

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

644P0188

SENATE TRANSPORTATION ENGROSSED NO. **SB**

**64** - 1/22/2008

Introduced by: Senators Napoli, Bartling, Duenwald, Heidepriem, Maher, McCracken, McNenny, Olson (Ed), Peterson (Jim), Schmidt (Dennis), and Sutton and Representatives Peters, Brunner, Hackl, Kirkeby, Lust, and Olson (Betty)

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding the regulation of  
2 recreational park trailers.

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

4 Section 1. That subdivision (2) of § 10-45D-1 be amended to read as follows:

5 (2) "Campground," any property or premise kept, used, maintained, advertised, or held  
6 out to the public to be a place where sites are available for placing of tents, campers,  
7 trailers, recreational park trailers, mobile homes, or other mobile accommodations  
8 to transient guests. Campgrounds include city, county, and state-owned  
9 campgrounds, as well as concessionaires or contractors who manage or operate  
10 publicly owned campgrounds. The following constitute campgrounds: campgrounds,  
11 camping cabins, camping resorts, commercial picnic grounds, organizational camps,  
12 park units, recreational vehicle parks, trailer parks, and youth camps;

13 Section 2. That § 32-3-1 be amended to read as follows:



1 32-3-1. Terms used in chapters 32-3 to 32-5B, inclusive, mean:

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

6 (2) "Component part," any part of a motor vehicle, trailer, or semitrailer other than a tire,  
7 having a vehicle identification number;

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

13 (4) "Department," Department of Revenue and Regulation;

14 (4A) "Gross vehicle weight rating," the value specified by the manufacturer as the loaded  
15 weight of a single vehicle;

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

19 (6) "Manufactured home," a structure, transportable in one or more sections, which is  
20 eight body feet or more in width or forty body feet or more in length in the traveling  
21 mode, or is three hundred twenty or more square feet when erected on a site; which  
22 is built on a permanent chassis and designed to be used as a dwelling, with or without  
23 a permanent foundation, when connected to the required utilities; and which contains  
24 the plumbing, heating, air conditioning, and electrical systems therein. The term

1 includes any structure which meets all the requirements of this subdivision and any  
2 other structure which has been certified by the secretary of housing and urban  
3 development. The term does not include a recreational park trailer;

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

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

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

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

14 The term does not include a recreational park trailer;

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

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

- 1           excluding a tractor;
- 2       (11) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers, and
- 3           all vehicles propelled by power other than muscular power, except traction engines,
- 4           road rollers, farm wagons, freight trailers, vehicles that run only on rails or tracks,
- 5           and off-road vehicles as defined in § 32-20-1;
- 6       (12) "New motor vehicle," any motor vehicle to which a manufacturer's statement of
- 7           origin has not been transferred, or is a motor vehicle on which title was issued from
- 8           the manufacturer's statement of origin or manufacturer's certificate of origin and is
- 9           still in the name of the first person who took title to the vehicle;
- 10      (13) "Noncommercial motor vehicle," any motor vehicle not classified as a commercial
- 11           motor vehicle;
- 12      (14) "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or
- 13           maintained for the transportation of persons or property for hire, compensation, or
- 14           profit;
- 15      (14A) "Notation," a physical or electronic process of recording a lien on a certificate of title,
- 16           a manufacturer's statement of origin, or a manufacturer's certificate of origin;
- 17      (15) "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed
- 18           primarily to be operated on land other than a highway and includes, ~~but is not limited~~
- 19           ~~to,~~ all terrain vehicles, dune buggies, and any vehicle whose manufacturer's statement
- 20           of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle
- 21           is not for highway use. ~~Off-road vehicle~~ The term does not include a farm vehicle as
- 22           defined in this section;
- 23      (16) "Owner," any person, firm, association, or corporation renting a motor vehicle or
- 24           having the exclusive use thereof, under a lease or otherwise, for a period greater than

1 thirty days; as between contract vendor and contract vendee, the term "owner" shall  
2 refer to the contract vendee, unless the contrary clearly appears from the context of  
3 chapters 32-3 to 32-5B, inclusive, or a person having legal possession or title;

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

9 (17A) "Recreational park trailer," a vehicle that is primarily designed to provide temporary  
10 living quarters for recreational, camping, or seasonal use and which:

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

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

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

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

19 (18) "Recreational vehicle," a vehicular portable structure built on a chassis designed to  
20 be used as a temporary dwelling for travel, recreational, ~~and~~ vacation, or seasonal  
21 uses, permanently identified as "a travel trailer" or a recreational park trailer by the  
22 manufacturer of the trailer;

23 (19) "Road tractor," any motor vehicle designed and used for drawing other vehicles,  
24 except farm or logging tractors used exclusively for farming or logging, and not so

1 constructed as to carry any load thereon either independently or any part of the  
2 weight of a vehicle or load so drawn;

3 (20) "Secretary," secretary of revenue and regulation;

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

8 (22) "State," includes the territories and the federal districts of the United States;

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

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

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

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

22 Section 3. That § 32-6B-1 be amended by adding thereto a NEW SUBDIVISION to read as  
23 follows:

24 "Recreational park trailer," a vehicle that is primarily designed to provide temporary

1 living quarters for recreational, camping, or seasonal use and which:

- 2 (a) Is built on a single chassis mounted on wheels;
- 3 (b) Has a gross trailer area not exceeding four hundred square feet in the setup  
4 mode;
- 5 (c) Is certified by the manufacturer as complying with American National  
6 Standards Institute Standard No. A119.5 in effect on January 1, 2008; and
- 7 (d) Has at least a seventeen digit identification number and the manufacturer has  
8 designated the vehicle as a recreational park model on the manufacturer  
9 statement of origin.

10 Section 4. That § 32-6B-12 be amended to read as follows:

11 32-6B-12. Any dealer's license issued under this chapter shall be of the following classes:

- 12 (1) "Vehicle dealer's license," to permit the licensee to engage in the business of selling  
13 or exchanging new, or new and used, vehicles;
- 14 (2) "Used vehicle dealer's license," to permit the licensee to engage in the business of  
15 selling or exchanging used vehicles only;
- 16 (3) "Motorcycle dealer's license," to permit the licensee to engage in the business of  
17 selling or exchanging new or used motorcycles only;
- 18 (4) "Trailer dealer's license," to permit the licensee to engage in the business of selling  
19 or exchanging trailers, semitrailers, recreational park trailers, or travel trailers only,  
20 new or used; or
- 21 (5) "Emergency vehicle dealer's license," to permit the licensee to engage in the business  
22 of selling or exchanging new or used authorized emergency vehicles.

23 A license certificate identifying the class of dealership and containing a distinguishing  
24 identification number of licensee shall be issued by the department if the application is in

1 compliance with the provisions of this chapter.

2 Section 5. That subdivision (1) of § 34-18-1 be amended to read as follows:

3 34-18-1. Terms used in this chapter mean:

4 (1) Campground, a plot of ground for public use upon which two or more campsites are  
5 located, established, maintained, advertised, or held out to the public to be a place  
6 where camping units can be located and occupied as temporary living quarters for  
7 children or adults, or both. Camping units are considered to be trailers, tent campers,  
8 campers, tents, recreational park trailers, or other equipment that may be used by the  
9 ~~traveling~~ public at individual campsites located at campgrounds or areas used by the  
10 public as campgrounds;

11