; motor vehicle tax is assessed on the $2,000.

      ii. If bill of sale is not available, tax is based on NADA book value of the vehicle/boat purchased minus NADA book value of the vehicle/boat traded in and taxed on the remainder.

   d. Any tangible property can be used for trade-in value.

4. For a new or used motor vehicle/large boat acquired by gift from someone other than immediate family or by other transfer for no or *nominal consideration tax is due on:

   a. The manufacturer's suggested dealer list price for new vehicles/large boats

   b. The retail value stated in a nationally recognized dealer's guide for used motor vehicles/large boats

5. For a vehicle/large boat manufactured by a person who registers it under the laws of this state, the amount expended for materials, labor and other property allocable costs, or in the absence of actual expenditures, the reasonable value of the completed motor vehicle/large boat.

6. For a rebuilt motor vehicle/large boat, upon its initial registration and titling, the total cost for the salvage vehicle/large boat, whether received in money or otherwise, and the total cost for any assemblies, subassemblies, parts, or component parts used that sales tax was not previously paid on.

*Nominal consideration is a consideration which has no relation to the actual value of the contract or article.

32-5B

# Purchase Price for Excise Tax

A. For the purpose of this motor vehicle excise tax, the purchase price is:

B. For a new motor vehicle/large boat, sale or lease:

1. When a motor vehicle/large boat is taken in trade as a credit or partial payment on a new vehicle/large boat, trade allowance must be deducted from the total amount owed for the new motor vehicle/large boat to establish the purchase price.

2. The trade-in value of any damaged motor vehicle may include the value of any check from an insurance company which is intended to cover the damages of the traded motor vehicle.

a) The insurance check **and** the totaled vehicle must be turned into the dealer to receive trade-in credit.

32-5B-4

# Leased Vehicle with GVWR of less than 16,000 lbs.

A. For the purpose of this motor vehicle excise tax, the purchase price is:

1. For a new motor vehicle/large boat, sale or lease:

a) When a motor vehicle/large boat is taken in trade as a credit or part payment on a new vehicle/large boat, the credit or trade-in value allowed by the seller shall be deducted from the total consideration for the new motor vehicle/large boat to establish the purchase price.

B. The trade-in value of any damaged motor vehicle may include the value of any check from an insurance company which is intended to cover the damages of the motor vehicle.

C. For either a new or used motor vehicle (that has a gross vehicle weight rating of less than 16,000 pounds) or a fertilizer vehicle, which is a closed lease, the total consideration is all lease payments, including cash, rebates, the net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase price of the vehicle.

1. Total consideration does not include title fees, registration fees, vehicle excise tax, federal excise taxes attributable to the sale of the vehicle to the owner, or to the lease of the vehicle by the owner, insurance, and refundable deposits.

2. If the term of the lease is extended or if the vehicle is leased for an additional period of time, the excise tax is assessed on the additional lease payments and shall be paid by the lessor.

3. If additional consideration is paid during the course of the lease or upon termination of the lease, tax is assessed upon such amount and shall be paid by the lessor.

D. For either a new or used motor vehicle (that has a gross vehicle weight rating of less than 16,000 pounds), or a fertilizer unit, which is leased and the terms of the lease are either not certain at the time the lease contract is

executed or the lease is open-ended, the purchase price is the total consideration whether received in money or otherwise.

1. Total consideration includes the purchase price, plus cash, rebates, **the net trade-in**, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle.

2. Total consideration does not include, title fees, registration fees, vehicle excise tax, federal excise tax attributable to the sale of the vehicle to the owner or to the lease of the vehicles by the owner, insurance, and refundable deposits.

E. A motor vehicle/large boat license will not be issued unless all requirements for registration are completed and the correct amount of the motor vehicle excise tax has been collected by the county treasurer.

**F. No refunds or collections of the motor vehicle excise tax will be made on amounts under $5.**

32-5B-1.1

# Tax Previously Paid Without Bill of Sale - Correction

A. For the purpose of this motor vehicle excise tax, the purchase price is:

1. For a new motor vehicle/large boat, sale or lease:

i. When a motor vehicle/large boat is taken in trade as a credit or partial payment on a new vehicle/large boat, trade allowance must be deducted from the total consideration for the new motor vehicle/large boat to establish the purchase price.

ii. The trade-in value of any damaged motor vehicle may include the value of any check from an insurance company which is intended to cover the damages of the traded motor vehicle.

B. If an applicant who was unable to obtain a bill of sale prior to making application, and was assessed motor vehicle excise tax on the book value, later obtains the bill of sale, a refund for the overpayment of the excise tax will be authorized if the request is made **within <u>one year</u>** from the date of the original application.

1. **No refund will be granted on requests made after one year from the date of application.**

2. The title must be returned to the Division of Motor Vehicles for correction of the tax amount.

3. A title correction fee is assessed.

64:29:02:03.03

# Tax Previously Paid Out of State

A. For the purpose of this motor vehicle excise tax, the purchase price is:

1. For a new motor vehicle/large boat sale:

2. When a motor vehicle/large boat is taken in trade as a credit or partial payment on a new vehicle/large boat, trade allowance must be deducted from the total consideration for the new motor vehicle/large boat to establish the purchase price.

3. The trade-in value of any damaged motor vehicle may include the value of any check from an insurance company which is intended to cover the damages of the traded motor vehicle.

B. If any motor vehicle/large boat has been subjected previously to a sales tax, use tax, excise tax, or similar tax on the purchase of the vehicle by any other state or its political subdivision, and the percentage of tax paid in the other state is equal to or greater than the tax owed to this state, and if the tax has been paid by the applicant; then no additional tax is due.

1. The following states impose a flat rate motor vehicle excise tax less than South Dakota's 4 percent rate:

   Montana—0%
   New Hampshire—0%
   New Mexico 3%
   North Carolina—3%
   Oklahoma—3.25%
   Oregon—0%

   Titles transferring from the states listed above to South Dakota require payment of motor vehicle excise tax equal to the imposed 4% in South Dakota.

2. In some states, motor vehicle excise tax includes a flat rate, plus a county or city rate. In such states, if proof of payment of a similar tax is equal or greater to the amount to of South Dakota's 4 percent tax, reciprocity or credit for tax paid may be granted.

   The following states apply:
   Alabama—2%
   Alaska—0%
   Colorado—2.9%.
   South Carolina—5% or maximum credit of $300

3. If the amount of tax levied in such other state or its political subdivision is less than the amount of tax levied by South Dakota, then an additional tax is due. The amount due is arrived at by subtracting the amount of tax previously paid by the applicant from the amount of tax due.

   a. For instance, an applicant previously paid tax in the amount of $80 to the state of Alabama. The applicant is registering a vehicle that currently books for $4,000. The amount of tax due our state is $80.

   $4,000 x 4% = $160 - $80= $80

   b. If proof of the amount of tax previously paid by the applicant is not available, the following amount of excise tax would be assessed:

   $4,000 x 2% = $80

C. A title in the applicant's name from a state that collects an equal or greater amount of tax, an affidavit of a licensed dealer, bill of sale, receipt or other tangible evidence that an amount of tax has been paid by the current applicant must be submitted.

1. Unless the applicant submits a state tax receipt verifying tax payment, the applicant must complete an "Applicant's Tax Payment Verification" form, on any out-of-state title transaction in which the issue date on the out-of-state title is 6 months or less from the date of application. These may be subject to further verification by the Division of Motor Vehicles.

2. On a vehicle purchased from an out-of-state dealer that collects tax, the dealer is required to complete a "Verification of Tax Assessment by Out-of-State Dealer" form. If sufficient proof is not furnished, the county treasurer must collect the full amount of excise tax.

32-5B; 64:29:02:08

# Motor Vehicle 4% Excise Tax Exemption Codes

**The following Excise Tax exemptions are listed by the tax code number they represent, some numbers are skipped**

1. Vehicles and house trailers, which are the property of this state, of the United States, of counties, townships, municipalities, public or nonpublic schools, Indian tribes or schools, fire departments, vehicles purchased by the state under the Urban Mass Transportation Act, nonprofit community support providers, buses and vans owned by churches, and farm vehicles as defined in 32-5-1.3.

2. Vehicle acquired by inheritance from or bequest of a decedent.

3. Vehicle previously titled or licensed jointly in the names of two or more persons and subsequently transferred without consideration to one or more of such persons.

4. Vehicle transferred without consideration between spouses, between a parent and child, and between siblings.

**EXEMPTIONS 5-11 MUST ALREADY BE SOUTH DAKOTA TITLED VEHICLES TO QUALIFY**

5. Vehicle transferred pursuant to any mergers or consolidation of corporations or plans of reorganization by which substantially all of the assets of a corporation or LLC are transferred.

6. Vehicle transferred by a subsidiary corporation or LLC to its parent corporation or LLC.

7. Vehicle transferred between an individual and a corporation or LLC where the individual and the owner of the majority of the capital stock of the corporation or LLC are one and the same.

8. Vehicle transferred between a corporation or LLC and its stockholders or creditors when to effectuate a dissolution of the corporation or LLC.

9. Vehicle transferred between an individual and a limited or general partnership where the individual and the owner of the majority interest in the partnership are one and the same person.

10. Vehicle transferred to effect a sale of all or substantially all of the assets of the business entity.

11. Vehicle transferred between corporations or LLCs, both subsidiary and non-subsidiary, if the individuals who hold a majority of stock in the first corporation or LLC also hold a majority of stock in the second corporation or LLC; but these individuals need not hold the same ratio of stock in both corporations and LLCs.

12. Vehicle acquired by a secured party or lienholder in satisfaction of a debt.

13. Vehicle first transferred to a person other than a licensed motor vehicle dealer when such vehicle was previously licensed and registered pursuant to 32-5-27 (exemption applies only if title previously coded 27).

14. Any motor vehicle sold or transferred which is eleven or more model years old, which is sold or transferred for $2,500 or less before trade-in.

15. This exemption code is used when the first retail purchaser registers the vehicle that was exempt under exemption code #36.

17. Effective July 1, 1990, licensed motor vehicle dealer titles vehicle pursuant to 32-5-27, (vehicle brought in from out-of-state, not taken in on trade, for the purpose of resale) and does not pay motor vehicle excise tax. Dealer has the option of licensing the vehicle. The first retail sale is taxable.

18. Any motor vehicle transferred by a trustor to his trustee or from a trustee to a beneficiary of a trust.

19. Vehicle/motorcycles rented for 28 days or less or a trailer that has an empty or shipping weight of 9,000 pounds or more, rented for 6 months or less and not consecutively rented for more than one six-month period.

20. Cheyenne River Sioux Tribe member living on his/her own reservation.

21. Rosebud Sioux Tribe member living on his/her own reservation.

22. Standing Rock Sioux Tribe member living on his/her own reservation.

23. Crow Creek Sioux Tribe member living on his/her own reservation.

24. Flandreau Santee Sioux Tribe member living on his/her own reservation.

25. Lower Brule Sioux Tribe member living on his/her own reservation.

26. Oglala Sioux Tribe member living on his/her own reservation.

27. Prior to July 1, 1990, licensed motor vehicle dealers paying tax pursuant to 32-5-27 (vehicles brought in from out-of-state, not taken in on trade, for the purpose of resale).

28. Sisseton Wahpeton Sioux Tribe member living on his/her own reservation.

29. Yankton Sioux Tribe member living on his/her own reservation.

36. South Dakota new motor vehicle dealer chooses to tax, title, and license a new vehicle on his/her lot. Excise tax must be assessed on the manufacturer's suggested price. The first retail sale is exempt.

42. Dealer titles used vehicles and does not pay motor vehicle excise tax.

48. Vehicle transferred without consideration to any South Dakota nonprofit corporation that will donate the vehicle to a needy family or individual.

55. Prorate

84. Insurance company titles vehicle and does not pay motor vehicle excise tax.

90. Motor vehicle purchased prior to June, 1985.

91. Motor vehicle was on a licensed motor vehicle dealer's inventory as of May 30, 1985.

92. House trailer (assessed tax under the 4% initial registration fee).

93. Motor vehicle donated to non-profit organization if the non-profit organization sells the vehicle within 45 days of the donation (purchaser may be subject to 4% motor vehicle excise tax).

94. All-terrain vehicle (purchased before July 1, 2016).

95. Title only (no tax is paid because the vehicle will not be used on the streets or highways).

    a. These vehicles will not operate on the streets and highways or waterways of this state or any state and must be hauled or transported to their destination and not driven over the roadways. The title only tax exemption must be requested within 30 days of the date of purchase and prior to a title being issued.

    b. In situations where title only is granted, various taxes such as sales tax, use tax and municipal taxes may be applicable based on the provisions in those tax laws. Proof of payment of applicable taxes, such as bill of sale, should be submitted to the County Treasurer along with the motor vehicle title application for the title only tax exemption.

    c. When a vehicle qualifies for the title only tax exemption, the vehicle may not be registered and license plates are not issued. If the vehicle is later registered and plated so it may operate on streets and highways or waterways, the motor vehicle excise tax must be paid at that time. If the vehicle is currently titled and assigned license plates, the plates must be surrendered to the County Treasurer Office upon application for the title only tax exemption.

**Vehicles eligible for the title only tax exemption include**:

- Racing vehicles that are not street legal and will only be driven on race tracks;
- A newly purchased vehicle wrecked prior to titling of the vehicle that will be turned over to the insurance company or otherwise disposed of and not used on the roadways;
- Abandon vehicles towed by a removal agency as outlined in law;
- Vehicles obtained legally through a Mechanic's Lien or Unpaid Repair Bill.

Any person applying for the title only tax exemption must complete the motor vehicle application for title or boat title and registration application and South Dakota exemption form attesting that the vehicle qualifies for the title only tax exemption as outlined in this policy statement.

**For policy clarification purposes, the following are exclusions from this policy:**

- Travel trailers and campers are not eligible for the title only tax exemption. These vehicles are titled and are intended to be mobile and use the roads and highways to reach their destination regardless of whether the location is temporary or permanent.
- Off road vehicles used on privately owned property or farm use. These vehicles are titled but are not required to be licensed unless they will be used on public roads.
- Certain equipment is intended for specialized use and is not eligible to be titled (and therefore not eligible for the title only tax exemption). Examples include:
- Farm equipment or implements of husbandry such as: hay grinders, feed mixers, etc.

- Towing vehicles or auxiliary axles such as: tow dolly, flip axle, jeep, jeep booster, etc.

- Specialized mobile equipment such as: log splitters, air compressors barbeque pits, etc., which are not designed to haul ancillary items.

- Tax previously paid by registered owner (for instance, previous interstate title, title submitted for removal of canceled lien).

98. Applies when an even trade takes place where both vehicles are of equal value, or trade-down takes place where the vehicle purchased has a lesser value than the vehicle traded. Prices must be substantiated with a bill of sale.

99. Applicant surrenders out-of-state title in applicant's name from a state that has an equal and similar tax for a South Dakota title reciprocity granted.

PLEASE NOTE: In the tax-amount section on titles issued prior to January 1, 1991, if an asterisk appears before the figure given, this indicates that it is an exemption code. If the asterisk does not appear, the figure is the amount of tax paid.

32-5B-2; 32-5B-1; 32-5B-3; 32-5B-11; 32-5B-12

# Vehicle Age Exemption Schedule

**EXEMPTION # *14*** *(EFFECTIVE JULY 1, 2007, ANY MOTOR VEHICLE SOLD OR TRANSFERRED WHICH IS 11 OR MORE MODEL YEARS OLD AND WHICH IS SOLD OR TRANSFERRED FOR $2,200 OR LESS BEFORE TRADE-IN) -- CURRENT YEAR (-) 11*:

As of January 1, 2016 ----------2005 and older vehicles are exempt
As of January 1, 2017----------2006 and older vehicles are exempt
As of January 1, 2018----------2007 and older vehicles are exempt
As of January 1, 2019----------2008 and older vehicles are exempt
Reference: 32-5B-2

**SALVAGE TITLE** (Vehicles less than 11-years-old*) -- CURRENT YEAR (-) 11:*

As of January 1, 2015----------2008 and older vehicles/boats are exempt
As of July 1, 2015----------2004 and older vehicles/boats are exempt
As of January 1, 2016----------2005 and older vehicles/boats are exempt
As of January 1, 2017----------2006 and older vehicles/boats are exempt
As of January 1, 2018 ----------2007 and older vehicles/boats are exempt
Reference: 32-3-51.19

**ODOMETER STATEMENT/FEDERAL AND STATE REQUIREMENT** *(EXEMPTION GRANTED ON VEHICLES 10 OR MORE YEARS OLD -- CURRENT YEAR (-) 10*:

As of January 1, 2016---------- 2006 and older vehicles are exempt
As of January 1, 2017----------2007 and older vehicles are exempt
As of January 1, 2018----------2008 and older vehicles are exempt
As of January 1, 2019----------2009 and older vehicles are exempt
Reference: 64:28:03:11

**(EFFECTIVE JULY 1, 2011) 10-YEAR-OLD VEHICLE LICENSE BREAK** (*NONCOMMERCIAL VEHICLES 10-YEARS-OLD OR MORE shall pay 70 percent of the fee originally issued.) – CURRENT YEAR (-) 10*:

As of January 1, 2016----------2006 and older vehicles receive reduction
As of January 1, 2017----------2007 and older vehicles receive reduction
As of January 1, 2018----------2008 and older vehicles receive reduction
As of January 1, 2019----------2009 and older vehicles receive reduction Damage and Salvage Dates:

1988 damage (9 years and newer) ----------$1,000
1992 damage----------$2,000
1999 damage (and damage disclosure notice) ----------$3,000 2003 damage (6 years and newer) ----------$5,000
2004 damage (boats added) ----------$5,000
2005 damage (salvage added) ----------$5,000
2010 damage and salvage (salvage recovered theft added)--$5,000
2015 damage disclosure requirement repealed for all vehicles acquired after July 1, 2015.

# Boat 3% Excise Tax Exemption Codes

1. Any large boat which is the property of the governmental units which are exempted from motor vehicle registration fees by § 32-5-42.

2. Any large boat acquired by inheritance from or bequest of a decedent.

3. Any large boat previously titled or licensed jointly in the names of two or more persons and subsequently transferred without consideration to one or more of such persons.

4. Any large boat transferred without consideration between spouses, between a parent and child, and between siblings.

**EXEMPTION 5 THROUGH 11 MUST BE SOUTH DAKOTA TITLED VEHICLES TO QUALIFY**

5. Any large boat transferred pursuant to any mergers or consolidation of corporations or LLCs or plans of reorganization by which substantially all of the assets of a corporation or LLC are transferred.

6. Any large boat transferred by a subsidiary corporation or LLC to its parent corporation or LLC.

7. Any large boat transferred between an individual and a corporation or LLC if the individual and the owner of the majority of the capital stock of the corporation or LLC are one and the same.

8. Any large boat transferred between a corporation or LLC and its stockholders or creditors when to effectuate a dissolution of the corporation or LLC.

9. Any large boat transferred between an individual and a limited or general partnership if the individual and the owner of the majority interest in the partnership are one and the same person.

10. Any large boat transferred to effect a sale of all or substantially all of the assets of the business entity.

11. Any large boat transferred between corporations or LLCs, both subsidiary and non-subsidiary, if the individuals who hold a majority of stock in the first corporation or LLC also hold a majority of stock in the second corporation; but these individuals need not hold the same ratio of stock in both corporations and LLCs.

12. Any large boat acquired by a secured party or lienholder in satisfaction of a debt.

14. Any large boat sold or transferred which is eleven or more model years old and which is sold or transferred for $2,500 or less before trade-in.

17. Out of state titles not taken in on trade-in, for a licensed boat dealer's inventory.

18. Any large boat transferred by a trustor to his trustee or from a trustee to a beneficiary of a trust.

42. Dealer titles (optional licensing) a boat and does not pay 3% excise tax.

84. Any damaged large boat transferred to an insurance company in the settlement of an insurance claim.

95. Title only (large boat) in which no tax is being paid because the large boat will not be used on the waters of this state or any other state.

97. Any large boat owned by a former resident of this state who returns to the state and who had previously paid excise tax to this state on the large boat as evidenced within the department's records or by submission of other acceptable proof of payment of such tax.

98. Applies when an even trade takes place, or trade-down takes place. Prices must be substantiated with a bill of sale.

99. Applicant surrenders out-of-state title in applicant's name from a state that has an equal and similar tax for a South Dakota title; reciprocity granted.

**PLEASE NOTE:** If an asterisk appears before the figure given in the tax amount section on titles, this indicates that it is an exemption code. If the asterisk does not appear, the figure is the amount of tax paid.

32-3A-52; 32-5-42

# Title Transfers

# Title Transfer Requirements

### All Title Transfers must have the following:

A. Application for a South Dakota Motor Vehicle Title.

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state must present to the county treasurer of their county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.

2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

3. The division will not accept an incomplete application form or an application form that the Division considers inaccurate or appears to be altered.

4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. A manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) or title, properly assigned to the applicant, must be attached.

C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s South Dakota driver’s license number or social security number may be used.

D. If the vehicle was purchased out-of-state or from a private seller, a bill of sale, purchase order, or sales contract must be attached. If the dealer price certification on the title application is not complete and the applicant purchased the vehicle from a South Dakota dealer, a purchase order must be attached.

1. The seller of the motor vehicle must provide the purchaser with a bill of sale. The bill of sale should contain the following information:

   a. A complete description of the vehicle (make, model, serial number).

   b. Selling price of the vehicle.

   c. Date of sale.

   d. Purchaser information (name and address).

   e. The bill of sale must be signed by the seller.

2. If a bill of sale cannot be furnished, the excise tax will be assessed on the retail value as stated in a nationally recognized dealer's guide as approved by the Secretary of Revenue. A statement by the purchaser indicating

that a bill of sale cannot be obtained must be attached, or the area indicating such on the title application must be checked.

E. Purchase price on a vehicle is the total amount paid whether received in money, tangible trade, or otherwise.

a. The trade-in value of any damaged motor vehicle may include the value of any check from an insurance company which is intended to cover the damages of the traded motor vehicle. The damaged vehicle and the insurance check must be turned into the dealer to receive trade-in credit.

b. Total amount paid must include cash down payments, cash rebates, money and any other item given as payment for the vehicle.

c. Discounts are allowed, but a purchase agreement is required to substantiate the discount.

F. Payment of the correct amount of motor vehicle excise tax, a title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

64:28:03; 64:28:09; 64:29:02; 32-5B-1; 32-5B-4; 32-5B-4.1

# Assignment of Certificate of Title

A. Assignment of a title must be made by the recorded owner or owners or by a fully appointed agent.

1. Papers of appointment (power of attorney) must be attached to the title document when the assignment is made by an appointed agent.

2. If a title is being put in the name of a trust, the trustee(s) must be indicated on the title.

3. If a title is issued in the name of a trust without a trustee indicated, a copy of the trust papers must be submitted.

B. Transfer of ownership must be made by an assignment on the reverse side of the certificate of title.

C. A separate bill of sale will not be accepted in addition to or in place of a South Dakota certificate of title or a required assignment.

D. A properly assigned title must be submitted to the county treasurer's office in the applicant's county of residence.

E. Licensed dealers can reassign a title.

1. Only a licensed dealer is authorized to do multiple reassignments on a title.

2. If the title does not have additional reassignment space on the back, the dealer must use a Secured Dealer Reassignment form (form not provided by the State).

3. An out-of-state title that is reassigned to an insurance company (from a state that permits such reassignments) can do multiple reassignments.

4. South Dakota titles cannot be reassigned by an insurance company.

F. Federal odometer regulations require that the odometer statement is completed on the title reassignment.

1. It is a Class 6 felony to falsify information on the odometer disclosure.

2. The Division may refuse to transfer or issue a title if the owner or seller does not complete the information.

3. Odometer disclosure information is not required for the following vehicles:

   a. A vehicle that is ten (10) or more years old.

   b. A vehicle with a gross vehicle weight rating of more than 16,000 pounds.

   c. Snowmobiles, manufactured homes, off-road vehicles, trailers and boats.

32-3-30; 32-3-30.1; 32-3-38; 32-3-47; 32-3-57; 64:28:09

# Title Only

In limited situations, obtaining a title without payment of motor vehicle excise tax is allowed.

The title only tax exemption is intended for vehicles with special circumstances.

These vehicles will not operate on the streets and highways or waterways of this state or any state and must be hauled or transported to their destination and not driven over the roadways. The title only tax exemption must be requested within 45 days of the date of purchase and prior to a title being issued.

In situations where title only is granted, various taxes such as sales tax, use tax and municipal taxes may be applicable based on the provisions in those tax laws.

Proof of payment of applicable taxes, such as bill of sale, should be submitted to the County Treasurer along with the motor vehicle title application for the title only tax exemption.

When a vehicle qualifies for the title only tax exemption, the vehicle may not be registered and license plates are not issued.

If the vehicle is later registered and plated so it may operate on streets and highways or waterways, the motor vehicle excise tax must be paid at that time.

If the vehicle is currently titled and assigned license plates, the plates must be surrendered to the County Treasurer Office upon application for the title only tax exemption.

**Vehicles eligible for the title only tax exemption include:**

- Racing vehicles that are not street legal and will only be driven on race tracks;
- A newly purchased vehicle wrecked prior to titling of the vehicle that will be turned over to the insurance company or otherwise disposed of and not used on the roadways;
- Abandon vehicles towed by a removal agency as outlined in law;
- Vehicles obtained legally through a Mechanic's Lien or Unpaid Repair Bill.
- Vehicles being awarded as a prize via an officially registered raffle within the state of South Dakota. The raffle winner will be required to title and register the vehicle in their state of residency.

Any person applying for the title only tax exemption must complete the motor vehicle application for title and registration application with the exemption indicated.

**For policy clarification purposes, the following are exclusions from this policy:**

- Travel trailers and campers (including park models) are not eligible for the title only tax exemption. These vehicles are titled and are intended to be mobile and use the roads and highways to reach their destination regardless of whether the location is temporary or permanent.
- Off road vehicles used on privately owned property for farm use. These vehicles are titled but are not required to be licensed unless they will be used on public roads.
- Certain equipment is intended for specialized use and is not eligible to be titled (and therefore not eligible for the title only tax exemption). Examples include:
  - Farm equipment or implements of husbandry such as: hay grinders, feed mixers, etc.
  - Towing vehicles or auxiliary axles such as: tow dolly, flip axle, jeep, jeep booster, etc.
  - Specialized mobile equipment such as: log splitters, air compressors barbeque pits, etc., which are not designed to haul ancillary items.

Revised 5/11/2015

# Title Transfer on Used Vehicle by Individual/Private Sale

A. Individual or private vehicle sales have 45 days from the date of purchase to deliver or take title.

B. The seller must provide the purchaser a seller's permit to allow for the movement of the vehicle until the title is transferred.

   1. The seller will take his/her license plates from the vehicle.

   2. The seller's permit is valid for 45 days. Seller's permits may be obtained from a country treasurer's office or printed online at http://mysdcars.sd.gov.

C. A new purchaser can obtain a 5-15 day permit for a fee of $1 per day if extended time is necessary beyond the 45-day seller's permit. These permits are available at a county treasurer's office.

   32-5-2.9; 32-5-2.7; 32-5-107

# Out-of-State Vehicle Purchased Outright for Sale or Resale and Not Taken as Trade-Ins

A. A licensed dealer is required to title (has option to license) any motor vehicle brought into South Dakota for the purpose of sale or resale, within 45 days from the purchase date or date of entry of the vehicle into the state.

B. Exemptions:

   1. A trade-in.

   2. A vehicles brought into the state for sale to another dealer. The dealer that ultimately purchases the vehicle for retail sale is required to title the vehicle within 45 days from the purchase date.

3. A used motor vehicle with a gross vehicle weight rating of over 26,000 pounds.

4. A used semitrailer with a manufacturer's shipping weight of 9,000 pounds or more.

32-3-27

# South Dakota Requirements for Out of Country Title Documents

A. Vehicles imported to the U.S. must pass through a port of entry and be cleared by U.S. Customs. For Customs clearance you will need:

   1. The shipper's or carrier's original bill of lading, the bill of sale, foreign registration, and any other documents covering the vehicle.

   2. You will also, need a completed EPA Form 3520, or a manufacturer's label in the English language affixed to the car, stating that the vehicle meets all U.S. emission requirements.

B. CONFORMING VEHICLE (ONE THAT HAS A MANUFACTURER'S LABEL)

   1. US CBP-7501 (or other acceptable Entry Summary)

   2. NHTSA HS-7 DOT Declaration of Conformity

   3. Other supporting documentation (Title, Odometer, Bill of Sale)

   4. Lien Quest if a Canadian title document

C. NON-CONFORMING (Vehicles that are held until meet safety standards) & (complete the 3520 form)

   1. US CBP-7501 (or other acceptable Entry Summary)

   2. NHTSA HS-7 DOT Declaration of Conformity

   3. Bond Release Letter from NHTSA (showing conformity)(EPA 3520 form)

   4. Lien Quest if a Canadian title document

   5. Other supporting documentation (Title, Odometer, Bill of Sale)

D. NON-CONFORMING (WITHOUT A BOND RELEASE LETTER)

   1. All above documentation

      a. NHTSA Statement of Conformity

      b. Certificate of Fact from importer attesting NHTSA guidelines were followed- 30 day time period applies

# Interstate Title Record

A. The interstate title record is a temporary registration in South Dakota used by a person who wants to obtain South Dakota license plates, but due to the fact that their stay within South Dakota is for a short time, the applicant wants to retain their certificate of title or ownership certificate issued by their home state.

1. The following are the valid reasons for obtaining an Interstate title record:

a. Applicant is in state on a temporary basis.

b. Commercial vehicle titled out-of-state, but on lease to a South Dakota based motor carrier.

2. Military personnel temporarily stationed at a military base located within South Dakota.

3. South Dakota resident whose vehicle/boat is mortgaged by an out-of-state based financial service (mortgagor), not applicable if out-of-state title is electronic (ELT).

**No special license plates (military, personalized, etc.) can be issued on an interstate title record.**

B. In order to obtain an interstate registration in South Dakota, one of the four qualifications stated above must be met.

1. On reasons 1 through 3, an applicant can have an out-of-state driver's license and obtain an interstate.
2. On reason 4, an applicant, who is attesting to be a South Dakota resident, must possess a SD driver's license. If the applicant (South Dakota resident) does not have a South Dakota driver's license, the out-of-state title must be surrendered and a South Dakota title obtained.

C. A nonresident without a temporary SD residence (a PMB or mail forwarding service address cannot be used in lieu of a SD address) does not qualify for an interstate title record

1. Exception: ATV registration -- An interstate title record can be issued to a nonresident (with no temporary SD address) on an ATV that is titled in another state.
2. Required documentation to be submitted to the county treasurer:
   a. The interstate affidavit form,
   b. Copy of the out-of-state title or current out-of-state registration,
   c. Application
   d. Applicable fee (interstate title record fee)
   e. Applicant(s) must provide his/her Social Security number and an out-of-state driver license (copy submitted with the application).
      i. The SD interstate title record must be issued in the **same name** as the out-of-state title/registration.
3. An interstate title record, under most circumstances, will not be issued on an out-of-country application.
   a. Exception: If a vehicle is in the state on a temporary basis for more than 90 days, registration is required under our residency requirements.

i. If the vehicle does not meet EPA standards, an interstate title record can be issued. The applicant must sign an affidavit attesting that the vehicle will not be sold or traded until a regular title is obtained.

4. The territories of Guam and Puerto Rico are recognized as states for purposes of obtaining an interstate title record and receiving reciprocity for payment of tax.

5. Military ownership is accepted, if the ownership document does not indicate “nontransferable”.

D. Application for interstate title record will not be accepted by a county treasurer, unless the applicant has provided the following:

1. A copy of the current out-of-state registration or a copy of the certificate of title in the applicant's name.

2. Application for title properly completed and signed, along with an interstate affidavit.

a. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s South Dakota driver’s license number or social security number may be used.

E. Application is subject to the same title and registration fees, as for a regular registration. Reciprocity and credit will be given to the applicant if a similar and equal (or more) amount of 4% motor vehicle excise tax has been paid in former state.

F. The county treasurer will issue license plates and registration card upon completion of the proper papers.

1. No secondary plates can be issued.

G. **No certificate of title or similar document is issued.** The title record is designated as an "interstate" title record. The record is valid only for issuance of license plates in South Dakota.

H. The interstate title record is valid as long as title ownership remains the same.

I. When a regular South Dakota certificate of title is wanted for a vehicle now covered by a South Dakota interstate title record, the valid foreign ownership document, an application for title, and a title fee are to be submitted to the Division of Motor Vehicles.

32-5-4.1

# Titling Leased/Rented Motor Vehicles

A. Definitions:

1. "Leased vehicle," A motor vehicle titled in the name of a leasing company or the individual leasing the motor vehicle, which is leased for a period of more than 28 days.

2. "Rental vehicle," A motor vehicle or motorcycle (as of July 1, 2015) titled in the name of a rental company licensed under 10-45 (sales tax license) which is rented for 28 days or less; or a trailer which is titled in the name of a rental company licensed under chapter 10-45 (sales tax license) and that has a shipping or empty

weight of 9,000 pounds or more, that is rented for 6 months or less and that is not consecutively rented to the same person for more than one 6-month period.

B. CLOSED LEASE (TERMS OF THE LEASE ARE KNOWN AT THE TIME THE CONTRACT IS EXECUTED). Vehicles with a gross vehicle weight rating of less than 16,000 pounds, motorcycles, and fertilizer vehicles, leased for more than 28 days.

1. The lessor must title and license the vehicle. In the case of a leasing company within a dealership, the leasing company name must be separate and distinct from that of the dealership.

2. The lessor and the lessee's name must appear on the title.

3. Under plate with owner, either the lessor or the lessee is the owner of the plates and upon sale or transfer of the vehicle can remove the plates, which can then be attached to a newly acquired vehicle upon title and registration of the newly acquired vehicle through the county treasurer.

4. The lessor or the lessee must pay the motor vehicle excise tax on the purchase price of the vehicle (purchase price as defined in 3a).

   a. Purchase price on a leased vehicle that is a closed lease (terms of the lease are known at the time the contract is executed) is the total consideration whether received in money or otherwise. Total consideration is: all lease payments, including cash, rebates, the net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle. Total consideration does not include: title fees, registration fees, vehicle excise tax, federal excise tax attributable to the sale of the vehicle to the owner or to the lease of the vehicle by the owner, insurance, and refundable deposits.

   b. Calculation of the tax shall be done on the tax worksheet entitled South Dakota Closed Lease Tax Worksheet. A copy of the worksheet must accompany the application for title and registration. The signature area must be completed on the worksheet or the purchase price must be certified on the application for title and registration.

   c. A copy of the lease agreement is required; however, leasing companies that lease to large companies/corporations for confidentiality reasons do not want to supply the 30 to 100 page lease agreement. In these situations, please obtain the attachment to the lease known as a Schedule A. As long as the Schedule A has the vehicle information, the lessor and lessee names, the terms of the lease (which includes the monthly payment, the dates involved, information about the end of the lease), and signatures of the lessor and lessee, the actual lease agreement is not required.

5. If the term of the lease is extended or if the vehicle is leased for an additional period of time; excise tax is assessed on the additional lease payments and must be paid by the lessor.

   a. If additional consideration is paid during the course of the lease or upon termination of the lease, the excise tax is assessed on such amount and is to be paid by the lessor.

      i. Additional consideration does not include a late fee that a lessor may assess a lessee on a late lease payment.

   b. The South Dakota tax worksheet entitled, South Dakota Extended or Additional Consideration Lease Tax Worksheet is to be used to remit the additional tax.

c. The title does not have to be submitted but can be if the lessor wants the additional tax to be shown on the title. If the title is submitted a title fee is required.

6. If the lessee buys the vehicle at the end of the lease, excise tax is assessed on the purchase price of the vehicle at the end of the lease.

   a. The lessor/dealer must assign and deliver the title to the lessee along with an application certifying the purchase price of the vehicle and the required fees and taxes must be paid to the lessee's county treasurer's office.

   b. If a lease is terminated prior to the termination date contained in the lease agreement, no refund is given for tax previously paid.

   c. If prior to the expiration of a lease, the leased vehicle is destroyed by fire, accident or vandalism to the extent that it constitutes a total loss of the vehicle, credit for the lease tax paid for the period remaining on the previous lease is allowed if another vehicle is substituted under the original lease or a new lease is executed with the intent to replace the vehicle subject to the previous lease.

      i. The new lease or substituted vehicle under the original lease must be executed by the same lessor and lessee for lease of a vehicle of the same or similar make, model, year and options as the vehicle subject to the previous lease.

      ii. The lease must be for the remaining lease period as the previous lease, for the same lease price and under the same lease terms as the previous lease.

7. Leased vehicles entering the state under a lease are subject to tax on the date the vehicle enters this state for the remaining months in the lease period.

   a. Credit is given for tax that has been paid up-front to another state. The applicant must submit proof of payment of the tax. The lessee and the lessor must remain the same. Calculation of the tax should be done on the South Dakota Closed Lease Tax Worksheet. A copy of the lease is required. [No credit is given if payment of the tax on a lease was being made to another state on a monthly basis.]

   b. In the event tax was being paid by the lessee to another state on a monthly basis, the county treasurer shall require the leasing company making application for title and license to submit a completed application for title and registration, a South Dakota Lease Tax Worksheet for Out-Of-State Vehicle Lease, and a copy of the lease agreement.

8. When entering a lease transaction on the computer system that falls under Section 6A above, in which more tax has been paid to another state than is due South Dakota, the purchase price, as indicated on the worksheet is entered, the amount of tax paid to the other state is shown as a credit, and no amount is entered in the tax amount area.

C. **OPEN-END LEASE (TERMS OF THE LEASE ARE NOT CERTAIN AT THE TIME THE LEASE IS EXECUTED OR THE LEASE IS OPEN-ENDED). Vehicles with a gross vehicle weight rating of less than 16,000 pounds, motorcycles, and fertilizer vehicles, leased for more than 28 days.**

1. The lessor must title and license the vehicle. In the case of a leasing company within a dealership, the leasing company name must be separate and distinct from that of the dealership.

2. The lessor and the lessee's name must appear on the title.

3. The lessor or the lessee must pay the motor vehicle excise tax on the purchase price of the vehicle (purchase price as defined in 3a).

   a. Purchase price on a leased vehicle in which the terms of the lease are either not certain at the time the lease contract is executed or the lease is open-ended, shall be the total consideration whether received in money or otherwise. Total consideration includes the purchase price of the vehicle, plus cash, rebates, net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle. Total consideration does not include title fees, registration fees, excise tax, federal excise tax, insurance, and refundable deposits.

   b. Credit is given for tax previously paid to another state. The applicant must submit proof of payment of the tax. The lessor and the lessee must remain the same.

   c. No lease tax worksheet is required on an open-end lease. A document from the lessor indicating it is an open-end lease must accompany the application for title.

   d. The purchase price of the vehicle is certified by the dealer on the application for title (MV608) or a purchase order must be submitted to substantiate the vehicles' purchase price.

   e. Unless the lessee is not indicated on the paperwork, a copy of the lease agreement is not required.

**D. Vehicles with a gross vehicle weight rating of 16,000 pounds or more (excluding fertilizer vehicles), leased for more than 28 days.**

1. The lessor must title and license the vehicle. In the case of a leasing company within a dealership, the leasing company name must be separate and distinct from that of the dealership.

2. The lessor and the lessee's name must appear on the title.

3. The lessor or the lessee must pay the motor vehicle excise tax on the purchase price of the vehicle. A bill of sale or purchase order is needed to establish purchase price, unless the dealer price certification on the application is completed.

   a. Purchase price on a leased vehicle with a gross vehicle weight rating of 16,000 pounds or more is the total consideration whether received in money or otherwise. [Total consideration is the lessor's purchase price.]

   b. In the case of a lessor/lessee situation in which a lease vehicle is traded in to a dealer on another lease (no buy-out takes place and the trade takes place with the same leasing company), the trade-in allowance is granted if the trade-in vehicle is in either the lessor or the lessee's name. If the lessee's name does not appear on the title, a copy of the lease agreement or other supporting documentation indicating that the lessee was responsible for payment of the excise tax is required.

4. If the lessee pays the tax and subsequently purchases the vehicle, the lessee must title the vehicle and shall receive credit for tax paid (on a South Dakota title that denotes the lessee and lessor, a copy of the lease agreement is not required).

5. Out-of-state leasing companies titling and licensing a leased vehicle in South Dakota that has been previously titled and licensed in another state shall be exempt from the motor vehicle excise tax to the extent that an equal and similar amount of registration fee, sales tax, use tax, state excise tax (in dollars) has been paid in such other state. The lessee must remain the same.

    a. The county treasurer must require the leasing company making application for title of a vehicle to provide proof that a similar and equal amount of tax has been paid in another state.

    b. If sufficient proof is not furnished at the time of application, the county treasurer must collect the full amount of the 4% motor vehicle excise tax.

6. Vehicles rented for 28 days or less (includes automobiles, pickups and vans) licensed under the noncommercial license fee schedule (SDCL 32-5-6) with a manufacturers shipping weight, including accessories, of 10,000 pounds or less; trailers with an empty or shipping weight of 9,000 pounds or more that are rented for six months or less that display a trailer ID (U) plate (32-5.8.1).
7. Exempt from the motor vehicle excise tax.

    a. A tax of 4 1/2% is imposed upon the gross receipts of any person renting motor vehicles, including motorcycles, for 28 days or less. This tax is in addition to any taxes levied pursuant to chapter 10-45, 10-45D and 10- 52 on rentals of 28 days or less.

    b. Exemption code 19 should be used on the application for title.

    c. Title must be issued in the name of the rental company.

    d. If the rental company is within a dealership, the rental company name must be separate and distinct from that of the dealership.

    e. If the lessee is a rental company leasing vehicles for use in a daily rental operation, the rental company must be indicated on the title as the lessee.

        i. The rental company remits the gross receipts tax and the rental sales tax to the Sales Tax Office of the Department of Revenue on the Sales Tax Return.

        ii. Title applications on rental vehicles must include the rental company's sales tax number.

# Transfer of Ownership on Abandoned Vehicles

A. Criteria that must be met to qualify for application for an abandoned vehicle title (this is different for mobile/manufactured homes).

    1. The vehicle must have been towed by a removal agency.

    2. Written notice, by certified mail, must have been sent to the owner and lienholder, if applicable, within 45 days of removal of the vehicle.

B. Any owner that intentionally abandons a vehicle on any public highway or right-of-way is civilly liable to the towing company for the expense of towing and storing the vehicle.

    1. It is a class 2 misdemeanor to abandon a motor vehicle on any public highway or right-of-way.

2. A person convicted of abandoning a vehicle will be ordered to pay any reasonable towing and storage fees. The court will suspend the fine, if the person pays the towing and storage fees.

C. No removal agency may remove abandoned, wrecked, or impounded motor vehicles or other scrap metals from private property without written permission of the landowner or tenant.

1. The Department of Revenue must provide the removal agency with the last known address of the record holder of title and any readily identifiable lienholders free of charge.

2. If a removal agency removes any unattended vehicle from a public street or highway and the removal is not at the written request of the owner, an authorized agent of the owner, or a law enforcement officer, the removal agency must report the removal to the owner within 24 hours of removing the vehicle.

   a. If the removal agency is unable to contact the owner, the removal agency must report the removal to the county sheriff, if the removal occurred outside any municipality, or to the chief of police if the removal occurred inside any municipality within 24 hours of removing the vehicle.

   b. Failure to make a report is a Class 2 misdemeanor.

   c. The removal agency is not entitled to any towing or storage fees for the removed vehicle and no such fees may be billed or collected by the removal agency.

D. If the vehicle is being removed by the removal agency:

1. The sheriff, law enforcement officer, or towing agency taking custody of any vehicle has a possessory lien on the vehicle and the contents of the vehicle for reasonable costs in taking custody and storing the vehicle.

   a. No lien on the contents of the vehicle may exceed $500. No possessory lien attaches to the tools and implements, which a person uses and keeps for the purpose of carrying on his or her trade or business, or to any clothing or food.

2. Within 10 to 45 days after any abandoned, wrecked, or impounded motor vehicle or other scrap metal has been removed, the removal agency shall send written notice by certified mail to the registered owner and to all readily identifiable lienholders of record at their last known address.

   a. The notice must have the date and place of the taking, the year, the make, model and serial number of the abandoned motor vehicle, and the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle.

   b. The notice must be on a form provided by the Department of Revenue.

      i. **If the removal agency does not give notice within 10 days from the date of removal, no storage may be charged beyond the 10-day period until the notice is mailed.**

      ii. Notice must be sent within 45 days to qualify for an abandoned title.

      iii. If notice is not sent within the 45-day requirement, see “Mechanics Lien” procedures.

3. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice must be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned.

    a. Published notices may be grouped together for convenience and economy.

4. If the record holder of title fails to claim and remove the vehicle within thirty (30) days, title to the vehicle is irrevocably vested in the removal agency.

E. The removal agency must then apply to the county treasurer for a regular title or a junk title.

1. **Once a junking certificate is issued, a regular title may never be obtained.**

2. If a regular title is issued, the title must carry a notation of "Abandon" in the transaction field on the title document, to represent an abandoned vehicle.

F. If the owner or lienholder does not surrender the title of the vehicle or scrap metal to the removal agency, the agency must submit the following to the county treasurer:

1. A completed title application.

2. Copy of the written notice sent to the registered owner of record and the lienholder (if applicable).

3. The original (green) return receipt indicating to whom the certified notice was sent (registered owner of record and lienholder if applicable).

4. A title fee.

G. The Department of Revenue will verify the vehicle information against the stolen vehicle file.

1. If the vehicle is found to be stolen, title will not be issued.

H. The removal agency may elect to register the vehicle at the time of application for an abandoned title.

1. The applicant must pay the motor vehicle excise tax, unless otherwise exempted, based on the NADA book value (if applicable), any license fees, and the title fee.

I. A vehicle that is left on private property and not reclaimed by the owner, application for title is to be done through the mechanics lien procedures.

J. For vehicles left unclaimed for a period of 30 days, as a result of an unpaid repair bill on private property, refer to Transfer of Ownership on an Unpaid Repair Bill" section.

K. For a vehicle that is 11 years old or more that is acquired as the result of the purchase of property (for example, a farmer on whose land there is an abandoned vehicle), or similar situation, the landowner may
Apply for a title by submitting the following:

1. If a record owner is on file, proof of notice by certified letter to the record owner and any lienholders of the intent to apply for a title, an affidavit of facts, an application for title, and a title fee.

2. The division reserves the right to deny the application if it is determined that sufficient documentation is not provided to establish proper ownership of the vehicle.

3. This is not an abandoned vehicle transaction and the title is not branded “abandoned”.

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# Farm Vehicles and Equipment

A. Farmers or ranchers can apply at their county treasurer's office for a decal with the word "farm" on it. This decal must be placed on the license plate of a motor vehicle as defined by 32-3-1, used wholly and exclusively for the following purposes:

   1. To carry their own supplies, farm equipment, and household goods to or from the owner’s farm or ranch

   2. Used by the farmer or rancher to carry his own agricultural products, livestock, and produce to or from storage or market

   3. Used by farmers or ranchers in exchange of service in hauling of such supplies or agricultural products, livestock, and produce.

B. To obtain a farm decal, applicant must complete and submit an Application for Farm Decals.

   1. The farm decal does not exempt the vehicle from any taxes or yearly license plate fees.

C. If the vehicle is sold or disposed of during the licensing period, the plates can be transferred to a newly acquired vehicle. If the new vehicle is not used for the purposes listed in section A, then the farm decals must be removed from the plates.

32-3-1; 32-5-97.1

# Snowmobiles

A. Upon the sale of any snowmobile the dealer or applicant must complete all forms to apply for title and turn in the application at the county treasurer's office.

   1. A snowmobile is defined as: Any engine-driven vehicle of a type which uses sled type runners or skis with an endless belt tread or similar means of contact with the surface upon which it is operated and the vehicle does not exceed forty-eight inches in width.

B. All snowmobiles used on public and private lands and any frozen public waters within territorial limits of South Dakota must be licensed.

C. Payment of the annual license fees must be made prior to the operation of, or permitting the operation of, any snowmobile within this state.

   1. The initial fees are prorated monthly and the snowmobile is registered under our staggered registration system, with expiration on the last day of the month of the year for which it was issued.

2. The snowmobile license decal stays with the snowmobile and credit is given to the new owner for any months remaining on the license.

D. Operating motorcycles as snowmobiles.

1. The motorcycle must be titled as a motorcycle, the title **is not converted to snowmobile title**. All changes to the unit must comply with the definition of a snowmobile to obtain a permit.

2. The annual permit to use a motorcycle as a snowmobile is issued by the Department of Game, Fish, and Parks.

32-5-9.1; 32-5-9.2; 32-5-9.3; 32-5-84.2; 32-5-84; 32-20A-25

# Four-Wheel, All-Terrain Vehicles, and Off-Road Vehicles

A. "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all-terrain vehicles, dune buggies and any vehicle whose manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not for highway use.

1. Off-Road vehicle does not include a farm vehicle.

B. Any all-terrain vehicle with four or more wheels with a combustion engine having a piston or rotor displacement of two hundred cubic centimeters or more may be licensed as a motorcycle to be used on a public highway. An ATV must be titled.

1. Any three-wheeled or four-wheeled, all-terrain vehicle using a highway ditch or crossing a highway to get to and from a field or pasture and being used in the course of farm or ranch labor, is exempt from annual registration and licensing.

C. ATV affidavit must be submitted at time of application and licensing.

D. The licensed four-wheel, all-terrain vehicle may not be operated on the interstate highway.

E. A 5-15 day temporary permit can be purchased (in-state or out-of-state applicant) on an ATV.

1. A bill of sale or assigned title must be presented. If the applicant is from a state that does not title or register an ATV, an affidavit attesting to this fact and attesting to ownership of the ATV is acceptable.

2. Only one permit, per year, can be purchased by the applicant for the same vehicle.

3. The applicant must complete an ATV affidavit form attesting that the vehicle meets the equipment criteria.

4. A customer record must be produced when issuing the permit, so the applicant must furnish either a SD driver’s license (SDDL) or Social Security number (SSN). If a SSN is used and the applicant does not have a SDDL, a photo ID (e.g., out-of-state driver’s license, tribal ID) must be presented.

F. An interstate title can be issued to a nonresident (with no temporary SD address) on an ATV that is titled in another state. The interstate affidavit form, a copy of the out-of-state title or current out-of-state registration, an application, and applicable fees are submitted to a county treasurer. The applicant(s)

must provide his/her Social Security number and an out-of-state driver license (copy submitted with the application). The SD interstate title must be issued in the same name as the out-of-state title/registration.

## Mopeds

A. A moped may be licensed and titled.

B. A moped is defined as a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters, regardless of the number of chambers in such power source. The power source shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.

C. Sales tax must be collected by the selling dealer on mopeds and proof of sales tax paid must be furnished at the time of application.

32-3-1; 32-3-2.3

# Golf Carts

A. A golf cart (other than electric) may be titled and licensed. If the golf cart is to be licensed, it must meet all the requirements set out in the four-wheel, ATV affidavit. These vehicles are subject to inspection at the division's discretion.

   1. A municipality or an improvement district may, by ordinance, permit golf carts on a highway under the jurisdiction of the municipality. The golf cart must be insured and the driver must have a driver's license. A permit must be obtained from the municipality.

   2. A golf cart can be used on roads within state parks and state recreation areas that are designated by GF&P to be used by golf carts. The golf cart must be insured, have a rearview mirror, and have functioning headlights, and brake lights. The golf cart must display a valid park entrance license. A person operating a golf cart on any such designated road must hold a valid driver license.

B. **Sales tax** must be collected by the selling dealer on any golf cart and proof of payment of the sales tax must be submitted at the time of application for title.

C. License fees shall be based on the motorcycle fee schedule.

# Mobile/Manufactured Homes

A. A mobile/manufactured HUD home is a movable or portable unit, designed and constructed to be towed on its own chassis (composed of frames and wheels) and designed to be connected to utilities for year-round occupancy. The term shall include:

   1. Units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity; and

   2. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing;

3. A mobile/manufactured home on an MSO is built to HUD standards, whereas a modular home is built to UBC standards. Modular homes are not titled and/or registered.

    a. A mobile/manufactured home built to HUD standards will have permanently attached to the exterior siding of each transportable section a HUD Construction Code Label, per HUD title regulations, effective June 15, 1979. The HUD Construction Code Label is a metal certification label that is red in color, and contains the following information:

        AS EVIDENCED BY THIS LABEL NO. 000-000000 THE MANUFACTURER CERTIFIES TO THE BEST OF THE MANUFACTURER'S KNOWLEDGE AND BELIEF THAT THIS MOBILE/MANUFACTURED HOME HAS BEEN INSPECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND IS CONSTRUCTED IN CONFORMANCE WITH THE FEDERAL MOBILE/MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE. SEE DATA PLATE.

    b. The data plate verifies the following: manufacturer's name, trade/model name, year of manufacturer, serial number, HUD Construction Code Label(s) and HUD construction zones. Per 1976 HUD Regulation, this form is to be affixed inside the home on or near the main electrical breaker box and is printed on paper or foil stock 8-1/2" x 11" to 8- 1/2" x 14" in size.

    c. If a label is missing or if modifications have been made without proper permit/inspections, the structure cannot be offered for sale or occupied.

B. The term mobile/manufactured home includes units designed to be used for residential, commercial, educational, or industrial purposes.

    1. This excludes recreational vehicles which are defined as vehicular portable structures built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses.

    2. Also excluded is a sectional home that is defined as any home prebuilt in whole or in part for the purpose of permanent placement on a foundation. A sectional home is not subject to vehicle licensing.

C. Upon application for the initial licensing of a mobile/manufactured home in South Dakota, the county treasurer shall collect the 4% initial registration fee based on the purchase price. No trade-in allowance is granted.

    1. Exemptions:

        a. Governmental or public entities set forth in 32-5-42 and 32-5-42.1 (see exemptions under 01, in the "Exemptions from Motor Vehicle Excise Tax"). Exemption code 01 should be used on the application for title.

        b. When a mobile/manufactured home that has previously been exempted from the 4% initial registration fee (the initial registration fee has not been previously paid in South Dakota) is sold to a nonexempt agency, the 4% initial registration fee shall be assessed on the purchase price of the mobile/manufactured home.

D. A mobile/manufactured home owned by a nonresident coming into this state from another state, a mobile/manufactured home purchased and owned by a member of the armed forces while on duty in the United States and a mobile/manufactured home purchased in another state by a resident other than a licensed dealer are exempt from the 4% initial registration fee to the extent of a similar and equal amount of registration tax, sales, use or state excise tax has been paid in another state by the current applicant.

1. The county treasurer shall require an affidavit of a licensed dealer, bill of sale, receipt or other tangible evidence that a similar and equal amount of tax has been paid by the current applicant.

2. If sufficient proof is not furnished, the county treasurer shall collect an additional or full amount to equal the South Dakota rate of tax.

E. Native Americans living in mobile/manufactured homes located within a Native American reservation are assessed 11.25% of the 4%of the purchase price of the mobile/manufactured home.
(Example: A HUD home that will be located on a reservation that sells for $100,000, is subject to $450 initial registration fee - $100,000 x 4% x 11.25%.)

F. If the mobile/manufactured home is new, a manufacturer's statement of origin, properly transferred to the applicant, must be attached. If the mobile/manufactured home is used, a certificate of title properly transferred must be attached.

G. If the mobile/manufactured home is sold by a dealer, the licensed dealer must deliver to the county treasurer the manufacturer's statement of origin or the title for such home together with the required fees and forms within 45 days of the sale. Any dealer who does not comply with this section is subject to a late penalty fee of $1 for each week or fraction thereof beyond the 45-day limitation for 25 weeks and a late fee of $50 for 26 weeks or more. Any person applying for title a year or more beyond the 45-day limitation is guilty of a Class 2 misdemeanor.

1. Any mobile/manufactured home purchased or transported by or for a dealer must have:

   a. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.

   b. A self-issue permit displayed when moving a used or new mobile/manufactured home.

   c. When the dealer sells a new, used or an out-of-state titled home and is transporting it to the purchaser, the dealer must file a property tax assessment (PT6) form with the Director of Equalization in the county of destination.

H. Any transfer or reassignment of a title must be accompanied by an affidavit issued by the county treasurer stating current year's taxes have been paid.

1. If an owner of a used mobile/manufactured home, regulated lender, transporter or a licensed dealer fails to obtain a tax affidavit, from the county treasurer from the county in which the used home is requested, stating current year's taxes are paid as described in SDCL 10-21-36 and 10- 21-39, inclusive, or SDCL 10-9-3, the department shall assess a monetary penalty of $250 for the first violation within a one-year period; $500 for the second violation within a one-year period; and $1,000 for each subsequent violation within a one-year period.

2. The county treasurer shall notify the department, in writing, of any violation for failure to obtain a tax affidavit before moving a home.

3. In addition to a monetary penalty, a transporter or dealer who was responsible for moving a mobile/manufactured home is liable for any property taxes due to the county if a tax affidavit was not obtained before moving the home.

I. For mobile/manufactured homes not sold by a licensed dealer, the purchaser shall title the mobile/manufactured home within 30 days. Any person who does not comply with this section is subject to a late penalty fee of $1 for each week or fraction thereof beyond the 30-day limitation for 25 weeks and

a late fee of $50 for 26 weeks or more. Any person applying for title a year or more beyond the 30- day limitation is guilty of a Class 2 misdemeanor.

J. No South Dakota certificate of title on a mobile/manufactured home can be transferred without the affidavit from the county treasurer indicating that the current year's taxes have been paid on the mobile/manufactured home.

K. Transportation of mobile/manufactured home.

1. If an owner of a used mobile/manufactured home, regulated lender, transporter or a licensed dealer fails to obtain a tax affidavit, from the county treasurer from the county in which the used home is located, stating current year's taxes are paid as described in SDCL 10-21-36 and 10-21- 39, inclusive, or SDCL 10-9-3, the department must charge a monetary penalty of $250 for the first violation within a one-year period; $500 for the second violation within a one-year period; and $1,000 for each subsequent violation within a one-year period.

2. The county treasurer must notify the department, in writing, of any violation for failure to obtain a tax affidavit prior to moving a home.

3. In addition to a monetary penalty, a transporter or dealer who was responsible for moving a mobile/manufactured home is liable for any property taxes due the county if a tax affidavit was not obtained prior to moving the home.

4. Transporter plates shall not be used to transport a mobile/manufactured home.

L. Any person moving a mobile/manufactured home must have:

1. A single trip permit issued by the county treasurer, unless the home is being moved by or for a licensed mobile/manufactured home dealer.

2. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.

M. Any mobile/manufactured home purchased or transported by or for a dealer must have:

1. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.

2. A self-issued permit displayed when moving a used or new mobile/manufactured home. There is no fee for the permit.

3. When a dealer sells a new, used, or an out-of-state titled mobile/manufactured home and is transporting it to the purchaser, the dealer must file a Property Tax Assessment Form with the director of equalization in the county of destination.

N. Any mobile/manufactured home moved by a transporter must have:

1. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.

2. A single-trip permit issued by the county treasurer of the county in which the home is registered, stating that the current year's taxes are paid.

O. In the event the owner requests the conversion of the manufactured home title record to indicate the manufactured home is listed as real estate, the following is required:

1. If the title is not already in the name of the person requesting the conversion, the title must be properly assigned to the person requesting the conversion.

    a. A title fee is due. (If the title is already in the name of the person requesting the conversion, no title fee is assessed.)

    b. The Division of Motor Vehicles' records will reflect the new owner on the computer file system.

    c. No liens will be noted on the system.

    d. Current manufactured home taxes will have to be paid, so a current tax affidavit must accompany the request.

    e. The Division of Motor Vehicles requires an affidavit of Declaration for a Manufactured Home Placed on Real Estate. This will require that the title be transferred as real estate.

    f. No title document is issued, it is kept as a record in the DMV system.

    g. Title cannot be transferred until the owners convert the Real Estate record back to a title record.

    h. The Division of Motor Vehicles will flag the record so no transfer can take place. Notice will be sent by the division to the Division of Property Tax in the Department of Revenue, who will notify the Director of Equalization in the county in which the mobile/manufactured home is located, indicating that the mobile/manufactured home is being converted to real estate.

P. Conversion of manufactured home that was converted to real estate back to manufactured home (title) status.

1. Documentation that must accompany a request for conversion of a manufactured home real estate record to a certificate of title:

    a. Current tax affidavit from the county treasurer in which the home is located.

    b. Affidavit of declaration for a manufactured home removed from real estate.

2. An independent report that contains the following:

    a. Legal description of the real estate upon which the home is located.

    b. Listing of liens or encumbrances against the home or the real estate upon which the home is located.

    c. Current owner of the home.

    d. Affidavit stating a lien search has been conducted of all records of the following offices where the home is located and describing any liens revealed by the search:

        1. Register of Deeds.

        2. Clerk of Courts.

3. County Treasurer.

4. Secretary of State.

3. If any liens, a lien release from each lienholder or the lien must be noted on the application for title.

32-3-1; 32-3-3.1; 32-3-3.2; 32-3-3.3

# Transporter License and Plates

A. Any commercial motor carrier located in the state that is hauling a new trailer with an MSO or title and who has registered with the Division of Motor Vehicles as a transporter may use a transporter plate on the streets and highways for in-transit purposes.

1. The transporter must complete and submit a Transporter Registration form.

2. The registration is submitted to the Division of Motor Vehicles.

3. The annual fee for a transporter plate is $50.

4. The owner can move the plate from one trailer to another.

5. Any new trailer with a transporter plate can be used to haul other new trailers.

6. A transporter plate can't be used to transport mobile/manufactured homes.

32-9-57.1

# Transfer of Ownership on Abandoned Mobile/Manufactured Homes

A. Abandoned Mobile/Manufactured Home

1. If a home has been abandoned and left on leased real property, the owner of the real property may sell the home under the provisions of chapter 21-54 (Foreclosure of Personal Property Liens and Pledges by Advertisement).

   a. A home is considered abandoned if the owner has not removed it within 30 days of the court issuing a writ of possession as provided in chapter 21-16 (Forcible Entry and Detainer). Upon issuance of the writ of possession by the court, the owner of the real property must give the owner and any lienholder (lien noted on the title) written notice of intent to sell the home pursuant to chapter 21-54 (foreclosure) if the home is not removed within 30 days. The notice must be sent by certified mail.

   b. The sale is subject to any taxes owed on the home and unpaid lot rent. The unpaid lot rent may not exceed two months lot rent at the price previously agreed to by the owner of the real property and the owner of the home.

c. After the owner of the home has received 30 days written notice, and before the owner of the property proceeds with the sale, the property owner must provide written notice of intent to sell the home to the county treasurer where the home is located.

d. If the county treasurer has not issued a distress warrant and informed the property owner of such issuance within 30 days of the notice or the home has not been removed by its owner or lienholder within 30 days of the notice, the property owner may proceed with the sale pursuant to chapter 21-54.

e. If the home fails to sell at a sale held pursuant to chapter 21-54, title to the home vests with the property owner. The property owner can obtain an abandoned title without payment or obligation to pay any taxes owed on the home or any lien on the home at time of acquisition. However, if the property owner intends any use of the home other than disposal, the property owner can obtain an abandoned title after paying any taxes owed on the home.

f. If a property owner obtains a title on the home, the owner must obtain a permit to move the home. If the property owner files an affidavit with the county treasurer stating that the owner is going to move the home for the sole purpose of disposal, the treasurer must issue the permit without receiving payment of the current year's taxes. The county treasurer must deliver the affidavit to the board of county commissioners after issuance of the permit. The board must abate any taxes owed on the home.

2. An owner of an unencumbered, except for taxes owed, mobile home or manufactured home may voluntarily transfer the title of the mobile home or manufactured home, for the sole purpose of disposal, to the owner of the real property on which the mobile home or manufactured home is located.

a. The treasurer shall issue a title to the owner of the real property on which the mobile home or manufactured home is located without payment or obligation to pay any taxes owed on the home at the time of acquisition.

b. Prior to the disposal, the owner of the real property shall submit an affidavit for disposal of the mobile home or manufactured home, along with the properly endorsed title, to the country treasurer. The affidavit shall verify that the title was transferred for disposal purposes only and that no consideration was exchanged.

c. County treasurers must issue a permit to move the mobile home or manufactured home for disposal purposes without receiving payment of taxes owed.

d. The owner of the real property has 90 days from the date of the affidavit to dispose of the mobile home or manufactured home and to surrender the title to the county treasurer.

e. The county treasurer may allow an additional 60 days for disposal upon request by the owner of the mobile home or manufactured home upon good cause.

f. If the title is not surrendered to the county treasurer in a timely fashion, the owner of the real property is liable for all taxes owed on the mobile home or manufactured home.

32-36-1 32-36-2 32-36-3 32-36-4 32-36-4.1 32-36-5 32-36-6 32-36-7
32-36-8 32-36-9 32-36-10 32-36-11

# Boats

A. Boat titling

1. Boats over 12 feet in length or motor boats (includes electric) of any length, which are purchased or acquired by residents of this state, are required to be titled at time of registration, except canoes, inflatable vessels, kayaks, sailboards and seaplanes.

2. An owner of a boat over 12 feet in length or a motor boat of any length not subject to titling requirements (boats over 12 feet, purchased or acquired prior to July 1, 1992) **may** apply to the county treasurer for a title.

   a. An owner of a boat 12' in length that was titled previously to July 1, 1994, will no longer be allowed to title the boat. The record on these boats must be converted from a title record to a registration record in the new owner's name. The certificate of title should be surrendered, if available, for cancellation.

3. Application for boat title is made to the county treasurer of the owner's residence.

   a.The owner is required to apply for title within 30 days of acquisition.

   b. The applicant shall submit the MCO, title or other ownership document along with an application for title (MV-607), bill of sale, and appropriate fees.

   c.The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s South Dakota driver’s license number or social security number may be used.

4. Effective July 1, 2004 to July 1, 2015, damage disclosure is required on large boats (boats over 12 feet in length and motorized boats, except canoes, inflatable boats, kayaks, sailboards and seaplanes) that are 6 years old or less with damage in excess of $5,000 (see Damage Disclosure Section for additional information).

B. Exemptions from boat titling (boats that cannot be titled).

1. Non-motorized boats 12 feet and under in length.

2. Canoes, inflatable vessels, kayaks, sailboards, and seaplanes.

C. Liens.

1. If a lien is noted on the certificate of title, there will be an electronic record created and no title will be printed.

2. Notation of lien:

   a. To note a lien on a paper certificate of title, a copy of the security agreement and a lien notation fee must be presented to the county treasurer of the applicant's county of residence.

3. Cancellation of lien:

a. To release a lien on a certificate of title, a lien release must be presented to the county treasurer of any county or released electronically by the lender.

D. Boat licensing.

1. No person may operate or give permission to operate a boat over 12 feet long or a motorboat of any length on the public waters of South Dakota unless that boat is numbered in accordance with South Dakota law, applicable federal law, or with a federally approved numbering system of another state.

   a. A non-motorized boat 18 feet and under in length is exempt from having to display *boat numbers*.
   b. A non-motorized boat over 12 feet in length and a motor boat of any length, however, *must be registered and display a registration validation decal.*

2. Boat decals expire on the last day of the month of the year for which they were issued. Boats are registered under the staggered registration system.

E. Exemptions from boat licensing and numbering.

1. A non-motorized boat 12 feet and under in length.

F. Exemptions from boat numbering.

1. A boat covered by a number still in effect which was awarded pursuant to federal law or a federally approved numbering system of another state, and the boat has neither been in this state for more than 60 consecutive days during any calendar year or been subject to a contract for berth for a period of more than 60 consecutive days during any calendar year in marina facilities located within this state.

2. A boat from a country other than the United States, temporarily using the waters of this state.

3. A boat whose owner is the United States, a state, or subdivision thereof.

4. A racing boat competing in a regatta or boat race approved by the Game, Fish, and Parks Commission or operating during a period not to exceed 48 hours immediately preceding the race and the remainder of the race day.

5. A non-motorized boat 18 feet and under in length.

G. Applicant for South Dakota boat registration receives.

1. Boat number: Applicant is responsible for permanently affixing this number to the boat.

   a. The owner must permanently and securely display the numbers on each side of the forward part of the boat so that the numbers displayed must be not less than three inches in height. They must be in plain block design and in a color that contrasts with the color of the boat. Properly displayed numbers will read from left to right. A space equal to one letter or number must be left between the letters "SD" and the group of three letters. Another space equal to one letter or number must be left between the group of three numbers and the final group of two letters. The only numbers that may appear on the forward part of the boat are the valid numbers assigned to the boat. The numbers must be clearly visible and readable at a distance of 100 feet when the vessel is in the water.

2. Non-motorized boats, 18 feet and under in length, are not required to display the three inch boat number on the sides of the boat. Includes all non-motorized boats.

a. Although the "SD" number does not have to be affixed to a non-motorized boat 18 feet and under in length, the boat number is still assigned so that there is a tracking mechanism on the computer system.

b. The owner is still required to license a non-motorized boat over 12 feet in length and must display the annual or three-year license on the boat.

2. Annual boat validation decals.

a. Decals must be mounted on both sides of the boat, adjacent to and in line with the boat number.

3. Boat registration.

a. Registration must be kept in the boat.

4. Temporary permits.

a. Temporary boat permits are available. The permit is issued by the county treasurer upon presentation of the title or (if no title issued) other ownership document or bill of sale. The permit can be purchased for five to fifteen days for a fee of $1 per day.

b. A boat owned or operated by a person who is participating in a fishing tournament permitted by the Department of Game, Fish and Parks is not required to be numbered, provided the boat has been issued a temporary boat license by the Department of Game, Fish and Parks. The temporary permit is valid in South Dakota for a period of 10 consecutive days. The fee for the permit is $50.

c. There is no seller's permit for a boat.

H. Registration of a new or used boat purchased from a dealer (instate or out-of-state).

1. Ownership documents required.

a. MSO and dealer invoice or purchase agreement (if the dealer price certification has not been completed on the application on new boats).

b. Title (or other ownership document if title not previously issued) and bill of sale (boat dealer allowed to certify purchase price on application).

2. The applicant will be required to complete a boat application (MV-607).

3. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s South Dakota driver’s license number or social security number may be used.

4. Payment of applicable fees.

I. Registration of boat previously registered in another state.

1. Ownership documents required.

a. Previous state's registration, if available (affidavit of facts if not available) or ownership document.

2. The applicant is required to complete a boat title and registration application (MV-607).

3. The South Dakota driver's license or social security number of each purchaser must be given.

4. Payment of applicable fees.

J. Registration of used boat not purchased from a dealer (instate or out-of-state).

1. Ownership documents required.

   a. Title (if previously issued) and bill of sale.

2. The applicant is required to complete a boat application (MV-607).

3. Payment of applicable fees.

K. United States Coast Guard Registered Boats.

1. An owner whose boat is registered and documented in accordance with United States Coast Guard regulations is not required to display a South Dakota boat number; nor obtain a title.

2. A boat registered with the Coast Guard that is used on the waters of this state must be registered with the county treasurer and display South Dakota boat decals.

   a.The boat is not required to display an “SD” boat number.

   b. A title is not issued.

3. Interstate Registration.

   a. An interstate title will not be issued. The registration record will indicate “interstate.”

   b. These boats are subject to 3% excise tax. Application for registration of US Coast Guard documented boats are subject to the 3% excise tax in-lieu-of sales or use tax. All statutes (purchase price defined, exemptions, etc.) applicable to assessment of 3% excise tax on large boats apply to documented boats (see section “R” below).

L. Boat license refunds.

1. There is no provision for a refund of a boat license fee.

M. Boat serial (hull) identification number.

1. A serial number (hull) identification number is required on any boat whose construction began after October 31, 1972, on any boat that is required to be titled that does not have a hull identification number, and on homebuilt boats.

   a. A serial number (hull) identification number is not required on a boat 1972 and older that is not titled but is required to be licensed.

2. The county treasurer shall assign a serial number on boats required to have a serial number.

a. An affidavit (DMV:400) for permission for special hull identification number is required.

b. The number must be permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the waterline of the boat or device in such a way that alteration, removal or replacement is obvious and evident.

c. The county treasurer may assign a serial number to a boat constructed before 1972.

N. Tax.

1. Excise tax is assessed on large boats (over 12 feet in length or a motor boat of any length, except canoes, inflatable vessels, kayaks, sailboards and seaplanes) purchased or acquired, unless otherwise exempted.

a. See section entitled, “3% Excise Tax Exemptions".

b. See section entitled, "Definitions of Purchase Price for Assessment of Excise Tax”.

O. Boats that are exempt from 3% excise tax may be subject to sales tax.

1. Proof of tax paid required on boats purchased from out-of-state dealers and boats previously registered in another state. Does not include casual sales--sales between individuals.

a. If the applicant has owned the boat for less than three years, proof of tax paid by the applicant will be required.

b. If the applicant has owned the boat for three years or more, no proof of tax paid will be required.

c. If proof of tax paid cannot be furnished, the county treasurer will assess taxes on NADA Value or purchase price on Bill of Sale.

32-3A

# Low Speed Vehicles

A. A low-speed vehicle is a 4-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface.

B. A low-speed vehicle may not be operated on any highway where the speed limit is more than 35 miles per hour.

1. Local government may adopt more stringent local ordinances governing low-speed vehicle operation.

C. Other requirements that a low-speed vehicle must meet:

1. Each low-speed vehicle shall be equipped with: headlamps, front and rear turn signal lamps, tail lamps, stop lamps, reflex reflectors (one red on each side as far to the rear as practicable, and one red on the rear); exterior mirror mounted on the driver’s side of the vehicle and either an exterior mirror mounted on the passenger’s side of the vehicle or an interior mirror; a parking brake; a windshield that conforms to the federal motor vehicle safety standard on glazing materials (49CFR571.205); a conforming VIN (part 565

Vehicle Identification Number); a type 1 or type 2 seat belt assembly conforming to § 571.209, Federal Motor Vehicle Safety Standard No. 209, seat belt assemblies, installed at each designated seating position.

D. The MSO/MCO or vehicle title must clearly identify the vehicle as a low-speed vehicle.

1. If the title does not clearly designate the vehicle as a low-speed vehicle, a low-speed vehicle affidavit must be completed.

2. The department may not issue a vehicle identification number to any homemade low-speed vehicle or retrofitted golf cart, as these vehicles do not qualify as low-speed vehicles.

E. A low-speed vehicle must be titled and licensed (noncommercial vehicle fee schedule).

1. A license plate designating the vehicle as a low-speed vehicle is issued.

2. The applicant must possess a valid driver's license.

3. A vehicle is subject to 4% motor vehicle excise tax.

4. A person engaged in the retail sale of low-speed vehicles must be licensed as a vehicle dealer or used vehicle dealer.

F. A low speed vehicle is exempt from damage and odometer disclosure.

32-3-1; 32-3-71

# Non-Resident Title and Registration

A. South Dakota title and registration statutes do not expressly prohibit an out-of-state applicant from titling and registering in South Dakota.

B. An applicant must provide the county where the vehicle will be kept and the applicant's residence post office address on the application for title and registration. If an applicant actually resides out-of- state, the applicant's actual address must be used on the application

C. For applicants that are truly nomads (no physical address in this or any other state), an affidavit stating those facts is required before a mail forwarding address can be used on the application.

32-3-18; 32-5-3

# Salvage Title

A. Salvage Title (Effective July 1, 2015)

1. Qualifying for a salvage title

a. A qualifying salvage motor vehicle includes: automobile, motor truck, motorcycles (on-road), house trailers (campers), and trailers.

b. Vehicles that do not qualify for a salvage title include:
   - ATVs and other off-road vehicles
   - Dirt Bikes (off road)
   - Golf Carts
   - Dune Buggies
   - Humvees
   - Boats

c. Vehicles less than 11 model years old or with a gross vehicle weight rating of more than 16,000 pounds are exempt for qualifying for a salvage title.

2. If any insurer, in settlement of a total loss insurance claim, or self-insurer acquires ownership of a salvage vehicle that does not have a salvage title, the insurer must, within 30 days following acquisition of the title of that vehicle, surrender the title to the department.

   a. A title indicating salvage will be issued to the insurer or self-insurer.

3. If any insurer or self-insurer declares a vehicle to be a total loss but does not acquire ownership of the vehicle, the owner must obtain a salvage title.

   a. The insurer or self-insurer must notify the owner, in writing, of the obligation to obtain a salvage title before the owner sells or transfers the title.

   b. If the owner sells or transfers the ownership of the vehicle without first obtaining a salvage title, the owner is guilty of a Class 1 misdemeanor.

4. Any motor vehicle 16,000 pounds GVWR or less, regardless of the vehicle's age, that has a title branded as salvage or with any other similar brand by another state or jurisdiction, the applicant shall receive a salvage title, or at the option of the owner, a junking certificate.

5. Out-of-state title brands are displayed on all titles in the previous state field.

32-3-51.19; 32-3-51.5

# Damage Disclosure Statement

**(Source: South Dakota statute 32-3-51.22)**

A. Salvage Title (Effective July 1, 2015)

**B.** The use of Damage Disclosures has been repealed, effective July 1, 2015.

**C.** Damage Disclosures will remain noted on titles issued before July 1, 2015.

**D.** Upon Written request and a $5 fee, the South Dakota Division of Motor Vehicles will provide a vehicle title history.

E. For any vehicle with a salvage title or damage noted on the title, a dealer must place a notice in plain view in the window of the car.

1. The notice must be printed on white NCR paper, measuring 4” x 6”. The original is to be retained by the dealer and the copy is given to the purchaser.

2. The information must be printed in 12-point (minimum) Universe - **bold** - CAPITAL LETTERS.

3. The notice must be posted on the inside of a side window with the front of the form facing the outside, or in the case of a large boat on the front window.

4. The dealer is responsible for keeping the notice posted at all times that a vehicle/large boat is available for sale to consumers.

5. At the time of sale of the vehicle/large boat, the dealer must remove the notice and must have the purchaser sign and date it. The dealer must retain the signed notice, along with copies of the title document, for 5 years from the date of sale.

6. If a dealer fails to display a damage disclosure notice (disclosure must be signed by the purchaser at the time of sale), the purchaser may return the motor vehicle/large boat to the dealer within 10 days after receiving the title and receive a full refund.

F. Certificates of title issued on motor vehicles/large boats in which damage has been disclosed shall reflect this information on the front of the title.

1. Vehicles/large boats coming into the state in which a salvage title or similar brand, or a brand denoting damage was issued by another state, on a qualifying vehicle/large boat, shall be issued a South Dakota salvage title or a title reflecting damage information.

32-3-51.18; 32-3A-38.6; 32-3-51.5

# Recovered Theft

A. If a stolen vehicle is recovered, the insurer or self-insurer, within 30 days of recovery, must inspect the vehicle and apply for a title as follows:

1. If the vehicle has no damage or the damage is less than that defined in state law, the existing salvage title must be surrendered to the department. A title fee and a salvage/recovered theft disclosure statement must be completed. The department will issue a title marked as recovered theft with no salvage notation.

B. If the condition of the vehicle is such that it would have been determined a salvage vehicle as defined in state law, due to the damage to the vehicle, the salvage title is retained and the insurer or self-insurer is not required to apply for a title pursuant to this section.

32-3-51.20

# Odometer Statement

A. Federal and State regulations require odometer statements on motor vehicle transactions, unless otherwise exempted. On South Dakota certificates of title issued after January 1, 1991, the odometer disclosure statement, which complies with federal/state regulations, is on the assignment of the certificate of title. Required information to comply with federal/state odometer requirements:

   1. Hand-printed name of buyer and seller.

   2. Hand-written signature of buyer and seller.

   3. Address of buyer and seller.

   4. Date of sale.

   5. Odometer reading.

   6. Odometer indicators. (Actual miles, not actual miles, exceeds mechanical limits, etc.)

   7. Complete description of vehicle.

B. Leasing companies are required to follow the same criteria, however, they must complete a federal odometer disclosure form for leased vehicles which directly relates to the lessor and lessee. This form is retained by the lessor.

C. Under law, the seller is required to retain a copy of the title assignment or the Odometer Statement for five years.

D. If a certificate of title on a vehicle less than 10 years old is submitted without an odometer reading, the last owner (seller) will be required to disclose the odometer reading to the buyer and the odometer reading will be entered on the new title.

   1. Titles and MSOs are not returned if the odometer or signature is missing. On a qualifying vehicle involving a dealer, a secure dealer reassignment form or a secure power of attorney form is required.

E. Odometer readings are required on motorcycles (same exemptions).

   1. Disclosure on all new and out-of-state motorcycles.

      a. Federal regulations require an odometer statement on motorcycles in which the state previously exempted from odometer disclosure.

      b. Motorcycles with a South Dakota title previously issued showing no odometer reading will be required to comply. The reading will be shown on the title.

F. Exemptions from federal/state odometer requirements:

   1. Vehicle having a weight (shipping weight or gross vehicle weight rating) of more than 16,000 pounds.

   2. A vehicle that is not self-propelled (trailers or mobile homes).

3. A vehicle that is ten (10) or more years old [current year (-) 10].

    a. Title applications for vehicles 10 years old and older that include an odometer reading will be processed the same as vehicles under 10 years of age **unless**:

        - There is a discrepancy between the odometer reading being disclosed and the previous odometer reading.
        - The odometer reading was not previously disclosed (once there is a skip, the odometer cannot be shown on the title). In these instances, if the odometer is shown on the assignment, it will become a part of the vehicle history but will not be printed on the face of the title.

4. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.

5. An MSO transfer between dealers. The federal odometer statement is not required until the first retail sale of the vehicle is made.

6. Snowmobiles.

G. Federal odometer statement forms are not provided by the Division of Motor Vehicles.

32-3-30.1; 64:28:03:11

# Title Changes

# Corrections/Recalls of South Dakota Certificate of Title/Registration

A. Either the county treasurer, the dealer, or the owner shall return certificates of title with errors for correction to the department with a statement of facts explaining the reason for the correction. The dealer and owner are responsible for assuring that the issued title contains accurate and correct information.

B. On assignment of South Dakota certificate of title, it will be the responsibility of the purchaser to verify that their name is written correct and that their name and address are legible.

C. A correction is free of charge when the Division of Motor Vehicles is responsible for the error. When the applicant is responsible for the error, a title fee is due.

D. A certificate of title with an error is returned to the county treasurer with a statement of facts for correction. The title fee is collected. If the fee is not required, it will be returned.

E. A current odometer reading, when applicable, must be submitted with the request for correction.

F. If it is determined that the titleholder or lienholder was not entitled to a title or registration already issued, the division must send a certified notice to the titleholder or lienholder that the title or license plate will be revoked and canceled 10 days after the date of receipt, refusal to accept receipt, or the last day the postal service attempted delivery. The notice will demand that the titleholder or lienholder return the title or license plates.

    1. If the owner or lienholder believes that the title or registration should not be revoked, the owner may request, in writing, a hearing. The hearing must be requested before the effective date of the title or registration revocation.

    2. Intentional use of title after receiving the department's notice of revocation is a Class 1 misdemeanor.

64:28:10:03; 64:28:10:02; 64:28:10:01

# Void Certificate of Title

A. Any alteration or correction on the certificate of title, either on the face or reverse side of the document, voids the certificate of title.

B. Only one certificate of title can be in existence on a vehicle.

C. The issuance of a duplicate certificate of title will automatically void the previously issued document.

D. When an original certificate of title is lost and a duplicate certificate of title issued, if the original title is found, the original title will be void and forwarded to the Division of Motor Vehicles.

64:28:07:01; 64:28:07:02; 64:28:07:03

# Serial Numbers

A. If a serial number of a motor vehicle, trailer, or semitrailer is changed, the owner must make application for a rebuilt title.

B. Whenever the serial number is illegible, destroyed, or obliterated, the Department of Revenue must assign a distinguishing serial number to any motor vehicle, manufactured trailer that weighs over 3,000 pounds, or semitrailer or any component part thereof.

1. If a number is assigned by the department, the owner must have the number attached by an employee of the Department of Revenue or the Highway Patrol.

2. On manufactured trailers that weigh 3,000 pounds or under and homemade trailers, the county treasurer must assign a serial number that the applicant is responsible for stamping on the trailer. Upon placement of the assigned number on the trailer, a physical inspection must be made of the assigned number on the trailer by a law enforcement officer and verified thereto on the Permission for Special Serial Number form

   a. When a manufactured trailer that weighs 3,000 pounds or under is assigned a special serial number by the county treasurer, the application for title must indicate the manufacturer's vehicle information (year, make, and model).

3. The vehicle must then be registered under the assigned number.

4. Existing liens on the motor vehicle, trailer or semitrailer will be carried forward.

5. The new title must be delivered to the owner, unless otherwise directed by the owner, on surrender of the former certificate of title.

6. The removal, alteration, or failure to have the serial number attached is a Class 6 felony.

7. The fee for issuance and attachment of serial number is $25.

C. If a travel trailer is converted to a trailer:

1. Weight slip is required.

2. The title must be submitted for correction of the type of vehicle from a travel trailer to a trailer.

3. A new serial number is not required. A trailer conversion does not require a new serial number, because the serial number does not distinguish and determine the type of trailer.

D. If a motorcycle or vehicle is changed: (i.e., a motorcycle converted to a three-wheel motorcycle, title is issued as assembled, rebuilt)

1. A new serial number is required. A motorcycle conversion requires a new serial number, because the serial number distinguishes and determines the type of motorcycle.

64:30:02:02; 64:30:02:03;

# Unconventional Motor Vehicles

## Destroyed Vehicles

A. When a vehicle is permanently destroyed, crushed, or compacted so that it can no longer be used on the public highways or used for parts, the owner should remove the plates. As long as the plates are valid (not expired), they may be assigned to a newly acquired vehicle, upon proper registration of the vehicle with the county treasurer.

   1. Once unattached, expired plates are no longer valid and should be destroyed.

B. The title certificate should be submitted within 15 days to the Division of Motor Vehicles or the county treasurer. An affidavit from the owner, stating that the vehicle has been completely destroyed, is required.

C. The division shall cancel the title on its records, but shall keep an appropriate record of all vehicles destroyed, crushed or compacted and denoting the name and address of the last owner.

D. If the title shows any lien, the lienholder's consent to the cancellation, shall be endorsed on the certificate of title.

E. It is a Class 6 felony for the owner to remove the vehicle's identification number or other identification numbers.

   32-3-51

## Mini Trucks

A. Mini Trucks

   1. Any vehicle that is not manufactured to US standards that is imported as agriculture equipment is considered an unconventional vehicle. These units will be titled as an ATV.

   2. The person selling these units must title the unit prior to selling it. Motor vehicle excise tax is due at time of application for title.

   3. A Green Export Certificate, Combined Transport Bill of Lading, and US Department of Homeland Security Bureau of Customs and Border Protection Entry/Immediate Delivery document (import form) must be attached.

   4. A motorcycle plate will be issued, and a Four Wheel All-Terrain Vehicle affidavit must be submitted.

   5. The licensed unconventional vehicle may not be operated on the interstate highway.

## Junking Certificate/Parts Only Vehicle Record

Any owner of a motor vehicle that is being dismantled for the purpose of selling its parts shall apply for a junking certificate or shall have the record converted to a junking certificate/parts only record.

A junking certificate is not issued on a manufactured home or a snowmobile.

A. If an owner prefers that a vehicle be permanently removed from the roads and highways, a junking certificate may be applied for.

1. If a junking certificate is issued for a motor vehicle, it may never be issued a regular title.

2. Application for Junking Certificate:

   a. The certificate of title must accompany an application for junking certificate.

   b. If the title shows any liens, the lienholder's consent to the issuance of the junking certificate shall be endorsed on the title.

   c. A title fee is required.

   d. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.

B. In the event the vehicle displays valid plates, the owner should remove the plates. As long as the plates are valid (not expired), they may be assigned to a newly acquired vehicle, upon proper registration of the vehicle with the county treasurer.

1. Once unattached, expired plates are no longer valid and should be destroyed.

C. Procedure for "Parts Only Vehicle" record conversion.

1. This procedure applies to South Dakota titled and out-of-state titled vehicles.
   a. When a vehicle is being dismantled for the purpose of selling its parts, a recycler/salvage dealer may request that the Division of Motor Vehicles convert the vehicle's record to a "Junking Certificate/Parts Only" record.

   b. This shall be accomplished by stamping the front and back of the South Dakota or out-of-state title as "parts only vehicle." Care should be taken to assure that pertinent title information is not covered by the stamp.

   c. The stamp must contain the name and address of the dealer.

   d. The original stamped title must be submitted to the division, with a copy of the front and back of the title (after stamping) being retained by the dealer (retention shall be for 5 years after the vehicle is dismantled).

   e. The division will cancel the title by using a code that designates the vehicle as a part's only vehicle. In this situation, a certificate of title is not issued.

2. When a stamped South Dakota or out-of-state title that has not been issued in the name of the dealer is submitted for conversion of the record to a "parts only vehicle," a $5 fee is assessed (fee must be submitted with title). The fee covers the cost of adding and/or updating a record to reflect current ownership information. A fee is not assessed when a South Dakota title that is already in the name of the dealer is submitted for conversion to a "parts only vehicle" record.

a. At the option of the dealer and in place of the above “parts only vehicle” record conversion procedure, when a vehicle is being dismantled for the purpose of selling its parts, application for a junk certificate of title shall be made. In this situation, a title is issued.

SAMPLE OF STAMP:

**PARTS ONLY VEHICLE SMITH RECYCLING**
**000 MAIN**
**ANYTOWN USA**

32-3-51.12; 32-3-51.17

# Homemade Trailers

A. Application for a title on a motor vehicle manufactured by a person who registers it under the laws of this state.

1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence.

2. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner’s social security number or driver’s license number may be used.

3. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.

4. The division will not accept an incomplete application form or an application form, which the division considers erroneous.

5. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.

B. No excise tax is assessed on first application for homemade trailer, as sales tax has been assessed on the materials purchased to construct the trailer. Tax Code 97 should be used on the initial application.

1. Excise tax is assessed on the purchase price on all future transactions.

C. Payment of a title fee and any license fees as may be required must be collected.

D. All the above-indicated forms, properly completed, must be submitted to the applicant’s county treasurer.

64:30:05:06

# Rebuilt Vehicle

A. To license a rebuilt vehicle, the owner must apply for a Rebuilt branded title. Vehicle must be in running order before the original forms are submitted to our office. [A snowmobile is subject to the rebuilt process, but a title branded rebuilt is not issued on a snowmobile.]

   1. Application for title and title fee

   2. Affidavit for Rebuilt Vehicle form

   3. Titles or bills of sale establishing ownership must be attached.

   4. Receipts for parts must be attached.

   5. $25 special serial number fee (check is to be made out to applicant's county treasurer).

   6. Submit all completed form to county treasurer.

B. Rebuilt vehicles are subject to inspection by the Highway Patrol or an employee of the Department of Revenue.

C. The year on the rebuilt title shall be the year indicated in the identification number. If the identification number is missing, the year shall be the year of the body. If the year of the body is indistinguishable, then the year on the title shall be the year the vehicle was rebuilt.

D. Once a title is branded Rebuilt, the brand will remain for the life of the vehicle.

E. When a rebuilt vehicle is eligible for South Dakota license and registration, the motor vehicle excise tax will be based on the actual cost of the vehicle.

   1. 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 motor vehicle excise tax, if the applicant applies for registration of the motor vehicle in this state within five (5) years from the purchase date of the part.

F. A temporary permit may be used when the vehicle is travelling to the place of inspection.

G. After the motor vehicle is inspected, the owner may take his copy of the certificate of inspection to the county treasurer, purchase his license plates and pay any tax owed. Once the Division of Motor Vehicles is notified that the inspection is complete and has verified that the correct amount of tax has been paid, a rebuilt title will be issued.

H. A vehicle title stamped as non-rebuildable, parts-only, junk, or a similar vehicle brand from another state can only be issued a South Dakota junking certificate. A rebuilt title cannot be issued on the vehicle. The vehicle may be used as parts to rebuild another vehicle.

I. A motorcycle that is built with all new parts; has a 17-digit serial number on the frame; and has a MSO (Manufactures Statement of Origin) on the major parts (frame, engine and transmission), does not require the $25 special serial number fee. The motorcycle may be inspected. The make of the motorcycle will be "Kit" and the model will be "Custom".

64:30:05:08; 64:30:05:02; 64:30:05:06; 64:30:05:07; 64:30:05:09; 64:30:05:11; 64:30:05:12

# Fertilizer Vehicles

A. Any self-propelled fertilizer applicator must be titled and licensed.

1. A self-propelled sprayer/spreader/fertilizer applicator owned and operated by a farmer is exempt from licensing and titling. However, a sprayer/spreader/fertilizer applicator that is mounted on a truck chassis must be licensed and titled, if driven on the roads or highways (farmer not exempt);

2. A self-propelled sprayer/spreader/fertilizer applicator used commercially must be licensed;

3. A sprayer/spreader/fertilizer applicator requiring licensing is licensed under the noncommercial declared gross weight fee schedule;

4. A dealer selling sprayers/spreaders/fertilizer applicators is required to be licensed. Assessment of tax is dependent on whether it is exempt from the licensing requirement. If the unit is sold to a farmer and not required to be licensed, the dealer must collect the 4 percent agricultural sales tax. If the unit is sold for a commercial endeavor and must be licensed, motor vehicle excise tax applies.

B. Fertilizer trailers pulled by a noncommercial vehicle, on which the license fees were paid under the declared gross vehicle weight schedule, may display a trailer identification plate.

C. Leases on fertilizer vehicles.

1. When a fertilizer vehicle is being leased in South Dakota by a South Dakota company, tax is due on the lease payments. A 30-day commercial permit is not sold.

2. When a fertilizer vehicle is owned by an out-of-state fertilizer company doing work in South Dakota, but not being rented or leased to another company in South Dakota, a 30-day commercial permit can be obtained and title and license in South Dakota are not required. More than one 30- day permit may be issued.

   a. It is necessary to receive proof of registration from North Dakota (if the unit is mounted on a truck chassis; if the unit is not mounted on a truck chassis, North Dakota considers these as implements of husbandry) and Nebraska.

   b. Iowa and Minnesota will not be required to submit proof, since these units are not required to be registered or licensed in these states.

   c. If the unit is going to be in South Dakota on a permanent basis, the unit must be taxed, titled and licensed in South Dakota.

3. When a fertilizer vehicle is being leased by a South Dakota company, who is renting or sub-leasing it from an out-of-state company, tax is due on the lease payments. The unit should be titled in the first lessor's and lessee's names (both lessor and lessee may be out-of-state).

4. When a fertilizer vehicle is being leased by a South Dakota company who is renting or sub-leasing it from another South Dakota company, tax is due on the lease payments. The unit must be titled in the first lessor's and lessee's names.

5. Farmers who lease are exempt from titling and licensing, unless the unit is being used commercially.

32-9-3

# Trailers Exempt from Licensing

A. The following categories of trailers and/or semitrailers are exempt from vehicle licensing requirements (these trailers can be titled).

1. Auxiliary axles: This includes converter dollies, converter gears, jeep axles, etc.

2. Implements of husbandry: This includes hay grinders, feed mixers, grain cleaning machines, livestock loading chutes, etc.

3. The only farm trailers on which a license plate is required are stock trailers, gooseneck trailers and semitrailers.

4. Special mobile equipment: This includes log splitters, air compressors, welders, generators, cement mixers, street sweepers, barbecue pits, tar pits, stump grinders, tree chippers, tree spades, etc. (These are specialized trailers on which only the special equipment is hauled on the trailer. In the event anything additional is hauled on or in the trailer, the trailer must be titled and licensed.)

5. Car tote or tow dolly: This includes the device often seen behind a motor home used for transporting a car behind the motor home. The vehicle being towed must be licensed.

64:28:01:02

# Truck Tractor Converted to a Motor Home

A. To become a motor home, the truck tractor shall be modified to include a vehicular type unit **built on the tractor's chassis** and designed primarily as temporary living quarters for recreational, camping, vacation or travel use.

B. A truck tractor that has been modified to become a motor home must be equipped with at least 5 out of the following 7 established criteria to be titled and registered as a motor home:

1. Cooking facilities.

2. Heating or air conditioning system separate from vehicle engine or vehicle engine electrical system.

3. Self-contained toilet or toilet connected to a plumbing system with connection for external water disposal.

4. Portable water supply, including plumbing and a sink with faucet either self-contained or with connections for an external source.

5. Sleeping facilities.

6. Refrigerator.

7. 110 or 115 volt system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source or a liquefied petroleum system and supply.

    a. The systems in 2, 3, 4, and 7 must be permanently installed and meet American National Standards Institute and National Fire Protection Association standards in effect on the date of manufacture.

C. When a motor home is used to transport a motor vehicle, boat, or animal to a race, tournament, show, or similar event, it is not considered to be engaged in a private business use if:

    1. Any prize money received from participating in the activity is declared as ordinary income for tax purposes.

    2. The cost of participating in the activity is not deducted as a business expense for tax purposes.

    3. No corporate sponsorship exceeding $2,000 in any one calendar year.

D. If the vehicle is being used to tow a trailer, the trailer does not qualify for a permanent trailer identification plate. The trailer must display a noncommercial trailer plate.

E. The Division of Motor Vehicles provides the form for the affidavit.

32-3-65

# Amphibious Vehicles (combination ATV/boat)

A. An amphibious vehicle must be titled as an ATV, and an interstate record is created for the boat.

    1. Excise tax is collected when applying for title.

    2. Two applications must be completed for amphibious vehicles (ATV/boat).

B. ATV and boat must be titled. Licensing is optional unless the ATV is used on public roads/waters, then it must be licensed.

    1. Four Wheel All-Terrain Vehicle Affidavit must be completed to license as a motorcycle.

    2. Boat license must be purchased before operating the vehicle in the waters, a boat number will be assigned.

# Liens and ELT
# ELT Reference Guide

The South Dakota Division of Motor Vehicles has an Electronic Lien & Title System (ELT). As a result, a title certificate is not printed on any title that is issued that indicates a lien.

Lenders have the option to utilize a third party provider that will provide a lender with electronic notices of title issuance and lien perfection when a record is issued in the state system. Upon release of a lien, a participating lender will release a lien electronically through its provider. Upon receipt of the electronic lien release, the title will be printed and mailed to the owner, unless directed otherwise by the lender.

http://dor.sd.gov/Motor_Vehicles/Electronic_Lien_and_Title/

South Dakota Electronic Lender Guide

# Non Participating Lenders

A. A non-participating lender is any lender that does not utilize a third party provider to manage their title notifications electronically.

    1. All titles with liens will be issued as ELT records.

    2. No paper titles will be issued for lenders to retain.

# Request for Paper Title

A. To request a paper title for a non-participating lender:

    1. The ELT Non-participating Lender Request for Paper Title form must be submitted to the Division of Motor Vehicles.

    2. A paper title will not be printed unless it is authorized by the Division.

    3. A lien cancellation form must be submitted to any South Dakota county treasurer office if the vehicle was sold, traded, or paid off.

        a. This will prompt a paper title to print.

B. To request a paper title for a participating lender:

    1. The lender must electronically request a paper title through their third party provider.

    2. The Division may deny requests for paper title if they do not qualify.

# Liens

32-3-35 Manufacturer's statement or certificate of origin pending issuance of certificate of title--Priority of liens.
32-3-36 All lien spaces filled--Issuance of new certificate.
32-3-37 Sale of encumbered vehicle with knowledge of lien holder--Effect against subsequent purchasers.
32-3-38 Holder of security interest entitled to have notation of lien made by treasurer--Notification to department--Notation on instrument and certificate of title.

# Transfer of Ownership by Foreclosure of a Lien

A. Foreclosure of a lien upon a motor vehicle will be governed by the laws pertaining to foreclosure of chattel mortgages. This is a court order and is different than a repossession.

B. Filing of such lien will not be required as a condition precedent to foreclosure.

C. The register of deeds will require the surrender of the certificate of title covering the vehicle(s) involved, along with an affidavit of publication or public posting of such notice of sale, bill of sale executed by a person authorized to hold such a sale, certified copy of the lien instrument upon which foreclosure action is based, a title fee, application for certificate of title signed by the purchaser and any applicable motor vehicle excise tax.

D. If a notation of lien has been made on the title or MSO by the seller, buyer, owner or holder of the instrument, it will be valid against the creditors of the debtor, whether armed with process or not, and subsequent purchasers and other lienholders or claimants, but otherwise is not valid against them.

   32-3-47; 32-3-41; 64:28:12

# Transfer of Ownership by Affidavit of Repossession

A. The county treasurer requires South Dakota title (if available) to be submitted when applying for repossession title, the lender noted on the title must be the applicant for repossession title.

   1. If the motor vehicle records indicate that the title is lienholder-held and the title is not available, a statement indicating why the title is not available should be submitted with the other required documentation.

   2. If the motor vehicle records indicate that the title is a SD electronic lien and title (ELT) record, the title is not required.

B. The lien should be properly noted on the certificate of title or on the record (ELT). Other documents required:

   1. A copy of the *security agreement

   2. Application for certificate of title signed by the lienholder

   3. Affidavit of repossession

4. Title fee

C. The lien noted on the certificate of title or title record (ELT) must not have been released by the county treasurer. Cancellation of the lien does not prohibit obtaining title by repossession.

D. A Dealer Car Auction Agency may accept a vehicle for sale by a financial institution chartered or licensed in another jurisdiction in which the title is not in the name of the entity, provided the title is in the name of the customer and has the proper documentation required supporting a repossession transaction.

1. The out-of-state title must be provided.

2. The affidavit or other such document that is required by the customer's or lienholder's title state that allows the lienholder to assign the out-of-state title without obtaining a repossession title, must be submitted.

3. A lienholder is required to obtain a repossession title, if the lienholder is from a state that requires a lienholder to obtain a repossession title prior to selling a repossessed vehicle.

**Loan contract*

32-3-6; 32-3-46; 64:28:13:03

# Notation and Cancellation of a Lien

A. All vehicle liens must be noted on the South Dakota title or ELT to be effective under title law.

1. If a lien is noted on the title, MSO, or ELT it will remain on the title record until the debt is satisfied.

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

B. Effective October 1, 2012, the DMV implemented an Electronic Lien and Title (ELT) System. As a result, a title certificate is no longer printed on any title that indicates a lien.

1. Lenders have the option to utilize a third party provider that will provide a lender with electronic notices of title and lien when a record is issued in the state system. A list of providers can be found on the Department of Revenue website.

2. Lenders that do not participate through a provider will not receive notification that advises them of a title issuance or lien perfection; however, access to search the state's title system to verify title and lien records is available online at: SDcars.org (click on VINv).

C. On an assigned South Dakota title, all liens to be noted on the title record must be noted in the proper space provided in the assignment blank on the reverse side of the title.

1. The name of the purchaser, complete address and lien information must be either typewritten or printed.

2. A lien notation fee must be assessed for each lien noted.

D. No lien will be noted on the file with the county treasurer unless the lien is noted on the original certificate of title, title record (ELT), or a valid, lawfully issued duplicate title.

E. The county treasurer is not required to file or record a chattel mortgage or similar instrument covering a motor vehicle only. Notation of such instrument must be made on the certificate of title.

F. In case of a mixed mortgage where the security includes a motor vehicle and other chattel property, the county treasurer must file or record such mixed mortgage. The filing of such mortgage against the car will have no effectiveness.

G. On a mixed mortgage, the lien on the motor vehicle must be noted on the certificate of title or title record (ELT) in order to be effective, and the lien notation fee collected.

H. Procedures for Lien Notation:

1. **Notation of a Lien (Paper Title Exists):**

    a. The owner or lender must present the original South Dakota title (or valid duplicate) and a copy of the security agreement to the county treasurer of the owner's county of residence. A lien notation fee must also be submitted. The lien will be noted on the system and the title submitted to the DMV where it is held electronically until the lien is released.

2. **Notation of a Subsequent Lien on an ELT Record:**

    a. A copy of the security agreement and a lien notation fee is submitted to the county treasurer's office of the owner's county of residence. The lien will be noted on the system and the title record remains electronic.

I. Procedures for Release of Lien (under law, the lender has 20 days after final payment is received to execute a lien release):

1. **Release of Lien on an ELT Record (Participating Lender):**

    a. Upon release of a lien, a participating lender will release a lien electronically through its provider. Upon receipt of the electronic lien release, provided there are no additional liens, the title will be printed and mailed the following business day to the owner, unless directed otherwise by the lender. No fee for lien release.

2. **Release of Lien on an ELT Record (Non-Participating Lender):**

    a. A lien release is submitted to a county treasurer's office. Provided there are no other liens, the title is printed and mailed the following business day to the owner, unless otherwise indicated on the release. No fee for lien release.

3. **Release of Lien on Paper Title:**

    a. The paper title and a lien release are submitted to a county treasurer's office. The lien is released on the paper title and returned to the owner, unless otherwise indicated on the release. No fee for lien release.

J. If a person trades in a vehicle to a dealer or enters into a consignment agreement with a dealer and the vehicle has a lien noted on the title, the parties may agree that the dealer will satisfy the lien.

1. Failure to satisfy a lien constitutes theft.

2. The dealer must satisfy the lien within 10 business days after receipt of the funds.

   a. Proof of payment of the lien shall be the confirmation number when payment is made online or a copy of the check and the certified return receipt mail card, if payment is not made online.

K. A lien release can accompany an application for duplicate title. The lien will be cancelled by the DMV and the duplicate title issued without the lien.

1. The application for duplicate title, along with the lien release, must be forwarded to the DMV with the proper fee. The duplicate title will be issued without the lien.

2. The duplicate title will be mailed to the address on file for the owner, unless otherwise directed.

32-3-41; 32-3-37; 32-3-35; 32-3-44; 32-3-45

# Notification for Notation of Lien on Paper Title

A. The title must be presented to the county treasurer of the county of record.

1. When the title or a valid duplicate is presented, the lien will be noted by the county treasurer on the front of title and in the computer system. The title is then submitted to the DMV.

2. If the certificate of title is not presented, the lienholder must complete the "Intent to Notify Owner."

   a. The county treasurer will then notify the owner or the lienholder (in those instances where the lienholder is holding title) by "Notification to Submit Title," retaining a copy of such notice, to surrender the certificate of title within fifteen (15) days for the purpose of noting a lien or an additional lien.

3. The certificate of title must be submitted to the DMV where it is held electronically until all liens are released.

4. The lien will be entered on the file. A lien notation fee is assessed.

B. If the owner, or in the case of an already existing lien, the first lienholder, in those instances where the title is being held by the lienholder, does not comply with the county treasurer request to surrender the certificate of title within fifteen (15) days for notation of a lien or an additional lien, the county treasurer must inform the lienholder by "Intent to Notify Owner."

C. The holder of a certificate of title who refuses to deliver a certificate of title will be liable for damages to such subsequent lienholder for the amount of damages suffered by reason of the holder of the certificate of title refusing to permit the showing of the lien on the certificate of title.

D. No lien will be noted on the file, unless the lien is properly noted on the original title, or a valid duplicate.

32-3-43; 32-3-44; 32-3-45; 32-3-38; 32-3-41

# Changing Lenders

**Changing lenders on an existing ELT record**

A. To change lenders when a customer has a lien on their title and refinances that loan with a different lender

1. The lien release must be provided for the original loan.

2. The new lien must be added before the original lien is released.

**For bank buyouts see Lien Reassignment section**

# Lien Reassignment

**This is for bank buyouts only**

A. A lien reassignment is only to be used when one bank buys another bank and their contracts. This will retain the original lien notation date on the customer record.

B. The bank that the lien has been assigned to or the owner of the vehicle should present the following to the county treasurer of the county the vehicle is registered in:

1. Lien assignment agreement signed by representatives of each bank;

2. Certificate of title, unless ELT.

C. The county treasurer will note on the system and on the lien notation area on the title beside the original lienholder, the name of the bank the reassignment is being made to, the date the reassignment is being made, and the signature of the county treasurer.

1. The lien notation fee should be assessed.

4. The county will change the computer system to reflect the reassignment and retain copies of the lien assignment.

32-3-38; 64:28:12:10

# Mechanics Lien Procedure

A. Property that is unclaimed by owner for a period of 90 days after written notice of intent to sell the property is given to the owner and lienholder(s) by certified mail.

1. Refer to Unclaimed Vehicle Due to Unpaid Repair Bills section, for vehicles left unclaimed as the result of an unpaid repair bill.

B. If lien not on file with the register of deeds, must file a sworn lien statement with the register of deeds. The statement must contain the following: name and address of owner and any lienholders; description of property sufficient to identify it; approximate location of property; date the lien is claimed to have arisen; amount claimed as a lien; circumstances out of which lien is claimed.

C. Sworn statement and post office receipt for mailing filed with register of deeds in county in which property located.

D. No title is issued before the public sale.

E. Notice of sale containing the following information: name and address of owner and any lienholders; description of property sufficient to identify it; location of property; statement of grounds for which lien claimed and reference to its filing with the register of deeds; nature of the default; amount claimed to be due at date of notice; time and place of sale mailed to property owner and any lienholders.

F. Publication of notice of sale in at least one issue of newspaper published in county at least 10 days before the sale.

G. Sale:

1. Sale must be held at public place. If held elsewhere, must set out all facts for not holding the sale in a public place and give a description of place at which sale will be held;

2. Sale cannot be held on Sunday or other legal holidays and must be held between 10:00 AM and 5:00 PM;

3. Sale must be made at public auction to highest bidder for cash. It is not necessary to use an actual "auctioneer" to conduct the sale.

4. Purchaser receives a bill of sale from the party making the sale or a report of the sale that is filed with the register of deeds within 5 days of sale.

H. The lienholder or his agent shall make a sworn report of the proceedings to the register of deeds within 5 days of the sale. The report must contain the following: proof by affidavits of giving notice of the sale, including a copy of the notice; an account of the sale, showing items sold, amounts bid and paid and names and addresses of purchasers; amount due on the lien, together with costs and disbursements of the sale and the surplus or deficiency remaining, if any.

32-3-41

# Transfer of Ownership on an Unpaid Repair Bill Vehicle/Boat Unclaimed Vehicle/Boat

A. A person may apply for a title on a vehicle/boat that is left unclaimed, as the result of an unpaid repair bill on private property for a period of 30 days.

1. Written notice of intent to apply for a title must be given the owner at the last known address, and any lienholder or identifiable insurer by certified mail.

2. The notice is on a form prescribed by the department, Unclaimed Vehicle: Due to Unpaid Repair Bill.

B. If an owner cannot be identified, a notice must be published once in a newspaper where the vehicle/boat was left for repair.

C. Title will vest with the person to whom the unpaid repair bill is payable and who has complied with all the requirements after 30 days from the date the notice was sent.

D. If the owner, insurer, or lienholder intends to reclaim the vehicle/boat, notification of intent to reclaim the vehicle/boat must be sent to the department and the repair facility within 30 days of receipt of the notice.

   1. If the vehicle/boat is not reclaimed or removed within 30 days after mailing of the notice of intent to reclaim the vehicle/boat, title irrevocably vests in the person to whom the repair bill is payable and who has complied with the requirements.

E. The vehicle/boat must be sold at public auction and any excess money above settlement of the debt must be forwarded to the prior owner, insurer, and any other party with a legal interest in the vehicle/boat. It is not necessary to use an actual "auctioneer" to conduct the sale.

F. If the owner, insurer, and any lienholders are unidentifiable or not able to be contacted, the excess money shall be sent to the state treasurer and treated as unclaimed property.

G. An application for title; the green certified return receipt card, along with a copy of the completed form Unclaimed Vehicle: Due to Unpaid Repair Bill, or in the event the certified letter is returned unclaimed, the unopened letter and a copy of the Unclaimed Vehicle: Due to Unpaid Repair Bill; and a title fee are submitted to the county treasurer's office of the applicant's county of residence.

   32-3-67; 32-3-69; 32-3-68

# Lien Correction - ELT

A. To correct a lien on an ELT record for a participating lender

   1. Email dor.dmvelt@state.sd.us with the following information

      a. Title number or VIN

      b. Correct lender ID

      c. Correct lender name and address

      d. Notification that the record needs to be updated to reflect "Participating."

   2. The Division will review and amend the record if it qualifies.

# Plates and Registration

# Staggered Licensing

A. Definitions under the staggered licensing system.

1. "Active vehicle", a vehicle with unexpired license plates.

2. "Expired vehicle", a vehicle with license plates that have been expired for less than 12 months.

3. "Inactive vehicle", a vehicle with license plates that have been expired for 12 months or more.

B. Initial registration.

1. Upon initial registration, license fees are assessed from date of sale, unless the date of sale is more than 12 months ago in which case the license fees are assessed from current date with license fees prorated to the customer's registration month indicator (RMI).

C. License plate attachment

1. The first letter of the owner's last name determines the month that a non-commercial vehicle owner will register the vehicle.

   a. For businesses, the first letter of the business name must be used. Registrations can be renewed 90 days prior to the expiration.

   b. April, October and December are non-renewal months.

   c. If attaching an unexpired license plate from an applicant's plate inventory to a newly acquired vehicle, with a purchase date of 12 months or less, fees are calculated from date of sale.

   d. If the plate is within renewal (90 days prior to expiration), registration fees are billed to the following RMI, with credit given for any remaining months on the license plates.

   e. If plate expiration is more than three months, no additional registration months are billed.

   f. Additional license fees may apply if the age and weight of the newly acquired vehicle is in a higher license fee category, in which case additional license fees are billed.

   g. **No refund is allowed.**

D. Noncommercial vehicle license renewal.

E. When renewing a registration on a noncommercial automobile, pickup, or van (under 6,000 pounds) with an expired license (less than 12 months), license fees are calculated from the date of expiration to the RMI.

F. Noncommercial declared gross weight vehicle license renewal.

1. When renewing a registration on a vehicle that is required to be licensed under the declared gross weight license system **(pickup does not qualify)** in which the registration has expired (less than 12 months), license fees are assessed from current date to RMI.

2. License fees are not calculated from the registration expiration date.

32-5-22; 32-5-2.1; 32-5-2.2; 32-5-2.4

# Plate with Owner Licensing System

A. In July 2008, the state's vehicle registration system changed from license plate with vehicle to license plate with owner.

   1. The ownership of a vehicle, as stated on the title, determines ownership of a plate. All owners on a vehicle's current title record or a pending title record are also owners of any plate attached to that vehicle and any individual listed as an owner on the title can take action affecting the plate.

   2. Exceptions as to who actually owns the plates apply to special and distinctive plates that require qualification (firefighter, veteran, etc.). The person who qualifies for the plate is the plate owner and the only one that can take action affecting the plate.

B. A person cannot move a plate from vehicle to vehicle. The vehicle ownership must transfer before a plate can be detached from the system and removed from the vehicle. So, under most circumstances, the plate can only be detached if:

   1. The plate owner no longer owns the vehicle that was originally attached to the plate.

   2. The vehicle originally attached to the plate is junked.

   3. The vehicle originally attached to the plate is titled out-of-state.

   4. Similarly, an unattached plate cannot be moved from vehicle to vehicle and can only be attached to an acquired vehicle.

   5. Plate with owner applies to commercial vehicles (renewed under our staggered registration renewal system) and noncommercial vehicles, trailers, motorcycles and historical plated vehicles. It does not apply to boats, snowmobiles, trailer ID plated vehicles, construction plates or prorated (IRP/apportioned) vehicles.

   6. There will be situations when plates may stay with the vehicle when ownership of a vehicle is being transferred. A plate can remain attached to the vehicle when the ownership is transferred if one of the following exemptions apply: inheritance; transfer between immediate family members; transfer of ownership as the result of a transfer of a business ownership (exemptions 5- 11).

      a. Plates may stay with vehicle upon transfer between immediate family members with consideration, but the transaction is not exempt from tax.

      b. A historical plate or a personalized plate can stay attached upon transfer of vehicle ownership, provided the former owner of both the vehicle and the plate authorize the reassignment of ownership of the plate to the new owner.

7. Specialty and distinctive plates (personalized, veteran or military, radio, fire fighter, etc.), are no longer secondary plates, but are now the primary plate. Two sets of plates are not issued. Upon initial application for a special/distinctive plate, a permit is used in the interval between ordering and receiving the plates.

8. An expired plate that is attached to a vehicle on the system remains valid and may be renewed at any time within the plate period. However, an expired plate that is unattached is no longer valid and the plate cannot be used.

9. A license plate transfer can only be made between like plated vehicles (example: a license plate transfer from a motorcycle to an automobile is not allowed). A license plate transfer is allowed between vehicles registered as noncommercial, noncommercial gross weight or a motor home.

10. A plate cannot physically be attached to a vehicle until the owner goes to the county treasurer and completes the registration. In situations where a vehicle is sold and a plate is not immediately used, no refund is allowed, but a credit for the remaining months left on the plate is given when it is attached to a newly acquired vehicle. If the plate expires before attachment, the plate is no longer valid.

A. **Attach/detach.** The definitions of "attach" and "detach" are:

1. "Attach", refers to action affecting a vehicle's record within the system. Attaching a plate associates, or ties, a specific license plate number with a specific vehicle within the DMV system records, as opposed to physically securing the actual license plate to a vehicle. A license plate number may be "attached" to a specific vehicle. Under certain conditions, a plate number, which is attached, may be "detached" from a vehicle. A plate that is not attached to a vehicle is an "unattached" plate.

2. "Detach", refers to action within the system that removes the attachment between a vehicle and a specific license plate number.

B. **Report of sale.** A report of sale (ROS) is a notification that a sale has occurred. The report of sale can be accomplished by one of the following:

1. A new certificate of title contains a tear-off form attached to the bottom of the title. The seller is responsible for completing the information and forwarding the form to the county treasurer's office.

2. A seller can complete a report of sale online at https://mysdcars.sd.gov

3. A sale of a vehicle by a dealer creates a pending title record, which replaces any need for a ROS form.

4. The ROS serves only as notification of a sale and does not cause any action to be taken against the title or registration record.

# Manufacturer's Statement of Origin/Manufacturer's Certificate of Origin and Vehicle Identification Number Requirements

The Division of Motor Vehicles (DMV) recommends that the following MSO/MCO (Manufacturer's Statement of Origin/Manufacturer's Certificate of Origin) and VIN (Vehicle Identification Number) specifications be used by any vehicle manufacturers operating within the state.

A. Manufacturer's Statement of Origin/Manufacturer's Certificate of Origin (MSO/MCO):

1. At this time, the DMV does not endorse any specific MSO/MCO printer and has no specific requirements for the content of the MSO/MCO form itself; however, the following information must be contained on the document:
   a. Date.

   b. Invoice number.

   c. Vehicle Identification Number.

   d. Vehicle year.

   e. Vehicle make.

   f. Vehicle body type.

   g. Series/model.

   a. Vehicle shipping weight, horse power, or number of cylinders

   i. Name and address of distributor/dealer.

   j. Signature of authorized representative.

   k. City and state of authorized representative.

   l. On the face of the MSO/MCO, in the assignment area, the manufacturer's name and address and a signature area for the manufacturer's signature.

2. The DMV recommends that the security standards established by the American Association of Motor Vehicle Administrators (AAMVA) be followed:

   a. Paper.

      a. Sensitized Security Paper--paper that is reactive to chemicals commonly used to alter documents.

      b. Non-Optical Brightener Paper--paper without added optical brighteners that will not fluoresce under ultraviolet light.

c. Engraved Border--a border produced from engraved artwork that will appear on the front of the document.

d. 1) Prismatic--rainbow printing that is used as a deterrent to color copying, and/or

2) Copy Void Pantograph--the word “void” appears when the document is copied.

e. Complex Colors--colors that are developed by using a mixture of two or more of the primary colors (red, yellow, or blue) and black if required.

f. Erasable Fluorescent Background Inks--fluoresces under ultraviolet light and reacts to any attempt to erase in such a manner as to be immediately detectable.

g. Background Security Design--a repetitious design consisting of a pattern that hinders counterfeiting efforts.

h. Micro-line--a line of small alpha characters in capital letters that requires a magnifying glass to read.

i. Consecutively Numbered--documents that contain a number that is consecutively numbered for control purposes.

1. Security Thread--with or without watermark, and/or

2. Intaglio Print--with or without latent image.

j. Document Size--“Certificates of Origin” size specifications shall be seven (7) inches by eight (8) inches.

k. Paper Stock--Sixty (60) pound offset or equivalent durability.

l. Construction--Unless otherwise specified by the user, the form should be constructed and fan- folded for use on high-speed pin-fed computer printer and/or continuous typewriters.

m. Layout--Text matter space for 1/10-inch horizontal and 1/6 inch deep characters per AAMVA H12 Policy for standard format.

n. Facility Security--To insure the integrity of the manufacturer’s “Certificate of Origin” the user should require the vendor to maintain secure printing and storage facilities.

# Serial Numbers

A. Vehicle Identification Numbers (VIN):

1. Title 49, Code of the Federal Regulations, Parts 565 and 571 (Federal Motor Vehicle Safety Standards Number 115) specify the format, content and location of manufacturer’s certification labels and the VIN system currently used to simplify vehicle information retrieval and increase the efficiency of vehicle defect recall campaigns. These regulations apply to trailers as well as other vehicles.

2. It is a class 6 felony to remove or alter a VIN plate on a vehicle.

3. In the event the VIN on a vehicle does not match the VIN on the title or paperwork, the vehicle is to be removed from the dealership lot and the Division of Motor Vehicles or Highway Patrol should be notified.

4. As a result, the Division of Motor Vehicles passed Administrative Rule 64:30:02:04:01, "VIN Requirements for Trailers" that requires persons manufacturing trailers use a seventeen (17) digit VIN on each trailer produced. This Rule went into effect January 1, 1989, and applied to all trailers manufactured after January 1, 1989. Since August 1978, the approved VIN system has consisted of seventeen (17) digits. However, some trailer manufacturers were still using systems consisting of fewer than seventeen digits that did not incorporate any manufacturer identification, resulting in several different trailers having identical numbers.

5. Part of the VIN consists of a unique identifier of the manufacturer. It is the responsibility of the manufacturer to obtain an assigned World Manufacturer Identifier that is supplied by the Society of Automotive Engineers (SAE) at no charge. We have been asked that your initial contact concerning VIN requirements be made to the National Highway Traffic Safety Administration (NHTSA), VIN Coordinator, at 202-366-6018. Information on assignments of the manufacturer identifiers can be made through the Society of Automotive Engineers at 412-772-8511.

6. Title 49 of the Code of Federal Regulations and other federal motor vehicle safety standards can be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington DC 20402 (telephone: 202-512-1800). These are also available in many law or general libraries.

B. If a serial number of a motor vehicle, trailer, or semitrailer is changed, the owner must apply for a rebuilt title.

C. Whenever the serial number is illegible, destroyed, or obliterated, the Department of Revenue will assign a distinguishing serial number to any motor vehicle, manufactured trailer that weighs over 3,000 pounds, or semitrailer or any component part thereof.

1. If a number is assigned by the department, the owner must have the number attached by an employee of the Department of Revenue or the Highway Patrol.

2. On manufactured trailers that weigh 3,000 pounds or under and homemade trailers, the county treasurer will assign a serial number that the applicant is responsible for stamping on the trailer. When the assigned number is placed on the trailer, a physical inspection must be made of the assigned number on the trailer by a law enforcement officer and verified on the Permission for Special Serial Number form.

   a. When a manufactured trailer that weighs 3,000 pounds or under is assigned a special serial number by the county treasurer, the application for title must denote the manufacturer's vehicle information (year, make, and model).

3. The vehicle will then be registered under the assigned number then such registration is required.

4. Existing liens on the motor vehicle, trailer or semitrailer must be carried forward.

5. The new title will be issued.

6. The removal, alteration, or failure to have the serial number attached is a Class 6 felony.

7. The fee for issuance and attachment of serial number is $25.

D. If a travel trailer is converted to a trailer, a weight slip is needed. The title must be submitted for correction of the type of vehicle from a travel trailer to a trailer. A new serial number is not required. A trailer conversion does not require a new serial number, because the serial number does not distinguish and determine the type of trailer.

E. If a motorcycle or vehicle is changed, a new serial number is required (i.e., a motorcycle converted to a three-wheel motorcycle, title would be issued as assembled, rebuilt). A motorcycle conversion requires a new serial number, because the serial number distinguishes and determines the type of motorcycle.

64:30

# Duplicate Plates

A. The fee for all duplicate license plates, or the replacement of lost or damaged decals is $10.

   1. If only one plate is missing, the other plate must be returned to the county.

B. The fee for all duplicate special plates and personalized plates or tabs (including special motorcycles) is $10.

C. The fee for a duplicate (regular) motorcycle, trailer, snowmobile, and boat license is $2.

D. The fee for a replacement trailer ID plate (U plate) is $10.

E. A general affidavit explaining why the duplicate is needed must be completed.

F. If plates are lost or stolen, the loss or theft must be reported to a law enforcement agency and attested to on the duplicate license plate validation sticker application

G. .

   1. A copy of this form is retained by the county treasurer and the Division.

   2. If you fail to remove the plates off a vehicle you have sold, you can't report them lost/stolen.

H. If a person moves into a different county and wants county indicator plates reflecting their new county of residence, they can apply for replacement plates through their new county.

   1. A duplicate plate fee will be assessed, and a duplicate plate affidavit must be completed.

   2. The customer's old county plates must be surrendered at the time of application.

32-5-92; 32-5-99; 32-5-166; 32-5-173

# Replacement License Plates/Validation Stickers (Lost in the Mail)

A. In cases where individuals do not receive the license plates or validation stickers that they have purchased online, SST, or the county, the county treasurer can waive the fee normally required for duplicates.

   1. The application for replacement of lost plates or stickers must be made within ninety (90) days from the date the plates or stickers were issued.

   2. Replacement license plates and/or validation stickers may be issued at no additional charge to the customer.

3. If the plates/validation stickers turn up later, they must be surrendered to the county treasurer's office.

4. If you have moved or changed addresses, the duplicate fee is assessed.

B. In cases where an individual needs to replace license plates or validation stickers that have actually been used or possessed, duplicate fees must be collected.

# Licensing Noncommercial Motor Vehicles

A. License fees are charged according to the weight schedules for noncommercial vehicles.

B. License fees on a noncommercial motor vehicle, which is an automobile, pickup, or van under 6,000 pounds must be determined by the manufacturer's shipping weight, including manufacturer's accessories. The license fees for the vehicle will be based on the regular noncommercial license fee schedule.

1. The NADA computer system can be used to determine shipping weight. If the applicant disagrees with the weight, the applicant has the option of getting a weight slip.
2. A dealer can certify a weight by initialing the weight field on the application. If a reference guide or invoice is available that shows the weight, the document should be submitted. If certifying a weight, the dealer is responsible for the accuracy of the weight.

C. If a noncommercial motor vehicle is a pickup that weighs more than 6,000 pounds, the owner has the choice of paying license fees under the noncommercial or the noncommercial gross weight fee schedule.

1. License fees on a noncommercial motor vehicle, that is not an automobile, pickup, or van will be based on the declared gross weight (highest legal weight that the vehicle will actually be operated during the registration period) of the motor vehicle, as determined by the applicant.

   a. A pick-up that the pick-up box has been removed and replaced with something other than a pickup box and the removal, alteration, or replacement causes the weight of the vehicle, including accessories, to exceed 6,000 pounds, the vehicle must be licensed as a truck under the declared gross weight fee schedule 64:28:03:12

   b. The title must be submitted for correction of the body type from pick-up to truck. No title fee is assessed.

D. The owner of a noncommercial vehicle that is required to pay license fees based on the declared gross weight can register the vehicle for a period of 3 to 8 months, inclusive, in lieu of an annual registration.

1. A pickup, weighing more than 6,000 pounds that is licensed under the noncommercial gross weight fee schedule, does not qualify for seasonal registration in-lieu-of annual registration.

2. The fee will be 1/12 of the annual license fee for the motor vehicle, based on the declared gross weight fee schedule, multiplied by the number of months that the vehicle is being registered. The minimum license fee assessed is $15 for a seasonal registration. No administrative fee is assessed on the initial license under this system.

3. Any subsequent seasonal licensing of a vehicle during the licensing period is assessed a $10 administrative fee for each license issued.

E. Noncommercial vehicles licensed under declared gross vehicle weight are licensed under the staggered registration system, unless the owner opts for a seasonal registration. The applicant is issued decals denoting the year and month of the vehicle's expiration.

1. The applicant is also issued tonnage decals denoting the weight that the vehicle is registered for.

2. Twenty-eight ton and over decals will be issued directly from the Division of Motor Vehicles to individuals who have submitted proof of payment of the federal heavy vehicle use tax.

F. Proof of compliance with the heavy vehicle use tax must be furnished.

1. IRS Form #2290 Schedule 1, stamped received by the IRS.
2. IRS Form #2290 Schedule1, plus a copy of the canceled check.
3. Vehicles exempt from heavy vehicle use tax must submit the IRS Form #2290 Schedule 1, which has been stamped as received by the IRS.

G. The county treasurer will attach to the daily printout of vehicles registered at a tonnage of 28 or over, the taxpayer statement notification concerning payment of the federal heavy vehicle use tax.

1. The Payment of Federal Heavy Vehicle Use Tax form is to be completed on all vehicles licensed at 28 ton or over in which IRS proof of payment is not available at the time of registration.
2. If proof of payment is available at the time of registration, the county treasurer must attach the proof (IRS Form #2290 Schedule 1 -- stamped "paid") to the report along with a copy of the vehicle's registration (see commercial vehicles section for documentation required).
3. If proof of payment is not available at time of registration, the applicant has 30 days that they can operate the vehicle without displaying the tonnage decals. **Remember**: one of the two forms -- taxpayer statement notification or the proof of payment of the tax must be attached to the county treasurer's report of vehicles licensed at 28 ton or more.
4. Contact for Federal Excise Tax information and form 2290-Heavy Vehicle Use Tax:

   1-866-699- 4096 – Cincinnati Service Center.

H. The licensed gross weight of a vehicle may be increased at any time during a registration period. The county treasurer will collect the difference in fees between the registered weight and the desired higher weight. Plates are not turned in.

1. Requests to lower a vehicle's licensed weight during the registration period can be granted, but **no refund is given**. The applicant must return the license plates and a new set of plates is issued with the lower tonnage.

I. License fees on a motor home and converted house car are determined by the manufacturer’s shipping weight, including accessories, under the motor home fee schedule.

J. An applicant for renewal of South Dakota license plates must present a certificate of title or if the vehicle is mortgaged and the records indicate that the title is held by the lienholder, the license plate renewal certificate (in the event the license plate renewal certificate is lost, a copy may be obtained from the Division of Motor Vehicles for a fee or a copy of the certificate of title signed by the lienholder is acceptable).

K. The county treasurer is authorized to renew the motor vehicle registration without a title document or license renewal certificate if the applicant can furnish proof through a South Dakota driver's license or social security card that he is the registered owner of the motor vehicle. The motor vehicle computer record must match the name on the South Dakota driver's license or social security card.

32-5-6; 32-5-6.1; 32-5-6.3; 32-5-6.4

# Licensing Trailers

A. Owners of trailers utilized with automobiles, pickups, and vans must purchase a regular annual trailer plate. There is no restriction on the weight carried by trailers licensed in this manner.

   1. Vehicles licensed for gross weight (commercial and noncommercial) may tow any regularly licensed trailer as long as the weight of the trailer plus its load is included in the gross weight license of the towing vehicle.

   2. On trailers exempt from licensing, the weight of the trailer and the load being hauled is not included in determining the declared gross weight of a vehicle.

   3. A recreational vehicle is prohibited from displaying a trailer identification plate and must be licensed under the noncommercial trailer fee schedule.

      a. A recreational vehicle is defined as a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, vacation or seasonal uses, permanently identified as travel trailer or a recreational park trailer by the manufacturer of the trailer.

      b. A trailer identification plate can only be displayed on a noncommercial vehicle licensed under the declared gross vehicle weight schedule or a commercial licensed vehicle.

   4. This will be the only license identification required on the trailer.

   5. The cost of the trailer identification plate is. There is no annual registration fee if the trailer stays titled under the same owner.

   6. In the event the trailer identification plate is lost, a new plate is issued. The applicant must complete a duplicate plate affidavit and submit a fee to the county treasurer.

B. In the event of ownership transfer, the new owner must apply for their own trailer identification plate

   1. The trailer identification plate is non-transferable.

C. A noncommercial vehicle licensed under the declared gross vehicle weight schedule or a commercial licensed vehicle may tow any legally licensed trailing unit (instate or out-of-state), as long as the proper weight fees have already been paid on the power unit.

D. A noncommercial unit **not** licensed on declared gross weight can't pull any trailer bearing a trailer identification plate, unless a temporary commercial permit is purchased through the county treasurer.

   1. The temporary permit may be purchased for a period of time from 5 to 15 days at a fee of $1 per day. There is no limit on the number of these types of permits that may be obtained.

E. For each trailer, a vehicle registration must be completed. The registration must be carried in the power unit at all times.

64:28:01:02; 32-5-8; 32-5-8.1; 32-5-8.2; 32-5-8.3; 32-5-8.4

# Non-Resident Registration

A. South Dakota title and registration statutes do not expressly prohibit an out-of-state applicant from titling and registering in South Dakota.

B. An applicant must provide the county where the vehicle will be kept and the applicant's residence post office address on the application for title and registration. If an applicant actually resides out-of-state, the applicant's physical address must be used on the application.

C. For applicants that are truly nomads (no physical residence in this or any other state), an affidavit claiming lack of residency is required with title application.

    1. This is the only situation that a mail forwarding address can be used.

D. Providing false information on the application for title and registration is a felony and anyone doing so is subject to further action by the department.

32-3-18

# Special Plates

A. Sale or transfer of a vehicle.

1. Upon the sale or transfer of a vehicle to which special license plates are attached, the owner must remove the special plates and may select either of the options below:

   a. If an owner is (or will be) replacing the vehicle with a newly acquired vehicle, the owner may request, at time of registration of the newly acquired vehicle, attachment of the special plates to the vehicle. A plate reassignment fee is assessed. Credit for any remaining months left on the special plates at time of registration will apply. If the plates expire prior to attachment, the plates are invalid and cannot be used.

   b. An owner may request transfer of special plates to another vehicle that is owned and titled by the applicant.

2. The special plates may be transferred to a vehicle that already has special license plates assigned to it.

   a. Any remaining credit on the special license plates at the time of attachment will apply to the vehicle the plates are being reassigned to. If additional license plate fees are due, the county treasurer will collect the additional fee. A plate reassignment fee is assessed. No refund will be given.

   b. The regular or organization plates that are removed from the vehicle are eligible for attachment to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer. Credit for any remaining months on the plates at time of registration will apply. A plate reassignment fee is assessed. If the plates expire prior to attachment, the plates are invalid and cannot be used.

B. If the applicant dies:

1. The plates must be surrendered to the county treasurer's office and no additional fees are due for that registration year.

# Tax Exempt Plates

A. Vehicles owned by United States, states, counties, townships, and municipalities; vehicles purchased by the state under Sections 18 and 16(b)2 of the Urban Mass Transportation Act; vehicles owned by public school corporations, fire departments, Native American tribes or schools, or non-profit community support providers; buses and vans owned by churches.

1. An Application for Motor Vehicle Title and Registration and an Application for Special License Plates must be completed.

2. No motor vehicle excise tax is due on vehicles owned by the above-indicated entities.

3. The fee for exempt entity plates is $6.20. A $5 mailing fee is also assessed.

4. A title fee must also be included when transferring ownership of the vehicle.

5. Send properly completed forms directly to the Division of Motor Vehicles; Special Licensing; 445 East Capitol Avenue; Pierre, South Dakota 57501-3185.

6. When plates are being transferred from one vehicle to another, you must send a $5 reassignment fee to the Division of Motor Vehicles.

    a. An application must be submitted indicating "renewal".

    b. A copy of the registration from the vehicle that the plates are being removed must also be submitted.

B. Buses owned by individuals or companies which are being leased or rented by schools may apply for special bus plates.

    1. If the bus is being used for private or commercial use, the applicant must obtain commercial plates.

    2. Seating capacity must be declared.

C. Driver education vehicles.

    1. Any motor vehicle dealer who participates in the driver education program in the schools of the state by furnishing any school with a motor vehicle used in the program shall qualify for special license plates.

4. Heavy motor vehicle operator's course vehicles.

    1. A motor vehicle that is not for hire and operated solely for educational proposes by a student or an instructor as part of a heavy motor vehicle or heavy equipment operator's course offered by a non-profit post-secondary institution located in the state is exempt from commercial motor vehicle licensing requirements.

32-5-42; 32-5-42.2; 32-5-50; 32-5-44

# Construction Plates

A. A vehicle used exclusively on the job site for the construction of township roads, stock water dugouts, dams, farm and ranch irrigation systems or other soil and water conservation projects on farms and ranches, or for the construction or maintenance of highways in the state of South Dakota may qualify for construction plates.

B. A vehicle eligible for construction plates will be any motor vehicle, trailer, semitrailer, motor propelled or trailed vehicle chassis registered in South Dakota.

C. Prior to moving any vehicle or equipment (between job sites or from a job site to a central location) that has been issued a construction plate, the owner must issue a $5 permit for the movement of the vehicle or equipment on the roads and highways.

    1. The permits are obtained through the Highway Patrol and are available in books of 10 for a fee of $50.

2. The permits are self-issued by a company driver.

3. The original (white) copy of the permit must be carried by the driver and displayed on demand by any officer. The duplicate (blue) copy of the permit must be mailed to the South Dakota Highway Patrol (500 East Capitol Avenue; Pierre, SD 57501-5070) prior to beginning the trip.

D. Examples of this type of equipment would be a portable office on a trailer, a lube trailer, a shop trailer, a tool trailer, or a water truck or fuel truck that does not leave the job site to replenish its supply.

E. A vehicle such as a gravel truck operated both on and off the highway project or a tractor semitrailer or tractor lowboy type operation used for the hauling of heavy equipment around the state will be construed to be a vehicle that does not quality for construction plates.

F. To obtain construction plates, applicant must complete an Application for Special License Plates, and present a South Dakota certificate of title.

1. The application is submitted to the Division of Motor Vehicles.

2. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or South Dakota driver's license number may be used.

G. Construction plates are to be purchased annually from the Division of Motor Vehicles. A plate mailing fee is also assessed.

H. In the event a construction plated vehicle is sold or transferred, the construction plates must be removed from the vehicle and become invalid (plates cannot be used on another vehicle).

32-9-3; 32-9-3.3

# Special License Plates for National Guard

A. A resident owner of a motor vehicle who is an active enlisted member of the National Guard, an active warrant officer of the National Guard, an active commissioned member of the National Guard, or a retired member of the National Guard with twenty (20) years or more of creditable service can apply for National Guard plates (**Inactive members are not eligible**).

1. Each member of the National Guard must apply to the county treasurer of the county of his/her residence for the special plates.

2. The application must be accompanied with a copy of the National Guard identification card.

3. The plates will bear a distinctive number and design, designating such persons as a member of the National Guard.

4. The fee for an initial National Guard plate is $10, in addition to the registration fee. There is no additional fee for the renewal of special plates, but the registration fee is assessed. A $5 mailing fee is assessed.

    a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant can retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant can turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

5. The special plates can be used on a noncommercial or a noncommercial declared gross weight licensed vehicle.

B. Any member of the National Guard who is discharged, separated, or furloughed to a reserve or inactive status must surrender the National Guard plates to the Division of Motor Vehicles.

32-5-154; 32-5-155; 32-5-156; 32-5-157; 32-5-158; 32-5-159; 32-5-162; 32-5-163; 32-5-164; 32-5-165; 32-5-166

# Special License Plates for Certain Disabled Veterans

A. Before a person can receive a disabled veteran plate, an applicant must be an owner of a motor vehicle or motorcycle and a resident veteran who is either.

1. A recipient of a Veteran's Administration K Award; or

2. A recipient of an automobile under Public Law 187; or

3. A recipient of a statutory benefit for loss or loss of use of one or more extremities; or

4. A recipient of a veteran's allotment for total disability which is a service connected injury.

B. The injury must have been incurred in active duty during a time of war or while participating in a military mission involving armed conflict.

C. Initial registration.

1. The disabled veteran (DV) application must be completed using the full name (no initials) and South Dakota driver's license, South Dakota identification card number or social security number, and submitted to the county treasurer of veteran's county of residence.

2. The applicant is not exempt from the motor vehicle excise tax.

3. A plate applied for permit will be issued by the county treasurer for the veteran to use in the interim of obtaining the special license plates. The veteran will initially pay the $10 special plate fee and the registration fee until verification of eligibility status is checked. A $5 mailing fee is also assessed.

4. DV plates will be issued from the division upon verification of DV status through the Veteran's Administration in Sioux Falls, SD. If the applicant does not qualify for DV status, the $10 special license plate fee will be refunded. If the applicant does qualify, the registration fee will be refunded.

5. A maximum of 2 sets of special DV plates will be issued per veteran.

6. The special plates can be used on an automobile, pickup truck, or van licensed under the noncommercial license fee schedule or a motorcycle.

7. The veteran may choose to use one of the 2 sets of DV plates on a noncommercial motor vehicle that is a pickup truck that weighs more than 6,000 pounds that is licensed under the noncommercial gross vehicle weight fee schedule or a motor home. In this case, the veteran pays the registration fee but is not required to pay the $10 initial and renewal DV plate fee.

D. Renewal of disabled veteran plates.

1. A fee of $10 is collected yearly by the county treasurer and decals issued for the special plates. No registration fee is assessed unless the plates are being used on a pickup that weighs more than 6,000 pounds licensed under the noncommercial gross weight fee schedule or a motor home (see #7 above).

32-5-160; 32-5-162

# Plates for Substantially Disabled Persons

A. Permanently physically disabled persons may obtain special vehicle or motorcycle license plates.

1. Application is made through the applicant's county treasurer in the county of applicant's residence.

2. Applicant must complete an Application for Physically Disabled Person's License Plates.

3. It is a Class 1 misdemeanor to submit a false or fraudulent application.

4. Applicant must submit a physician's certificate on a form approved by the Secretary of Revenue and Regulation, which states that he is substantially disabled by a physical disability and that it is impossible or causes substantial hardship for him to walk.

5. The applicant pays the registration fee and there is no additional charge for the physically disabled persons' license plates. A mailing fee is assessed.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

6. The special plates may be used on a noncommercial or a noncommercial declared gross weight licensed vehicle or a motorcycle.

B. Plates are limited to physically disabled persons who own the vehicles and who operate or direct the operation of the vehicles.

1. Effective July 1, 1995, skilled nursing facilities, licensed pursuant to the provisions of Chapter 34-12 (regulation of hospitals and related institutions), who transport physically disabled persons, are eligible for physically disabled person's license plates.

a. Applicant must comply with procedures for obtaining special plates as set out herein. However, a physician's certificate on the application form is not required.

b. The plates are only for loading for unloading of physically disabled persons. Vehicles cannot be parked in a physically disabled person's parking facility.

C. Renewal of physically disabled person's parking plates.

1. Renewal is made though the county treasurer.

2. The registration fee is charged, but there is no additional fee charged for the special plate.

D. Violations

1. The court shall assess a fine of not less than $100 if the parking space is marked in accordance with the Americans with Disabilities Act Accessibility Guidelines, as of January 1, 2002, when any person, other than the physically disabled person to whom it was issued uses a physically disabled person's parking permit for the purpose of parking; when a person who is not a person with a physical disability exercises the privileges granted to a person with a physical disability; when the owner of any vehicle not displaying a permit or special plate parks or stops in a parking space, or blocks a parking space on public or private property designated as reserved for a person with a physical disability; when an owner of a vehicle parks, stops, or stands in an access isle or lane immediately adjacent to reserved parking spaces or in front of a ramp or curb-cut in such a manner that blocks access to a person with a disability who uses a wheel chair.

2. The police of any municipality or any other political subdivision are requested to report all violations of special license plates or permits to the Division of Motor Vehicles; who in turn, must revoke the privilege of displaying plates or permits that are improperly used.

3. Each designated parking space must state the penalties for illegal use of the parking space. This only applies to a new sign or a sign that replaces an existing sign after July 1, 2002.

32-5-76; 32-5-76.3

# Special License Plates for Prisoners of War

A. Any resident of South Dakota who was a prisoner of war (POW) while serving in the United States Armed Forces is eligible for special motor vehicle license plates.

B. Initial registration.

1. The Prisoner of War (POW) application must be completed using the full name (no initials) and South Dakota driver's license number, South Dakota identification card number or social security number of the veteran and must be submitted to the county treasurer of veteran's county of residence.

2. The applicant is not exempt from the motor vehicle excise tax.

3. A plate applied for permit will be issued by the county treasurer for the veteran to use in the interim of obtaining the special license plates. The veteran will initially pay the $10 special plate fee and the registration fee until verification of eligibility status is checked. A $5 mailing fee is also assessed.

4. POW plates will be issued from the division upon verification of POW status through the Veteran's Administration in Sioux Falls, SD. If the applicant does not qualify for POW status, the $10 special license plate fee will be refunded. If the applicant does qualify, the registration fee will be refunded.

5. A maximum of 2 sets of special POW plates will be issued per veteran.

6. The special plates can only be used on an automobile, pickup truck, or van licensed under the noncommercial license fee schedule or a motorcycle.

7. The veteran may choose to use one of the 2 sets of POW plates on a noncommercial motor vehicle that is a pickup truck that weighs more than 6,000 pounds that is licensed under the noncommercial gross vehicle weight fee schedule or a motor home. In this case, the veteran pays the registration fee but is not required to pay the $10 initial and renewal POW plate fee.

C. Renewal.

1. A fee of $10 is collected yearly by the county treasurer and decals issued for the special plates. No registration fee is assessed.

D. Surrender of plates.

1. If it is determined that the veteran does not qualify for the special plates or if the veteran dies, the plates must be surrendered to the county treasurer's office of the applicant's county of residence.

32-5-160; 32-5-162

# Amateur and/or Commercial Radio Plates

A. Special plates may be obtained from the Division of Motor Vehicles by any official amateur radio operator licensed by the FCC or any licensed commercial station.

1. Application is made through the applicant's county treasurer in the county of applicant's residence.

2. Applicant must complete an Application for Special License Plates.

3. Upon initial application, the applicant is assessed a fee, in addition to the registration fee. A mailing fee is also assessed.

4. An applicant for amateur radio plates must provide a copy of his FCC license when applying for amateur radio plates.

5. Applicants are allowed to obtain more than one set of the same plate for multiple vehicles. A manual registration must be completed on any renewals involving multiple vehicles.

6. The special plates may be used on a noncommercial or a noncommercial declared gross weight licensed vehicle.

B. The plates may bear the inscription of the station's call numbers and shall be displayed on the vehicle.

1. Special license plates shall be validated each year with distinctive stickers and are valid only for the registration year for which stickers are issued.

2. <u>Upon renewal, the owner pays only the registration fee.</u>

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

C. In the event the FCC license is voided, the applicant must return the special plates to the county treasurer.

32-5-65; 32-5-65.1;

# Purple Heart Plates

A. Any resident veteran owner of a motor vehicle who has received the Purple Heart medal can apply for special motor vehicle license plates.

B. Initial registration.

1. The Purple Heart application must be completed using the full name (no initials) of the veteran and submitted to the county treasurer of the veteran's county of residence.

2. The veteran must submit a copy of DD Form 214, discharge papers verifying eligibility.

3. The applicant is not exempt from the motor vehicle excise tax.

4. A plate applied for permit will be issued by the county treasurer for the veteran to use in the interim of obtaining the special license plates. The veteran will initially pay the $10 special plate fee and the registration fee until verification of eligibility status is checked. A $5 mailing fee is also assessed.

5. If the applicant does not qualify for Purple Heart status, the $10 special license plate fee will be refunded. If the applicant does qualify, the registration fee will be refunded.

6. A maximum of 2 sets of special Purple Heart plates will be issued per veteran.

7. The special plates can be used on an automobile, pickup truck, or van licensed under the noncommercial fee schedule or a motorcycle.

   a. The veteran may choose to use one of the 2 sets of Purple Heart plates on a noncommercial motor vehicle that is a pickup truck that weighs more than 6,000 pounds that is licensed under the noncommercial gross vehicle weight fee schedule or a motor home. In this case, the veteran pays the registration fee but is not required to pay the $10 initial and renewal Purple Heart plate fee.

C. Renewal.

a. A fee of $10 will be collected yearly by the county treasurer and decals issued for the special plates. No registration fee is charged.

32-5-160; 32-5-162

# Pearl Harbor Plates

A. Any resident of South Dakota who was serving in the United States Armed Forces and survived the attack at Pearl Harbor, Hawaii, on December 7, 1941, and who received an honorable discharge may apply for special motor vehicle license plates.

B. Initial registration.

1. The Pearl Harbor Survivor (PHS) application must be completed using the full name (no initials) and VA Claim Number and submitted to the county treasurer of the veteran's county of residence.

2. The applicant is not exempt from the motor vehicle excise tax.

3. A plate applied for permit will be issued by the county treasurer for the veteran to use in the interim of obtaining the special license plates. The veteran will initially pay the special plate fee and the registration fee until verification of eligibility status is checked. A mailing fee is also assessed.

4. If the applicant does not qualify for PHS status, the special license plate fee will be refunded. If the applicant does qualify, the registration fee will be refunded.

5. A maximum of 2 sets of special PHS plates will be issued per veteran.

6. The special plates can be used on an automobile, pickup truck, or van licensed under the noncommercial license fee schedule or a motorcycle.

   a. The veteran may choose to use one of the 2 sets of PHS plates on a noncommercial motor vehicle that is a pickup truck that weighs more than 6,000 pounds that is licensed under the noncommercial gross vehicle weight fee schedule or a motor home. In this case, the veteran pays the registration fee but is not required to pay the initial and renewal PHS plate fee.

C. Renewal.

a. A fee will be collected yearly by the county treasurer and decals issued for the special plates, no registration fee is assessed.

32-5-160; 32-5-162

# Veteran and Active Duty Military Member Plates

A. A resident veteran owner of a motor vehicle who has a South Dakota driver's license or South Dakota identification card and who signs an application/affidavit may apply to the Secretary of Revenue and Regulation for special vehicle veteran license plates.

   1. Application is made through the applicant's county treasurer in the county of applicant's residence.

B. Initial Application for Veteran Plates.

   1. The South Dakota Application for Veteran License Plates and Affidavit must be used by the veteran to attest that he/she is a resident of South Dakota, possesses a valid South Dakota driver's license or South Dakota identification card, and is an honorably discharged veteran having served on active duty in the armed forces of the United States.

      a. An owner falsely attesting to having been an honorably discharged veteran on active duty from the armed forces of the United States is guilty of a class 2 misdemeanor.

   2. The application/affidavit form will also be used by the veteran to indicate the military branch of the armed forces that applies and choose from predetermined plate indicators pertaining to conflict and status that are available to the veteran.

   3. The applicant is not exempt from the motor vehicle excise tax.

   4. Upon initial application, the registration fee is charged in addition to a fee for the special plates. A mailing fee is also assessed.

      a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

   5. Veteran plates can be used on any noncommercial or declared gross weight licensed vehicle or motor home. They are not available for a motorcycle.

C. Renewal of Veteran Plates.

   1. The veteran pays the registration fee, but is not assessed an additional fee for the special plates.

32-5-154; 32-5-155; 32-5-156; 32-5-157; 32-5-158; 32-5-159; 32-5-162; 32-5-163; 32-5-164; 32-5-165; 32-5-166

# Congressional Medal of Honor Plates

A. Any resident veteran owner of a motor vehicle who has received the Congressional Medal of Honor may apply for special license plates.

   1. The application must be completed using full name (no initials).

   2. The applicant is not exempt from the motor vehicle excise tax due.

   3. No license fee is charged (registration fee or special license plate fee).

   4. The initial application is submitted to the veteran's county treasurer in the veteran's county of residence.

   5. A maximum of two sets of plates may be issued.

B. Renewal of Congressional Medal of Honor Plates.

   1. No fee for the renewal of the plates.

32-5-160; 32-5-162

# Historical Vehicles

A. A vehicle or motorcycle over 30 years old that is used only for special occasions such as display, exhibitions, parades, etc., and not for general transportation, although the vehicle/motorcycle may be driven to and from service stations for fuel and repairs, may be licensed as a historical vehicle/motorcycle.

B. Historical plates can be obtained for a one-time registration fee. Application is made directly to the Division of Motor Vehicles. A mailing fee is also assessed.

   1. Applicant must complete and submit an Application for Special License Plates.

   2. The original title (South Dakota or out-of-state) must be surrendered and sent with the bill of sale and application for title to the Division of Motor Vehicles.

   3. If all efforts have been made to locate the title and no records can be found, an affidavit must be submitted indicating efforts made in locating the previous owner to obtain the title.

4. It will be at the discretion of the Division of Motor Vehicles to determine if a title will be issued based upon the applicant's documentation which is submitted.

5. The South Dakota driver's license number or social security number of each owner must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or South Dakota driver's license number may be used.

C. Historical plates remain with the owner upon sale or transfer of a vehicle. The plates can be attached to a newly acquired historical vehicle upon title and registration of the newly acquired vehicle. A plate reassignment fee is assessed.

1. Historical plates can stay attached upon transfer of the vehicle, provided the former owner of both the vehicle and the plates authorizes in writing the reassignment of ownership of the plate to the new owner(s). The new plate owner(s) pays the fee.

32-5-77

# Historical Vehicles/Original Plates

A. A motor vehicle (does not include motorcycles) registered pursuant to 32-5-77 (historical vehicle) may, in-lieu-of being issued number plates, display original South Dakota number plates issued in the same year as the model year of the car on which they are displayed.

B. The plates must be in good condition and cannot be used if the number on the original plate is identical to a number on any other plate in a numbering system currently being used.

1. A photograph of the license plates (set) must be included with the application.

C. Authorization will be granted for the display of only one license plate in those years in which only one plate was issued.

D. The Division of Motor Vehicles must approve the use of the plates.

E. A fee is assessed, as well as a plate reassignment fee.

32-5-77.2; 64:29:03:08

# Firefighter License Plates

A. A resident of this state who is a fire fighter may apply for special plates designating such person as a fire fighter.

1. Application is made through the applicant's county treasurer in the county of applicant's residence or at the customer portal online at http://mysdcars.sd.gov.

2. In addition to the registration fee, the applicant pays a special plate fee of $10 for the initial application. A $5 mailing fee is also assessed. Upon renewal, the owner pays only the registration fee.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

3. Applicant must complete and submit an application for Special License Plates (MV-SL1).

4. The special plates may be used on a noncommercial licensed or a noncommercial declared gross weight vehicle.

32-5-113; 32-5-114; 32-5-116; 32-5-118; 32-5-120; 32-5-121;

# Personalized License Plates

A. Application for special personalized license plates shall be made to the applicant's county treasurer in the applicant's county of residence.

1. An application for personalized plates, the registration fee, plus a $25 fee for the special license plates is required. A $5 mailing fee is assessed.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

B. Personalized plates can consist of no more than seven letters, nor less than two. Spaces or stars should be indicated on the application if desired.

1. Applicant shall state the meaning behind the requested personalized plate, on the application form.

2. The special plates may be used on a noncommercial licensed or a noncommercial declared gross weight vehicle or a motorcycle.

C. Renewal.

1. Personalized license plates shall be renewed each year on a staggered registration basis and are valid only for the registration year for which such stickers are issued.

2. The renewal fee is $25, plus the registration fee.

D. In the event an owner has purchased personalized license plates and then wants different personalized license plates for the vehicle, the owner can turn in the personalized license plates, receive credit for remaining months on the plates, and pay the $25 plate fee (prorated). A duplicate plate fee is not assessed.

32-5-89.2; 32-5-89.3; 32-5-89.4; 32-5-89.5

# Personalized Motorcycle Plates

A. An owner of a motorcycle who is a resident of this state may apply for personalized motorcycle license plates. Personalized plates may contain a maximum of six letters and a minimum of two letters.

1. The annual fee for the plate is $20, in addition to the registration fee. A $5 mailing fee is assessed.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

B. Initial application is made to the county treasurer of the applicant's county of residence.

1. Renewal is made through the applicant's county treasurer's office.

2. In the event an owner has purchased a personalized license plate and then wants a different personalized license plate for the vehicle, the owner can turn in the personalized license plate, receive credit for remaining months on the plate, and pay the $20 plate fee (prorated). A duplicate plate fee is not assessed.

32-5-89.2; 32-5-89.3; 32-5-89.4; 32-5-89.5

# Native American Tribal License Plates

A. Any owner of a motor vehicle, who is a resident of this state, may obtain Native American tribal license plates.

1. Application is made through the applicant's county treasurer in the applicant's county of residence.

2. The initial fee for the Native American tribal plates is $10, in addition to the registration fee. A $5 mailing fee is also assessed.

   a. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees.

3. Applicant must complete and submit an Application for Special License Plates.

4. The special plates may be used on a noncommercial or a noncommercial declared gross weight licensed vehicle.

B. Renewals are processed through the applicant's county treasurer. There is no renewal fee for the special plates, other than the registration fee.

32-5-123; 32-5-124; 32-5-125


# Organizational Plates

A. Any owner of a motor vehicle or motorcycle, who is a resident of this state, who has a valid South Dakota driver's license or South Dakota identification number as assigned by the Department of Public Safety, may receive a set of organization plates that allow for the placement of an organization decal on the plates.

1. The plates can only be used on noncommercial or noncommercial declared gross weight vehicles and motorcycles (not allowed on commercial vehicles, trailers, snowmobiles, or boats).

2. If the organization plates are requested at time of initial application, no additional fee is charged for the plates, above the costs involved in registering the vehicle.

3. If the plates are requested later or if the vehicle has current plates, the plates must be surrendered and a $10 fee is charged, in addition to any applicable costs involved in the registration.

B. Sale or transfer of vehicle.

1. Upon the sale or transfer of the vehicle or motorcycle to which the organizational plates are attached, the owner must remove the plates and may select either of the options below:

a. The plates, if valid (not expired) can be attached to a newly acquired vehicle or motorcycle upon registration of the vehicle through the county treasurer.

b. Any remaining credit on the plates at the time of registration is applied.

c. A $5 plate reassignment fee is assessed.

2. An owner may request transfer of the organization plates to another vehicle or motorcycle that is owned and titled by the applicant.

3. Organization plates may be transferred to a vehicle or motorcycle that already has special license plates assigned to it.

4. Any remaining credit on the organization plates at the time of attachment will apply to the vehicle or motorcycle the plates are being reassigned to.

a. If additional license plate fees are due, the county treasurer will collect the additional fee.

b. A $5 plate reassignment fee is assessed. No refund will be given.

C. The regular or organization plates that are removed from the vehicle or motorcycle are eligible for attachment to a newly acquired vehicle or motorcycle upon registration of the newly acquired vehicle.

1. Credit for any remaining months on the plates at time of registration will apply.

2. A $5 plate reassignment fee is assessed.

3. If the plates expire prior to attachment, the plates are invalid and cannot be used.

D. To qualify for organization decals, an organization must be a nonprofit corporation or a group of nonprofit corporations with a common purpose, on file with the secretary of state's office and must have a minimum of 200 members. In addition, the following requirements must be met.

1. The primary activity or interest of the organization or group of organizations serves the community, contributes to the welfare of others, and is not offensive or discriminatory in its purpose, nature, activity, or name.

2. The name and purpose of the organization or group of organizations does not promote any specific product or brand name that is provided for sale; and

3. The decal of the organization or group of organizations does not promote a specific religion, faith, or anti-religious belief.

4. The organization must make application for the decals to the division and provide the following:

a. A copy of its articles of incorporation for each organization.

b. A copy of its charter or by-laws for each organization.

c. Any Internal Revenue Service rulings of each organization's nonprofit tax exemption status.

d. A completed decal design with the organization name and the organization logo (no larger than three inches by three inches); or in the case of a group of organizations, a decal design which clearly depicts the common purpose and theme of the group.

- Effective July 1, 2006, the department may authorize an organization to use a decal produced by the organization. The organization must request approval by submitting, along with the application, an original decal.

- The size of the decal must be approximately 3" x 3".

5. A completed application for organization decals on a form provided by the department.

B. If approved, the organization must purchase a minimum of 100 sets of the organization decals. The organization must reimburse the division for the cost of the decals, plus a 15 percent administrative fee. The decals are produced by the Penitentiary and sent to the organization.

C. The organization is responsible for establishing the qualifying criteria for the decals, selling/distributing the decals, etc.

32-5-167; 32-5-168; 32-5-170; 32-5-171; 32-5-172; 32-5-173; 32-5-174; 32-5-175; 32-5-176; 32-5-177; 32-5-178

# Gold Star Family Plates

A. A resident owner of a motor vehicle who is a parent, a spouse, a sibling, or a child of a member of the US Armed Forces who died while in service to this country or who died as a result of the service may apply for special Gold Star Family license plates.

1. Application is made through the applicant's county treasurer in the county of applicant's residence.

2. The special plates may be used on a noncommercial or a noncommercial declared gross weight licensed vehicle.

B. Initial Application for Gold Star Family Plates.

1. The application must be accompanied by a copy of the Department of Defense Report of Casualty (DD Form 1300) or death notice, or verification from the US Department of Veterans Affairs (VA) that the service member's death was service related.

2. An applicant may receive a maximum of two sets of the special license plates.

C. Upon initial application, the applicant is charged a fee for the special plates, in addition to the registration fee. A mailing fee is also assessed.

1. If an applicant's vehicle currently has regular or organization plates assigned to it, the applicant may choose to retain the regular or special license plates that are being removed for future reassignment to a newly acquired vehicle or the applicant may choose to turn in the regular or organization plates to the county treasurer and receive credit for any remaining months on the plates toward the registration fees

D. Gold Star **Family** plates are available for noncommercial vehicles only.

E. Renewal of Gold Star Family Plates.

1. The registration fee is assessed, but no additional fee is assessed for the special plates.

F. If applicant dies.

1. The special plates may be retained by the plate owner's family, but may not be displayed on the vehicle beyond the expiration date of the plates or stickers.

32-5-154; 32-5-155; 32-5-156; 32-5-157; 32-5-158; 32-5-159; 32-5-162; 32-5-163; 32-5-164; 32-5-165; 32-5-166

# Rear Plate Only

A. A rear plate only is available for vehicles with an annual mileage of less than 6,000 miles that are not used for general or commercial use. Applicants will be required to supply a current odometer reading at the time of annual registration.

32-5-179; 32-5-180; 32-5-181; 32-5-182; 32-5-183

# Permits

## Temporary Commercial Licensing Permit

A. A temporary commercial license permit may be sold to a South Dakota resident or an out-of-state resident.

   1. The vehicle must display some other form of current license, which is valid through the life of the temporary commercial permit.

      a. Some other form of current license may be a noncommercial license plate or a 30-day "sold" dealer paper plate. If a 30-day dealer paper plate is used, however, keep in mind that the temporary commercial permit is only valid as long as the dealer plate is valid.

   2. The temporary commercial permit may be sold in 30-day increments (30, 60, 90, 120, etc.) for up to one year. There is no limit on the number of temporary commercial license permits that can be sold. An applicant is required to file the federal heavy vehicle use tax and provide proof of the filing by providing DMV with a copy of the IRS verified form for the licensing period (please indicate on the proof of filing that it was in connection with the issuance of a temporary commercial permit).

   3. A temporary commercial license permit may be used to temporarily increase the tonnage on a commercial licensed vehicle.

      a. The permit fee is assessed according to the 30-day permit fee schedule. Remember the total permit fee is charged, not the difference resulting from the increased tonnage.

   32-5-8.3

## Temporary Registration Permit

A. Free temporary registration permits that can be completed by the county treasurer will be available for emergency situations when the system is not working. (Under most circumstances, the permit is issued for a five-day period.)

   1. A title or bill of sale must be available for inspection.

   32-5-107

## 5-15ay Temporary Permit

A. A 5-15 day temporary license permit will be available to allow temporary noncommercial operation of a vehicle.

B. The permit is purchased from a county treasurer for a period from 5 to 15 consecutive days.

C. The fee for the permit is $1 per day for each day the permit is requested. The minimum fee is $5.

D. Only one permit should be issued yearly per motor vehicle.

E. An applicant must be in possession of either a title in the applicant's name, a title properly assigned to the applicant, or a bill of sale that lists the applicant as the purchaser of the vehicle.

F. The title or bill of sale must be available for inspection by a peace officer when the vehicle is being moved.

G. In private, individual vehicle sales, the new purchaser may obtain a 5-15 day permit for a fee of $1 per day if extended time is needed from the 30-day seller's permit until the 45-day title transfer.

H. A temporary permit can be used on a vehicle hauling a load, as long as the operation is noncommercial.

I. The permit information (vehicle, year, make and VIN/HIN will be entered into the system.

J. The reason the permit is needed must be entered (list of possible reasons will be displayed).

K. Sale of any subsequent permit for the same vehicle within a one-year period will require entry of a comment as to why a second permit is being issued.

L. When a permit is issued on a vehicle that is titled in South Dakota, the permit will be tied to the vehicle title record.

32-5-107

# Commercial Permit

A. The owner of a commercial vehicle who has returned the current commercial plates and has since shown a need to operate this motor vehicle (unladen operation) on the highway can obtain a temporary commercial single-trip permit from the Highway Patrol.

B. The fee for a commercial single trip permit is $15.

**SOUTH DAKOTA 30-DAY COMMERCIAL PERMIT SCHEDULE**

2 Ton----------9.00 25 Ton 135.00

3 Ton----------11.00 26 Ton 142.00

4 Ton----------13.00 27 Ton 149.00

5 Ton----------15.00 28 Ton 156.00

6 Ton----------18.00 29 Ton 163.00

7 Ton----------21.00 30 Ton 170.00

8 Ton----------24.00 31 Ton 177.00

9 Ton----------27.00 32 Ton 184.00

10 Ton----------30.00 33 Ton 191.00

11 Ton----------37.00 34 Ton 198.00

12 Ton----------44.00 35 Ton 205.00

13 Ton----------51.00 36 Ton 212.00

14 Ton----------58.00 37 Ton 219.00

15 Ton----------65.00 38 Ton 226.00

16 Ton----------72.00 39 Ton 233.00

17 Ton----------79.00 40 Ton 240.00

18 Ton----------86.00 41 Ton 247.00

19 Ton----------93.00 42 Ton 254.00

20 Ton----------100.00 43 Ton 261.00

21 Ton----------107.00 44 Ton 268.00

22 Ton----------114.00 45 Ton 275.00

23 Ton----------121.00 46 Ton 282.00

24 Ton----------128.00 47 Ton 289.00

A fee of $7 is added for each additional ton.

32-9-22

# Plate Ordered Permit

A. This permit allows the operation of a vehicle during the time between application for special plates and the arrival of new plates.

B. The permit is valid for 30 days or until the plates arrive, whichever occurs first.

C. When application is made for a plate ordered permit, the system will check for suspensions (financial responsibility), title record status (title only, junking certificate, parts only, junk, surrendered out-of-state, off-road, interstate or suspended) and plate type, A (noncommercial), L (motor home), G (gross weight), M (motorcycle).

D. The system will not issue the plates unless the vehicle that the plates will be attached to is titled in the applicant's name or is a pending title in the name of the permit applicant.

# Seller's Permit

A. A private seller must obtain a temporary license permit that allows a buyer to drive during the interval between purchase and registration/title.

B. Duration of the permit is 45 days.

C. A new purchaser of a vehicle through a private individual sale can obtain a 5-15 day permit for a fee of $1 per day if extended time is needed beyond the 45-day seller's permit.

D. No fee is charged for the permit since registration fees are assessed from the date of sale.

E. If a second permit is requested (same owner/vehicle combination), justification is required.

F. The system will check for suspensions and title record status.

G. Failure of a seller to provide the permit to a purchaser upon sale of a vehicle is a class 2 misdemeanor.

H. A seller can obtain a seller's permit on-line at SDcars.org

I. A seller's permit cannot be issued for a boat or a snowmobile.

32-5-2.9

# Dealer's 45 Day Sold Permit

A. The dealer can issue sold permits manually.

B. Permits can be issued off of the system in conjunction with a dealer pending title, or in the case of when a vehicle is sold and the title is not available at the time or when the vehicle is sold out- of-state, the dealer can create a report of sale since there is no pending title record, which then allows a dealer to create a 45-day sold permit off the system.

C. Issuance of a 45-day permit off the system when a dealer does not have title in-hand or when a vehicle is sold requires the dealer to create a report of sale. **A DEALER CANNOT CREATE A PENDING TITLE RECORD WITHOUT HAVING TITLE IN HAND.**

32-6B-26; 32-6B-29

# Manufactured Home Permit

A. Single trip permit to move a manufactured home (county issued or dealer self-issued) is issued from the system. [At some point, the affidavit of tax paid will be issued off the system and the system will send a notice containing the information on the permit to the DOE in the county of origin, the DOE in the county of destination, and the county treasurer in the county of destination, if different than the county of origin.]

# Portable Physically Disabled Person's Parking Permit

A. Application for portable physically disabled person’s parking permit.

1. This permit is to be used only when transporting a physically disabled individual and the use of a designated physically disabled person’s parking facility is necessary. Unlawful use of this permit by anyone not authorized to use physically disabled person’s parking facilities is guilty of a Class 2 misdemeanor and such use may result in revocation of the permit by the Secretary of Revenue.

2. If an applicant is no longer a person with a physical disability or is deceased, or if the applicant no longer transports persons with physical disabilities, the permit must be surrendered within 30 days to the county treasurer of the applicant’s residence.

B. The applicant must properly complete an Application for Portable Physically Disabled Person’s Parking Permit and have it validated by a physician. The application is filed with the county treasurer of the applicant's residence.

1. It is a Class 1 misdemeanor to submit a false or fraudulent application or to alter a portable permit.

C. The plastic portable permit must be displayed while the vehicle used for transporting the physically disabled person is parked. The permit must be visible through the front windshield of the vehicle.

1. Failure to properly display or the illegal use of any portable parking permit may result in enforcement action.

D. All portable physically disabled person’s parking permits shall contain an expiration date. The expiration date may not exceed five years.

1. A temporary permit will be construed as a permit expiring within 12 months or less of the issuance date. A permanent permit will be construed as a permit issued for a period of more than 12 months, not to exceed five years. The only distinguishing feature between the temporary permit and the permanent permit is that the expiration date on the permanent permit is denoted in black ink and the expiration date on the temporary permit is denoted in red ink.

2. It is the applicant's responsibility to obtain a new permit prior to its expiration. A new and renewal permit application must be completed. If the applicant's condition is certified as permanent by the certifying doctor on the initial application, the doctor's certification section on the renewal application does not have to be completed. The renewal application will be processed the same way as was the original application.

E. Vehicles owned by certain nonprofit organizations, licensed hospitals, retirements homes, educational institutions that have under their care or responsibility physically disabled persons, and nursing facilities licensed pursuant to chapter 34-12 (regulation of hospitals and related institutions) may obtain portable physically disabled person’s parking permits.

1. These organizations can obtain one permit for each vehicle used to transport physically disabled persons.

2. The permits are only for the loading and unloading of physically disabled persons. Vehicles cannot be parked in a physically disabled person’s parking facility.

3. Permits must contain an expiration date and must be renewed with the county treasurer.

F. Violations

1. The court shall assess a fine of not less than $100 if the parking space is marked in accordance with the Americans with Disabilities Act Accessibility Guidelines, as of January 1, 2002, when any person, other than the physically disabled person to whom it was issued uses a physically disabled person's parking permit for the purpose of parking; when a person who is not a person with a physical disability exercises the privileges granted to a person with a physical disability; when the owner of any vehicle not displaying a permit or special plate parks or stops in a parking space, or blocks a parking space on public or private property designated as reserved for a person with a physical disability; when an owner of a vehicle parks, stops, or stands in an access isle or lane immediately adjacent to reserved parking spaces or in front of a ramp or curb-cut in such a manner that blocks access to a person with a disability who uses a wheel chair.

2. The police of any municipality or any other political subdivision are requested to report all violations of special license plates or permits to the Division of Motor Vehicles; who in turn, must revoke the privilege of displaying plates or permits that are improperly used.

3. Each designated parking space must state the penalties for illegal use of the parking space. This only applies to a new sign or a sign that replaces an existing sign after July 1, 2002.

G. Parking Spaces for Physically Disabled Persons

1. Each municipality shall, by ordinance designate special parking spaces that are accessible to and usable by persons with physical disabilities.

2. A municipality may, by ordinance, designate spaces that are only for use by a person using a wheel chair.

32-5-76.1; 32-5-76.2; 32-5-76.3

# Harvest Permit

A. Resident harvesters.

1. South Dakota residents engaged in custom harvesting must comply with the commercial licensing laws.

2. Residents who have their vehicles licensed commercially must display on each power unit a license sufficient to cover the total gross weight of the vehicle and its load, plus any trailer and its load. Trailers may display identification plates. South Dakota commercially licensed vehicles are not required to purchase trip permits, temporary commercial license, or harvest permits.

3. Residents who have their vehicles licensed non-commercially and wish to commercially harvest in South Dakota must purchase temporary commercial license or harvest permits. A harvest permit is required for each power unit and for each grain hauling trailer (regardless of whether the trailer displays an ID plate).

4. Non-commercially licensed custom combiners must purchase a trip permit in order to travel in the state unless they display temporary commercial license or harvest permits.

5. Pickups and service trucks carrying over 500 pounds of harvest equipment, tools or fuel supplies will be required to display some form of commercial license (trip permits, South Dakota commercial license, temporary commercial license, or harvest permits).

6. Passenger vehicles, mobile homes, and camper vehicles are not required to purchase trip permits or display a commercial license.

7. An operator who purchases a temporary commercial license for harvest purposes should display the temporary commercial sticker in the lower center of his windshield to allow for easier and quicker identification by law enforcement officers.

8. Farmers who are temporarily engaged in custom harvesting are treated like any other custom combiner.

9. Farmers who are harvesting their own fields are not required to purchase trip permits, temporary commercial license, or harvest permits.

B. Nonresident harvester.

1. Nonresidents engaged in the custom harvest in South Dakota must purchase harvest permits for each vehicle hauling grain. A permit is required for each power unit and for each grain hauling trailer. Harvest permits exempt nonresidents from all other South Dakota registration requirements.

2. Passenger vehicles, empty trucks and empty pick-ups pulling mobile homes or camper trailers are not required to pay additional license fees.

3. Pickups and service trucks carrying over 500 pounds of harvest equipment, tools or fuel supplies will be required to display some form of commercial license (trip permits, South Dakota commercial license plates, temporary commercial license or a harvest permit -- collections in accordance with base plate covering that particular vehicle (*).

4. Trucks loaded with or pulling combines or other harvest equipment will be treated like any other loaded truck and considered according to the base license of the vehicle (*).

5. Vehicles displaying a valid harvest permit will not be required to purchase a trip permit for their travel into or through the state.

*** Prorate States -- Three axle combinations having a gross vehicle weight in excess of 12,000 pounds must buy trip permits or purchase a harvest permit.**

C. Custom combiners "Harvest Permit".

1. SDCL 32-9-3.1. Fee required of harvest vehicle -- Sticker -- Collection of Fees -Violation as misdemeanor. Any motor vehicle or trailer owned and operated by a resident or a nonresident engaged in the harvest of agriculture products may be operated upon the highways, roads and streets of this state upon payment of a seventy-five dollar fee. Payment of the fee shall be evidenced by a sticker provided by the division affixed in a conspicuous place on the vehicle as the division may require. The stickers, which are valid for a calendar year, shall be purchased from the county treasurer of any county through which the owner or operator may travel, an inspector at a port-of-entry, or any other agent designated by the division. All fees collected shall be handled, accounted for, and distributed in the same manner as the other fees provided for in this chapter. Violation of this section is a Class 2 misdemeanor. A permit is required for each truck or tractor and for each grain hauling trailer.

2. Harvest permits are sold to vehicles that will be utilized to haul agricultural products or to service harvesting equipment, and are available to both foreign and South Dakota licensed harvesters. (A permit is required for each truck or tractor and for each grain hauling trailer.)

3. Passenger vehicles, mobile homes, service pick-ups and camper vehicles will not be required to display a harvest permit. However, service trucks carrying harvest equipment, tools or fuel supplies will be required to display some form of commercial license (trip permits, South Dakota commercial license plates, temporary commercial license or a harvest permit.)

4. The harvest permit must be displayed in the lower center of the windshield.

5. Harvest permits are valid only while actually involved in custom harvest operations during the period of January 1 through December 31 of each calendar year. The cost of each permit is $75.

6. Harvest permits may be obtained from any county treasurer, port-of-entry, South Dakota Highway Patrol district office, Highway Patrol trooper, or any motor carrier inspector. Permits may also be obtained by sending a check or money order along with a copy of the current registration for each vehicle to be permitted to:

   District Four Headquarters South Dakota Highway Patrol
   500 East Capitol Avenue
   Pierre, SD 57501-5070

7. Enforcement action may be taken against any carrier or custom harvester who fails to comply with South Dakota permit requirements.

8. For information on other permits that may be required (fuel, oversize, over width, etc.) the applicant should be advised to contact one of the ports-of-entry listed below:

   Sisseton..... (605) 698-3925
   Sioux Falls... (605) 757-6406
   Tilford..... (605) 347-2671
   McCook..... (605) 232-9106

   32-9-3.1

# Refunds

# Noncommercial Vehicle

A. A refund can be authorized to the owner of a motor vehicle for any overpayment (vehicle age and weight correction), past or future, paid by the owner for license plate fees.

   1. Supporting documentation: registration, explanation of facts, license refund affidavit form.

   2. The refund is paid out of the motor vehicle fees collected by the county.

   3. Application for the refund must be made within one year from the date the license fee was paid.

   4. The refund is granted to the person to whom the vehicle is currently registered. The title must be in the name of the individual applying for refund, not just assigned on the reverse side.

   5. There is no provision for a refund of license fees on a boat.

B. The county treasurer is authorized to make a refund based on the documentation.

C. If an applicant wants to lower the tonnage on a noncommercial declared gross weighted vehicle, no refund is given. The applicant can either retain the current plates with the higher tonnage until the new licensing period and then lower the tonnage or, if so desired, the applicant can return the license plates and a new set of plates with the lower tonnage will be issued.

D. If an applicant wants to change the license on a vehicle from noncommercial to commercial, the applicant can surrender the noncommercial license plates and receive a credit for the remaining months (to zero) toward the commercial plates or the owner has the option of removing the valid noncommercial license plates and retaining them for transfer to a newly acquired vehicle upon registration of the newly acquired vehicle through the county treasurer (credit will then be given for the remaining months left on the plate at time of attachment).

E. If an applicant was unable to obtain a bill of sale prior to making application and was assessed motor vehicle excise tax on the book value, later obtains the bill of sale, a refund for the overpayment of the excise tax will be authorized if the request is made within one year from the date of the original application. **No refund will be granted on requests made after one year from the date of application.**

   32-5-24

# Commercial Motor Vehicles

# Commercial Vehicles

A. Payment of the annual commercial motor vehicle fee must be made before beginning an operation. License renewal is done under a staggered licensing system.

   1. All address information should be properly recorded on the commercial registration.

   2. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.

   3. The county treasurer will fill out a commercial registration for each unit using commercial license plates.

   4. All information concerning the motor vehicle must be correct and included on the commercial registration.

   5. The county treasurer may assess a mailing fee for the mailing of commercial license plates and for the mailing of stickers. If the applicant requests the plates/stickers be express mailed, the applicant must pay any costs for the service.

32-9

# Commercial License

A. Commercial License (plate with owner)

   1. If discontinuing use of a commercial license, the plates can be turned in for a refund of the remaining months on the license plates.

   2. If a commercial vehicle is sold or transferred, the commercial plates must be removed and can be attached to a newly acquired vehicle when registration of the newly acquired vehicle through the county treasurer is complete.

      a. Credit is given for any remaining months on the plates at the time the county registers the vehicle.

      b. If the plates expire prior to the attachment, the plates are no longer valid and cannot be used.

   3. In the event tonnage is being lowered, no refund is given.

      a. The applicant can either retain the current plates with the higher tonnage until the new licensing period (within 3 months of expiration) and then lower the tonnage, or, if so desired, the applicant can return the license plates and a new set of plates can be issued with the lower tonnage.

   4. Inform applicant that a copy of the registration must be placed in the power unit, to be carried at all times and exhibited upon demand of any law enforcement official.

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# Commercial Vehicle Tonnage Decals

A. Any vehicle registered to haul more than 27 tons by license or permit is required to file the IRS 2290 schedule 1 and provide proof of the filing by providing a copy of the IRS verified form for the licensing period. Twenty-eight ton and over stickers are issued directly from the Division of Motor Vehicles to individuals when all applicable laws are complied with.

    1. Proof of federal heavy vehicle use tax must be furnished.

        a. Form #2290 Schedule 1 stamped received by IRS.

        b. Form #2290 Schedule 1, plus copy of canceled check.

    2. Vehicles exempt from federal heavy vehicle use tax must also send in the Form #2290 Schedule 1 and have it stamped received by the IRS.

B. The county treasurer will attach to the daily printout of vehicles registered by the county at a tonnage of 28 ton or over, the taxpayer statement notification concerning payment of the federal heavy vehicle use tax form (DMV-HVUT), which is to be completed on all vehicles licensed at 28 ton or over, in which proof of payment of the tax is not available at the time of registration. If proof is available at the time of registration, the county treasurer shall attach the proof of payment of the heavy vehicle use tax (IRS forms) along with a copy of the vehicle registration. If proof of payment is not available at time of registration, the applicant has 30 days in which he can operate the vehicle without displaying the tonnage decals.

    1. Contact for Federal Excise Tax information and form 2290-Heavy Vehicle Use Tax:
        1-866-699-4096, Cincinnati Service Center.

    2. Status categories in the HVUT queue:

C. R – Requested or Registered (indicates the vehicle has been registered at a qualifying weight but nothing has been received and tonnage decals have not been issued.

D. WP – Waiting Proof (indicates we received the HVUT form claiming filing of the 2290 and have verified proof for the previous years but still waiting for proof of filing with a copy of the IRS verified form for the current licensing period for the correct vehicle. Tonnage decals have been issued.

E. Category Z and Newly Purchased Vehicles (if a vehicle is purchased within 60 days of a qualifying HVUT registration, tonnage decals will be mailed without proof of filing; however, the 2290 is still required to be filed. A code of Category Z means that proof of HVUT has not been received. Once the proof is received, the code will be changed.

F. V – Verified (indicates verification that the tonnage decals have been issued.

1. Common Problems

    a. The form provided is either not stamped as verified by the IRS, the form is not for the correct vehicle or it is for the wrong filing period, or the VIN is incorrect and the name on the form does not match the titled owner.

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# Exceptions from Commercial Vehicles

A. The following do not come within the definition of "motor carriers" or "commercial vehicles" when used in intrastate operations.

1. A motor vehicle registered in South Dakota used to carry private business property of five hundred pounds or less.

2. A motor vehicle chassis registered in South Dakota on which is mounted a corn Sheller, grain cleaner, feed grinder, grain and alfalfa feed mixing machine, haystack mover, sawmill, water well drilling equipment, power shovel, ditch digger, mobile crane which exceeds the maximum size or weight limits prescribed by chapter 32-22, drag line, posthole auger, and which is not used for demonstration or display purposes outside the limits of a municipality, or a truck tractor and trailer carrying permanently mounted hay grinding equipment.

3. Any motor vehicle registered in South Dakota used for the transportation of liquid or solid livestock waste (including trailers and equipment used to load liquid or solid livestock waste) and any vehicle registered in South Dakota used for the application, distribution, spraying or transportation from retail business to user of dry, liquid or anhydrous ammonia fertilizers or agricultural chemicals.

4. A motor vehicle registered in South Dakota of less than thirty thousand pounds gross weight owned by a merchant licensed under Chapter 10-45 or his commissioned paid employee and used to transport the merchant's previously sold merchandise to a purchaser outside the limits of a municipality and to return exchanged property or to transport fuels to a purchaser within a municipality or an unincorporated town which is without such service.

5. A motor vehicle registered in South Dakota owned by a farmer of this state and used by or for the farmer to transport property for his farming operation, to transport farm property from farm to farm or from a community or market to his farm or from his farm to a community or market, to transport livestock in a vehicle that is registered at 26,000 pounds or less and when hauling for no monetary compensation or to transport farm property when the vehicles are used as reimbursement in the ordinary exchange of farm work if the provisions of § 49-28-8.2 are met.

6. A motor vehicle registered in South Dakota operated by or for its owner and exclusively used to transport products originating in or produced from logging or mining operations or lumber milling waste products if such products are produced or owned by the motor vehicle owner.

7. Except as provided in § 32-9-3.3, any motor vehicle, trailer, semitrailer, motor propelled or trailed vehicle chassis registered in South Dakota, which is used for highway construction or for the construction of stock water dugouts, dams, farm and ranch irrigation systems or other soil and water conservation projects on farms and ranches and used exclusively on the job site. Such equipment may be moved between job sites or from job site to a central location.

8. A motor vehicle used principally for providing prearranged transportation of persons to or from their place of employment and is operated by a person who does not drive the vehicle for his principal occupation, but is driving it only to or from his principal place of employment or for personal use as permitted by the owner of the vehicle.

9. A school bus, owned by a school district, when rented by or its use has been granted to a nonprofit club, group, organization, fraternal society, association or corporation for use pursuant to subdivision (1) or (8) of § 49-28-2.

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

11. A motor vehicle used for personal purposes and not operated for private business.

12. A motor vehicle used for recreational purposes and not operated for private business use.

13. A motor vehicle, semitrailer, motor propelled or trailed vehicle chassis, registered in South Dakota and used to move equipment involved in soil and water conservation projects or township road work when operated between job sites or from a job site to a central location or point of repair.

14. Any motor vehicle used by an implement dealer to transport farm machinery to and from a county fair or the state fair.

15. A motor vehicle, other than a motor vehicle which carries inventory replacement vehicles entirely upon its own structure, owned by a licensed motor vehicle dealer and used to transport inventory replacement vehicles to the dealer's principal place of business.

16. Any motor vehicle, with a seating capacity of 16 or more persons, including the driver, used as a motor bus in the transportation of persons for hire within the corporate limits of any city or town.

*The specialized equipment mounted on a motor vehicle chassis listed in #3 to #6, inclusive, is included in the vehicle weight used to determine license fees under the noncommercial fee schedule. A violation of the section is a Class 2 misdemeanor.*

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# Commercial Bus

A. Application for commercial bus plate requires that a commercial vehicle registration be completed for each bus.

   1. The gross maximum weight on a commercial bus will be calculated by using the largest gross maximum weight the unit will haul, plus the weight of the bus.

B. Determination of fees is made from the appropriate gross weight on the commercial fee schedule.

C. Commercial License Plate with Owner.

   1. If discontinuing use of a commercial license, the plates can be turned in for a refund of the remaining months on the license plates.

   2. If a commercial vehicle is sold or transferred, the commercial plates must be removed and can be attached to a newly acquired vehicle, upon registration of the newly acquired vehicle through the county treasurer. Credit is given for any remaining months on the plates at the time the county registers the vehicle. If the plates expire prior to the attachment, the plates are no longer valid and cannot be used.

32-9-3.5

# Commercial Trailing Units

A. A commercial trailer unit will only be required to display commercial trailer identification plates.

   1. This will be the only license identification required on a commercial trailer. The $10 fee is a one-time only fee, as long as the trailer is owned by the applicants.

   2. In the event the trailer plate is lost, a new plate is issued. The applicant is not required to complete a duplicate plate affidavit. A $10 fee is assessed.

B. In the event of ownership transfer, the new owner must make application in his name for a new trailer identification plate.

C. A trailer bearing a commercial identification plate may be towed behind any commercial power unit.

D. A commercial power unit may tow any legally licensed trailing unit, as long as the proper weight fees have already been paid on said power unit.

   1. A noncommercial declared gross weighted unit may pull any trailer bearing a commercial trailer identification plate.

      **There is no refund or credit provision for a commercial trailer plate.**

32-9-8.1

# Dealer Licenses

A. You must be a licensed dealer in this state to advertise, display, or sell vehicles. A violation of this is a Class 1 misdemeanor; a second violation is a Class 6 felony.

B. No person may act as, offer to act as, or hold himself or herself out to be a broker. A violation is a Class 2 misdemeanor.

C. Exceptions:

1. Any person acting on a judgment or court order

2. Any public officer while performing the officer's formal duties

3. Employees of licensed dealers when carrying out job duties

4. Any person or business disposing of vehicles used in a fleet

   a. Vehicle rental companies

   b. Trucking companies

5. Any lender or insurance company that obtains vehicles/boats through the normal course of business and then disposes of the vehicles.

   a. Lenders as defined and licensed complying with 54-3-14 and 54-7 .

   b. Any financial institution chartered or licensed in any other states that obtain vehicles/boats through the normal course of business and sells such vehicles/boats to licensed dealers.

6. Any vehicle rental and leasing company that sells its used vehicles to dealers licensed under this chapter.

7. Any nonprofit automobile club; only if selling automobiles twenty years old or older.

   a. regulated by state laws in chapter 32-3

8. Businesses that manufacture or convert new vehicles/boats to sell to licensed dealers holding franchise agreements from the original manufacturer.

   a. Any person who sells less than five vehicles/boats in a twelve-month period, unless the person is licensed as a dealer in another state or holds himself or herself out as being in the business of selling vehicles/boats. However, if the vehicles are travel trailers, any person who sells less than three travel trailers in a twelve-month period.

9. Any person acting as an auctioneer if auctioning South Dakota titled vehicles for a licensed dealer or a person who is exempt from the provisions of this chapter.

10. Any towing agency that acquires and sells a vehicle which has been towed at the request of a private landowner under the provision of chapter 32-36 or at the request of a law enforcement officer, if no vehicle is sold for an amount over $1,200.00.

11. Any person not engaged in the sale of vehicles/boats as a business and is disposing of vehicles/boats used solely for personal use if the vehicles/boats were acquired and used in good faith and not for the purpose of avoiding the provisions of this chapter.

D. Application must be made to the office of the county treasurer of the county in which such dealership is located.

1. All questions on the application form must be fully and accurately assessed for it to be processed.

    a. Incomplete applications will be returned to the applicant.

2. Licenses will be issued directly from the Department of Revenue.

    a. Licenses will not be issued until all supporting documents are turned in.

3. Dealers may not legally operate until such time as the license has been issued.

E. License renewal notices and billings are available for the dealer to print from the dealer system 90 days before expiration.

1. The license renewal notice and billing must be reviewed, updated, and submitted, along with required fees, to the county treasurer's office of the dealership before the deadline date shown on the notice.

2. **If the notice is not submitted by the deadline date, an initial license fee will be assessed.**

3. The renewal notice and billing also include dealer plates that are assigned to the dealership. If the dealer wishes to increase the number of dealer plates, they can indicate that on the renewal and fees will be adjusted accordingly.

4. If the dealer wishes to decrease the number of plates in their inventory, the plates must be turned in at the county when the renewal is submitted, and the fees will be adjusted accordingly.

F. The actual (paper) dealer license is issued for a five-year period. A license must be renewed yearly.

1. On new dealer applications, the location must be inspected by a dealer agent before the license is issued.

2. If the applicant intends to establish a second business in another county, a separate license must be obtained.

G. The initial/renewal dealer license fees are:

1. Vehicle dealer/used vehicle dealer -- $300/initial, $175/renewal.

2. Mobile home dealer -- $300/initial, $150/renewal.

3. Motorcycle dealer -- $250/initial, $150/renewal.

4. Snowmobile dealer -- $150/initial, $125/renewal.

5. Trailer dealer -- $125/initial, $100/renewal.

6. Boat dealer -- $250/initial, $175/renewal.

7. Emergency vehicle dealer -- $250/initial, $100/renewal

# Dealer License Requirements

A. Documents required to apply for a Dealer License:

1. A corporate bond, issued by a corporate surety which has been authorized to do business in this state:

   a. $25,000 for new/used motor vehicle and mobile home dealers

   b. $10,000 for trailers 3,000 pounds and over

   c. $20,000 for boats

   d. $5,000 for motorcycles and snowmobiles

   e. $50,000 for Dealer Car Auction Agencies

2. A public liability insurance policy of not less than $300,000 for vehicle dealers, used vehicle dealers and motorcycle dealers.

   a. This is not required of trailer dealers, snowmobile dealers, mobile/manufactured home dealers, and boat dealers.

B. Principal place of business.

1. All applicants and existing dealerships must have a principal place of business that conforms to the laws and rules under dealer licensing. For vehicle, used vehicle, motorcycle, trailer, and boat dealers, this requires an enclosed permanent structure located within the state, easily accessible and open to the public at all reasonable times. There must be an improved area adjoining the building that is large enough to display five or more vehicles/boats of the type the dealer is licensed to sell.

2. The principal place of business location must accord to all applicable land use ordinances, building codes and zoning. (Written verification of conformance from the city or county must be submitted with all initial applications for license.) It is the location that all books, records and files necessary to conduct business are kept and maintained. **In no event may rooms in a hotel, motel, apartment house, or any part of a single or multiple unit dwelling house be considered a principal place of business, unless the entire ground floor is devoted principally to, and occupied for, commercial purposes.**

3. The licensed dealer must be open for business on a continuing basis, with normal business hours posted in a place visible for viewing by the public.

4. The dealership must maintain a telephone and the telephone number, in the name of the business, must be listed in either the white or yellow pages.

5. In the event the principal place of business is in a structure which houses more than one business, the dealer's office must be separate from the other business.

6. A dealer inspector must inspect all principal places of business and certify they are in accordance with the law before a dealer license is issued.

C. Principal place of business for mobile/manufactured homes.

1. The place of business for mobile/manufactured home dealers may not be a tent, temporary stand or other temporary quarters, nor permanent quarters occupied pursuant to any temporary arrangement.

2. The licensee may use unimproved lots and premises for sale, storage and display of mobile homes and manufactured homes.

3. A licensee may use a residence located within or adjacent to his mobile home park or a manufactured home park as a principal place of business, unless prohibited by local zoning.

4. "An auxiliary lot," defined as a physically separate location such as a mobile home park, manufactured housing, rental community, manufactured housing subdivision, or any residential lot, may be used as a supplemental lot. The auxiliary lot may be located outside of the county of the principal place of business of the dealer.

D. Any dealer who is moving his dealership to a new location must obtain permission, 30 days in advance of the move, from the Department of Revenue.

1. The dealer must provide zoning approval for the new location.

2. The dealer must submit an updated bond and public liability insurance policy that reflects the new address.

# Dealer Record Keeping Requirements

A. Any seller of a motor vehicle/boat shall, on demand by the Secretary of Revenue, make available all books, records and memoranda that relate to the sale of a motor vehicle/boat. The Secretary, in the event of any failure or refusal to produce such records, may conduct or cause to be conducted an audit of the books and records of any licensed dealer.

B. All books, records and memoranda that relate to the sale of a motor vehicle/boat shall be retained for five years.

C. Grounds for issuance of a Cease and Desist Order, monetary penalty assessment, denial, suspension or revocation of license. The department may deny any application, apply a cease and desist order, assess a monetary penalty, or suspend or revoke a license for any of the following:

1. Commission of fraud or willful misrepresentation in the application for or in obtaining a license.

2. Conviction of a felony involving snowmobile/vehicle/boat theft or odometer fraud in the last five years.

3. A violation of any law of this state which relates to dealing in manufactured homes/mobile homes/snowmobiles/vehicles/boats.

4. Failure to comply with any administrative rule promulgated by the department.

5. Perpetration of a fraud upon any person as a result of dealing in manufactured homes/mobile homes/snowmobiles/vehicles/boats.

6. Failure to apply for transfers of title as required in chapter 32-3 and 32-3A, 32-20A, 42-8.

7. Failure to allow department inspections, including initial and annual inspections, complaint investigations and necessary follow-up inspections.

8. Misrepresentation through false, deceptive or misleading statements with regard to the sale or financing of manufactured homes/mobile homes/snowmobiles/ vehicles/boats which a dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised or made in any manner with regard to the sale or financing of manufactured homes/mobile homes/snowmobiles/vehicles/boats.

9. Refusal to comply with a licensee's responsibility under the terms of the new manufactured home/mobile home/snowmobile/vehicle/boat warranty issued by its respective manufacturer, unless such refusal is at the direction of the manufacturer.

10. Failure to comply with the terms of any bona fide written, executed agreement pursuant to the sale of a manufactured home/mobile home/snowmobile/vehicle/boat.

11. Inability to obtain or renew surety bond or to participate in a dealer asset pool.

12. Failure to maintain and continuously occupy a principal place of business.

13. Failure to obtain or renew a public liability insurance policy of not less than three hundred thousand dollars.

14. Failure to disclose damage to a new snowmobile of which the dealer had knowledge if the dealer's actual cost to repair exceeds five percent of the manufacturer's suggested retail price.

15. For a dealer of manufactured/mobile homes, a previous manufacturer or dealer license revocation in this or any other state.

16. Violation by the dealer of an applicable manufactured home building or safety code.

17. For a manufactured/mobile home dealer, failure to deliver the MSO or title to the county treasurer within 30 days after the date of delivery.

18. For a manufactured/mobile home dealer, conviction within the previous 5 years of a crime that relates directly to the business of the dealer or manufacturer involving fraud, misrepresentation or misuse of funds.

19. For a manufactured/mobile home dealer, misuse of the dealers' metal plates and lending for use on manufactured/mobile homes not owned by the manufacturer or dealer.

D. The department may issue an order directing a dealer to cease and desist from engaging in any act or practice in violation of any of the provisions listed above. A Cease and Desist Order is effective for a period of two years.

1. Within 20 days after service of a Cease and Desist Order, a dealer may request, in writing, a hearing to contest the order. Hearings shall be heard by the Office of Hearing Examiners.

2. If a dealer fails to comply with a Cease and Desist Order, the department may:

   a. Impose a monetary penalty on the dealer of $500 for each violation on the Cease and Desist Order;

   a. Suspend the dealer's license for not more than 30 days; or
   b. Revoke the dealer's license.

3. Within 20 days of service of an order, a dealer may request, in writing, a hearing to contest the order. Hearings shall be heard by the Office of Hearing Examiners.

4. Upon suspension or revocation, a dealer shall immediately return all dealer metal plates and surrender the license certificate. Failure to do so is a Class 2 misdemeanor.

E. Any person who converts or manufactures authorized emergency vehicles (any vehicle of a fire department or any ambulance and emergency vehicle of a municipal department or public service corporation that are designated or authorized by the Department of Commerce and Regulation) and who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of new, or new and used authorized emergency vehicles, or who is engaged wholly or in part in the business of selling new, or new and used authorized emergency vehicles, <u>or any out-of-state dealer that includes the submission of a bid proposal for the sale</u> <u>of a vehicle, if the bid proposal is offered in response to a bid request originating in this state , shall</u> <u>obtain an emergency vehicle dealer license.</u>

1. An emergency vehicle dealer must meet all the requirements that vehicle dealers must meet, but is exempt from the requirements of having its principal place of business in South Dakota.

2. For an emergency vehicle dealer whose principal place of business is not located in South Dakota, proof is required that it is a licensed dealer in another state and has no outstanding dealer violations (proof can be in the form of an affidavit from the dealer attesting to no outstanding dealer violations).

3. An emergency vehicle dealer is not required to secure a separate license for each county if the dealer has complied with the other requirements of an emergency vehicle dealer's license.

4. The initial license fee for an emergency vehicle dealer's license is $250, the renewal fee is $100.

5. An emergency vehicle dealer must have a surety bond in the amount of $10,000.

F. A dealer must place a notice on any vehicle/large boat sold or offered for sale, regardless of the vehicle's age, which discloses damage to the vehicle for which the current title denotes a salvage brand or similar brand denoting damage to the vehicle. The notice must be printed on white NCR paper, measuring 4" x 6". The original is to be retained by the dealer and the copy is to be given to the purchaser. The information is to be printed in 12-point (minimum) Universe - bold - capital letters. **See a sample of the notice in the "Forms Section" for wording on the permit.** The notice must be posted on the inside of a side window with the front of the form facing the outside, or in the case of a large boat on the front window, indicating a salvage title or similar brand denoting damage to the vehicle that is offered for sale to consumers. The dealer is responsible for keeping the notice posted at all times that a vehicle/large boat is available for sale to consumers. At the time of sale of the vehicle/large boat, the dealer shall remove the notice and shall have the purchaser sign and date it. The dealer shall retain the signed notice, along with copies of the title document, for 5 years from the date of sale.

**(Source: South Dakota statute 32-3-51.18)**

**(Source: South Dakota statute 32-3A-38.6)**

1. If a dealer fails to a disclosure, (notice must be signed by the purchaser at the time of sale), the purchaser may return the motor vehicle/large boat to the dealer within 10 days after receiving the title and shall receive a full refund.

32-6B

# Dealer License Fees

A. The initial/renewal dealer license fees are:

1. Vehicle dealer/used vehicle dealer -- $300/initial, $175/renewal.
2. Mobile home dealer -- $300/initial, $150/renewal.
3. Motorcycle/Off-road vehicle dealer -- $250/initial, $150/renewal.
4. Snowmobile dealer -- $150/initial, $125/renewal.
5. Trailer dealer -- $125/initial, $100/renewal.
6. Boat dealer -- $250/initial, $175/renewal.
7. Emergency vehicle dealer -- $250/initial, $100/renewal
8. Dealer's Car Auction Agency -- $300.00/initial, $175/renewal
9. Final Stage Manufacturer Dealer -- $300/initial, $175/renewal

# Consignment Sales by Dealers of Public Auctions

A. Consignment is defined as, “The delivery of a vehicle/boat by the owner into the possession of another without transfer of title for the purpose of sale or where there is any condition that the purchaser does not have an absolute obligation to pay for the vehicle/boat or has a right to return the vehicle/boat to the seller.”

B. Public auction is defined as, “A business that is open to the public where South Dakota titled motor vehicles/boats are consigned, displayed, and auctioned to the highest bidder by an auctioneer.”

C. Auctioneer is defined as, “A person who presides over a public auction where following an initial starting price, bids are taken from 2 or more people until a final bid or price is established for a motor vehicle/boat.”

D. Any vehicle/boat dealer or public auction may sell or offer to sell South Dakota titled vehicles/boats on consignment. **No person may sell or offer to sell on consignment a motor vehicle/boat that the manufacturer's statement of origin has not been transferred.**

   1. Any vehicle that is at least 20 years old and any motorcycle that is at least 30 years old may be sold at a public auction as a consignment without a South Dakota title. The vehicle must, however, be titled in the name of the seller.

   2. An out-of-state dealer may sell a vehicle that is at least 20 years old or more or a motorcycle that is at least 30 years old that is titled in the dealer’s name (out -of-state title) at public auction if the dealer purchases a permit from DMV. The dealer must provide proof that the dealership is in good standing in the dealer’s home state and has no outstanding dealer violations. The permit fee is $250 if purchased before the auction and $500 if purchased at or after the auction. A dealer in violation shall be denied a temporary permit for a period of one year from the date of the violation.

E. A consignment sale, other than a public auction (South Dakota dealers), between dealers is prohibited.

F. Vehicles/boats sold on consignment cannot display dealer plates or permits.

   1. Valid license plates stay on the vehicle until the vehicle is sold.

   2. Upon sale of the vehicle, the seller must provide the purchaser with a seller’s permit. **Dealer plates/permits are not to be used on consignment sales.**

G. Any dealer or public auction that sells or offers to sell South Dakota titled vehicles/boats (or those exempt from having a South Dakota title) on consignment shall enter into a contract with the consignor. The contract shall contain, at a minimum, the following information:

   1. Name and address of consignor (owner).

   2. Name and address of consignee (dealer or auctioneer).

   3. Vehicle/boat description: title number, year, make serial/hull number.

   4. When applicable, completed odometer disclosure.

5. Agreed upon price or range.

6. Agreed upon amount that the owner will pay the dealer or auctioneer.

7. Length of time vehicle/boat will be with the dealer or auctioneer.

8. Disclosure by dealer or auctioneer that the sale is a consignment sale.

9. Signature of owner and dealer or auctioneer.

H. The following documents must be available at the dealership or auction prior to sale of a vehicle/boat:

1. South Dakota title in the name of the consignor.

2. Completed and signed consignment sales contract containing information set out above.

3. When applicable, an odometer reading certified by the owner (may be included on contract).

4. Federal FTC Buyer Guide must be displayed in vehicle being offered for sale on dealer lot.

I. The following documents must be available at the dealership or auction upon sale of a vehicle/boat:

1. South Dakota title properly assigned by the consignor (owner).

2. Bill of sale.

3. Prior disbursement of proceeds if lien is indicated (lien must be satisfied and released).

4. A violation of these provisions is a Class 2 misdemeanor.

J. A dealer and auctioneer are required to keep the following records.

1. Dealer or auctioneer must maintain record of consignment sales for 5 years.

2. Dealer or auctioneer must retain a copy of consignment sales contract for 5 years.

K. A dealer or an auctioneer may not sell a vehicle/boat that has a title with a lien on it for less than the full amount of the lien, without the advance written consent of the lienholder. A dealer or an auctioneer may not release the proceeds from the sale of a vehicle/boat with a lien until the lienholder signs a release of the lien. A violation of these provisions is a Class 2 misdemeanor.

L. Every dealer and public auction shall keep books, records and files. A record shall be kept on every vehicle offered for sale, including the serial/hull identification number and a description of the vehicle/boat and the name and address of the owner. If the vehicle/boat is sold, the name and address of the person purchasing the vehicle/boat and the price for which it is sold.

M. All records must be open and available to inspection by a dealer inspector.

N. If a dealer takes a vehicle in on consignment and the vehicle does not sell and is returned to the seller, the dealer must charge the customer sales tax, when charging a fee for displaying the vehicle on the dealership lot. Since commissions are not sales taxed, in the event the dealer sells a consigned vehicle, sales tax is not assessed.

O. If a vehicle is sold at auction, the auctioneer's commission is subject to sales tax (an auctioneer's commission is specifically taxed under statute).

# Manufacturer/Customizer and Dealer Temporary Permits

A. Businesses planning to display or sell vehicles at a Special Event in South Dakota are required to obtain a Special Event Permit from the South Dakota Department of Revenue Division of Motor Vehicles. This includes temporarily displaying passenger vehicles, motorcycles, off-road vehicles, trailers, campers, boats, or any other type of titled or MSO vehicle.

B. Displaying or Selling Motorcycles and Off-road vehicles:

1. New or Used licensed South Dakota motorcycle and off-road vehicle dealers may sell or display motorcycles or off-road vehicles at a Special Event without a permit if it is held within the county they are licensed. They must notify the Dealer Licensing Office.

2. Used motorcycle and off-road vehicle dealers must purchase a permit to display or sell at a Special Event if the event is outside of the county they are licensed.

3. Out-of-State Motorcycle and off-road vehicle dealers must purchase a permit to sell new motorcycles or off-road vehicles as long as the make is not currently franchised in South Dakota.

   a. If a South Dakota dealer has a franchise agreement for that make, a permit will not be issued. They will not be allowed to sell or display at the event.

4. Motorcycle or off-road vehicle manufacturers or customizers must purchase a permit to display motorcycles or off-road vehicle they build or modify.

   a. This permit is for display only. Sales are not allowed at the event.

C. Displaying or Selling Trailers:

1. Licensed South Dakota Trailer Dealers may display and sell new and used trailers at any special event in the State of South Dakota without a permit.

2. Trailer manufacturers and out-of-state New Trailer Dealers must purchase a permit to display trailers at a Special Event.

   a. This permit is for display only. Sales are not allowed at the event.

   b. Out-of-State Used Trailer Dealers must purchase a permit to display or sell.

D. Displaying or Selling Cars, Trucks, and RV's:

1. Licensed South Dakota Dealers may sell or display vehicles at a Special Event without a permit if it is held within the county they are licensed. They must notify the Dealer Licensing Office.

2. Licensed South Dakota Dealers may sell or display truck tractors or motorhomes outside their county of license under the Temporary Special Events lot definition.

3. Licensed South Dakota Dealers may sell and display at a public auction if the vehicle is 20 years old or older without an additional license or permit.

4. Motor vehicle customizers must purchase a permit to display cars, trucks, and RV's they build or modify.
    a. This permit is for display only. Sales are not allowed at the event.

E. Out-of-State Boat and Boat Trailer Dealers (New or Used):

1. Licensed Dealers may display and sell at a South Dakota event if the event lasts 2 or more days.

2. The event must be a sponsored event and have at least 3 licensed boat dealers attending and displaying boats.

# Dealer's Car Auction Agency

A. Dealer's car auction agency includes any person, firm, limited liability company, corporation or association engaged in an auction, as defined by Chapter 59-8, of vehicles. A dealer's car auction agency license is required.

B. Sales at a dealer's car auction agency shall involve only vehicles owned by dealers and sold to dealers. Exceptions:

1. An auction agency may sell vehicles to dealers that are owned and **titled** (in-state or out-of-state) by the following entities, if the vehicles were acquired as an incident to its regular business:

2. Any regulated lender as defined in 54-3-14 or any financing institution licensed pursuant to Chapter 54-7.

3. Any financial institution chartered or licensed in any other jurisdiction that acquires vehicles as an incident to its regular business.

4. A dealer's car auction agency may accept a vehicle for sale by a financial institution chartered or licensed in another jurisdiction in which the title is not in the name of the entity, provided the title is in the name of the customer and has the proper documentation required substantiating a repossession transaction.

    a. The out-of-state title must be provided.

    b. An affidavit form or other such document from the state that allows the lienholder to assign the out-of-state title without obtaining a repossession title must be submitted.

    c. A lienholder is required to obtain a repossession title, if from a state that requires a lienholder to obtain a repossession title prior to selling a repossessed vehicle.

c. Any insurance company authorized to do business in either this state or some other state.

C. An auction agency may also accept from any manufacturer any vehicle that is owned by the manufacturer and that has a MCO/MSO or a valid title.

1. Any vehicle with a MCO/MSO sold for a manufacturer can only be offered to the manufacturer's franchised dealers with the same-line vehicle make.

D. An auction agency may also sell vehicles owned by any governmental entity to any member of the public.

1. A sale of these vehicles to the public may not be held on the same day as dealer sales.

E. It is a Class 1 misdemeanor for any auction agency to accept for sale any unauthorized vehicle.

F. An auction agency is required to announce, at the time of the sale, if the vehicle being offered has a title (in-state or out-of-state) that has been marked denoting any brand or damage.

1. If the auction fails to announce a title brand or damage notation, the purchaser may return the vehicle to the auction within 10 days after receiving the title and the auction agency must make full refund to the purchaser.

G. Every auction agency shall keep books, records and files. A record shall be kept of every vehicle offered for sale by or through the agency, including the serial numbers or identification numbers, odometer information, and a description of the vehicle and the name, address and license number of the vehicle dealer who owns the vehicle. If

the vehicle is sold, the name, address and license number of the vehicle dealer purchasing the vehicle and the price for which it is sold.

H. An auction agency shall file a bond in the amount of $50,000 and shall have a public liability insurance policy of not less than $300,000.

I. Auction agency "99" license plates.

1. The plates can be used on any vehicle being transported to or from the auction agency's place of business for the purpose of transporting a vehicle that will be sold by the auction agency.

   a. The annual fee for a set of auction plates is $101 effective April 1, 2015. A mailing fee of $5.00 per set of plates and $1 per set of decals is also assessed.

   b. The plates are transferable by the auction agency from one vehicle to another vehicle for transporting purposes.

# Dealer Plates and Permits

A. Licensed motor vehicle dealers may purchase special dealer license plates for use on vehicles that are a part of the dealership's inventory.

B. Application for dealer license plate and the license fee are to be submitted to the county treasurer.

   1. Dealers must have a valid dealer's license for the year of dealer license plates they are wishing to obtain before such dealer license plates can be issued.

   2. Dealer license plates are to be used only on vehicles/boats owned by the dealer.

   3. Dealer license plates shall not be used for lease, rental, hire, wreckers, tow cars, or service trucks.

   4. Dealer license plates shall not be loaned or left attached to any vehicle/boat sold by dealer.

   5. Dealer license plates may be transferred from one vehicle/boat to another when owned by the dealer.

# Dealer Demonstration/In-Transit Permit

A. Any vehicle owned by a licensed dealer bearing dealers' demonstration or in- transit permits may be driven upon the streets and highways of this state for demonstration or in-transit purposes.

   1. Demonstration is defined as: the noncommercial use of a dealer owned vehicle by an employee of the dealership for any purpose in the ordinary course of business relating to the sale of the vehicle within the trade or market area of the dealership or demonstration by any prospective buyer for a period of three days. The term includes vehicles donated by a dealership to a community or organization and used for a one-day parade or event.

   2. In-transit is defined as: the noncommercial use of a dealer owned vehicle by any employee of the dealership for travel to and from any service facility, detail shop, repair shop, gas station, car wash, dealer auction, another lot owned by the dealer, a supplemental lot, temporary special event lot, temporary supplemental lot, or any other location to facilitate a dealer trade.

B. A dealer or their representative may not issue dealers demonstration/in-transit permits to any vehicle for any other purpose than those mentioned above.

C. The demonstration/in-transit permit shall not be used on service vehicles, loaners, or in place of regular license plates.

D. Dealers shall obtain their supply of (blue) demonstration/in-transit permits from their own source, but the permit shall conform to the requirements of the department.

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# Dealer "77" Plates

A. A dealer may purchase dealer 77 plates to be used on any new or used vehicle in the dealership's inventory. The 77 plates may be used for any purpose **except vehicles for lease or hire, and wrecker or service vehicles**.

1. The fees for the 77 plates are determined by the Department, and additional fees are charged to mail plates and decals.

2. The dealer is exempt from paying 4% excise tax.

3. The 77 plates can be transferred to any vehicle that is part of the dealership's inventory.

4. The dealer must apply for dealer plates at the county treasurer's office.

32-6B-21; 32-6B-22; 32-6B-21.1

# Dealer "88" Plates

A. A dealer may purchase “88” dealer commercial plates that can be used to transport inventory replacement vehicles, or to allow a prospective buyer for demonstration purposes for a period of 3 days. **The plates cannot be used on a vehicle for lease or hire or on a wrecker or service truck.**

1. The fee for the plate is based on the commercial fee schedule. Mailing fees are also assessed.

2. The dealer is exempt from paying the motor vehicle excise tax, because the vehicles the plates are used on are a part of the dealership's inventory.

3. The plates can be transferred from one vehicle to another within the dealership's inventory.

4. The vehicle must comply with all provisions pertaining to overweight operations.

5. The commercial gross weight tonnage must be paid and the tonnage sticker affixed to the 88 plate prior to operation.

6. For any 88 plate licensed **over 27 tons**, a copy of the 2290 Heavy Vehicle Use Tax form must be submitted to dealer licensing, the form must be stamped by the IRS to be valid.

7. Dealers must apply for 88 plates at the county treasurer's office.

32-6B-22.1; 32-6B-22.2; 32-6B-21.1

# Auction Agency "99" Plates

A. A Car Dealer Auction Agency may purchase 99 plates to transport vehicles being sold at the auction to or from the place of business.

1. The fees for the 99 plates are determined by the Department, and additional fees are charged to mail plates and decals.

2. The plates are transferrable by the auction agency from one vehicle to another for transporting.

3. The dealer must apply for 99 plates at the county treasurer's office.

32-6B-36.3.; 32-6B-36.4

# Motorcycle and Trailer Dealer Plates

A. A motorcycle dealer or a trailer dealer may purchase license plates to use on units that are part of the dealership's inventory.

   1. The fees for the motorcycle and trailer dealer plates are determined by the Department, and additional fees are charged to mail plates and decals.

   2. These dealers are exempt from paying the 4% excise tax.

   3. The plates can be transferred to any motorcycle or trailer that is part of the dealership's inventory.

   4. Dealers must apply for motorcycle dealer plates and trailer dealer plates at the county treasurer's office.

      32-6B-23

# Snowmobile Dealer Plates

A. Snowmobile dealers may purchase snowmobile dealer plates to be used on snowmobiles in the dealership's inventory.

   1. The fees for the snowmobile dealer plates are determined by the Department, and additional fees are charged to mail plates and decals.

   2. The dealers are exempt from paying excise tax.

   3. The plates are transferrable to any snowmobile in the dealership's inventory.

   4. The dealer must apply for the snowmobile dealer plates at the county treasurer's office.

32-6C-7; 32-6C-8

# Boat Dealer Plates

A. Boat dealers may purchase boat dealer license plates to be used on boats that are part of the dealership's inventory. **Boat dealer plates may not be used on boats that are leased or rented.**

   1. The fees for the boat dealer plates are determined by the Department, and additional fees are charged to mail plates and decals.

2. Dealers are exempt from paying excise tax.

3. Boat dealer plates can be transferred to and from any boat that is part of the dealership's inventory.

4. Boat dealers must apply for boat dealer plates at the county treasurer's office.

32-7B-10; 32-7B-11

## Manufactured Home Dealer Plate

A. Manufactured Home dealers may purchase MHD dealer plates to be used to transport inventory owned by the dealer.

   1. The fees for the manufactured home dealer plates are determined by the Department, and additional fees are charged to mail plates and decals.

   2. The dealer is exempt from paying the initial 4% tax/registration fee.

   3. The plate must be displayed on the rear of any manufactured home being transported on a public highway.

   4. The dealer must apply for manufactured home dealer plates at the county treasurer's office.

32-7A-10; 32-7A-10.1; 32-7A-11

# Manufactured Home Dealer Permit

A. New and used mobile/manufactured homes owned by a dealer may be transported upon the streets and highways to the dealer’s place of business and to the purchaser of such a home and between a dealer’s place of business and a supplemental lot or a temporary supplemental lot. Any mobile/manufactured home purchased or transported by or for a dealer must have:

   1. On any used home, an affidavit issued by the county treasurer of the county in which the home is registered, stating that the current year’s taxes have been paid.

   2. A self-issued permit displayed when moving a used or new mobile/manufactured home.

   3. When a dealer sells a new or used or an out-of-state titled mobile/manufactured home and is transporting it to the purchaser, the dealer must file a Property Tax Assessment with the director of equalization in the county of destination.