

AN ACT

ENTITLED, An Act to revise certain provisions regarding organization, first responder, and organ donor emblem speciality plates for motor vehicles.

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

Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Any owner of a motor vehicle may apply for an emblem specialty plate if the owner meets the requirements of this Act. The available emblem specialty plates are as follows:

- (1) Organization;
- (2) First responder; or
- (3) Organ donor.

Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Any applicant for an emblem specialty plate listed in section 1 of this Act shall meet the following general requirements:

- (1) Be a resident of this state;
- (2) Possess a valid South Dakota driver license;
- (3) Comply with all state laws regarding registration and licensing; and
- (4) Pay any applicable fee pursuant to section 4 of this Act.

Section 3. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

All emblem specialty plates shall be reflectorized and validated with a sticker each year in the same manner as a noncommercial license plate. Emblem specialty plates may only be used on automobiles, pickup trucks, or vans licensed pursuant to § 32-5-6, motorcycles licensed pursuant to § 32-5-9, or pickup trucks licensed pursuant to § 32-5-6.3. Emblem specialty plates shall be displayed in accordance with § 32-5-98.

Section 4. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

If the emblem specialty plates are requested at the time of initial application for title and registration of the vehicle, no additional fees are charged for the plates above the costs involved in registering the motor vehicle. If the emblem specialty plates are requested later or if the motor vehicle has current South Dakota plates, the owner shall surrender the current plates and pay a ten dollar fee for the emblem specialty plates. All fees collected under this section shall be placed in the license plate revolving fund.

Section 5. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

If the ownership of a motor vehicle with an emblem specialty plate is transferred or assigned, the transferor shall remove the emblem specialty plates from the vehicle and shall receive a credit for the unexpired time on the registration if the plates are attached to another vehicle. The county treasurer shall process a new registration indicating the motor vehicle to which the emblem specialty plates are to be transferred and send it to the department. The secretary shall make the necessary changes in the registration system and the credit shall be applied. The department shall notify the transferor of any corrections which need to be made.

No credit may be issued if the emblem specialty plate is detached and not reattached to another motor vehicle. If the transferor fails to remove the emblem specialty plates pursuant to this section, the transferor loses any credit and the plates are no longer valid. A violation of this section is a Class 2 misdemeanor.

Section 6. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

If a motor vehicle with an emblem specialty plate is destroyed by collision or fire, disposed of for salvage, or if rejected or condemned for use on the highways as the result of action by any inspection authority of this state, the registered owner of the motor vehicle shall remove the emblem specialty plates from the vehicle and shall receive a credit for the unexpired time on the registration if the plates are attached to another vehicle. The county treasurer shall process a new registration

indicating the motor vehicle to which the emblem specialty plates are to be transferred and send it to the department. The secretary shall make the necessary changes in the registration system and the credit shall be applied. The department shall notify the transferor of any corrections which need to be made. If the emblem specialty plates were destroyed, the owner shall apply for a replacement set of plates pursuant to section 7 of this Act.

No credit may be issued if the emblem specialty plate is detached and not reattached to another motor vehicle. If the owner fails to remove the emblem specialty plates pursuant to this section, the owner loses any credit and the plates are no longer valid. A violation of this section is a Class 2 misdemeanor.

Section 7. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

If any emblem specialty plate is lost, mutilated, or destroyed, the owner of the registered vehicle may obtain a duplicate upon filing an affidavit showing such facts and after paying a ten dollar fee to the department. The fee shall be credited to the license plate revolving fund.

Section 8. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Each emblem specialty plate authorized by section 1 of this Act shall be retained for the same period of time as plates referred to in § 32-5-83.

Section 9. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Any entity applying for an emblem to be used on the emblem specialty plate shall submit an application, on a form prescribed by the secretary, to the department. Each application shall include a completed emblem design with the entity's logo and the entity's name, or in the case of a group organization emblem, an emblem design that clearly depicts the common purpose or theme of the group. In addition to the application, each entity applying for an organization emblem shall submit the following:

- (1) A copy of the articles of incorporation for the entity;

- (2) A copy of the charter or bylaws for the entity; and
- (3) Any Internal Revenue Service ruling regarding the entity's nonprofit tax exemption status.

Section 10. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Any entity applying for an emblem to be used on an emblem specialty plate listed in section 1 of this Act shall meet the following general requirements:

- (1) The primary activity or interest of the entity 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 entity does not promote any specific product or brand name that is provided for sale;
- (3) The emblem of the entity does not promote a specific religion, faith, or anti-religious belief; and
- (4) The application pursuant to section 9 of this Act and the emblem design must be approved by the department.

Section 11. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Any entity applying for an emblem to be used on the emblem specialty plate shall also meet the following specific additional requirements for the respective emblem specialty plate:

- (1) To qualify for an organization emblem, the entity shall be a nonprofit corporation, or a group of nonprofit corporations with a common purpose, on file with the Office of the Secretary of State and must have a minimum of two hundred members; and
- (2) To qualify for a first responder emblem, the application and emblem design must be approved by the Department of Public Safety.

Section 12. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Upon approval of an application and design for an emblem, the department may furnish the emblems to the entity or authorize the entity to produce the entity's approved emblem. If the department furnishes the emblem, the entity shall purchase no fewer than one hundred sets of emblems and the entity shall reimburse the department for the cost of the emblems plus a fifteen percent administration fee. The entity shall establish criteria for an emblem specialty plate owner to qualify for the entity's emblem and the fee to be charged for the entity's emblem. The entity is responsible for the administration of the entity's emblem.

No emblems other than those authorized and approved by the department are permitted on emblem specialty license plates. Misuse of the emblems or use of unauthorized emblems is a Class 1 misdemeanor.

Section 13. That § 32-5-136 be repealed.

Section 14. That § 32-5-137 be repealed.

Section 15. That § 32-5-138 be repealed.

Section 16. That § 32-5-139 be repealed.

Section 17. That § 32-5-139.1 be repealed.

Section 18. That § 32-5-139.2 be repealed.

Section 19. That § 32-5-139.3 be repealed.

Section 20. That § 32-5-139.4 be repealed.

Section 21. That § 32-5-139.5 be repealed.

Section 22. That § 32-5-139.6 be repealed.

An Act to revise certain provisions regarding organization, first responder, and organ donor emblem speciality plates for motor vehicles.

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I certify that the attached Act originated in the

SENATE as Bill No. 61

\_\_\_\_\_  
Secretary of the Senate

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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 61  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State