

State of South Dakota

EIGHTIETH
LEGISLATIVE ASSEMBLY, 2005

400L0229

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1011 - 01/31/2005

Introduced by: The Committee on Judiciary at the request of the Department of Social Services

1 FOR AN ACT ENTITLED, An Act to establish a program of recoveries and fraud
2 investigations in the Department of Social Services.

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

4 Section 1. That chapter 28-1 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The department shall have a program of recoveries and fraud investigations to collect debts
7 owed the department and to investigate allegations of fraud in all department assistance
8 programs. Any fraud investigator for this program may:

9 (1) Initiate and conduct any investigation if the program has cause to believe that a
10 fraudulent act has been committed by a recipient of assistance from department
11 programs;

12 (2) Review any report or complaint of an alleged fraudulent act to determine whether
13 such report requires further investigation and conduct such investigation;

14 (3) Obtain access to any record related to residence, household composition,
15 employment, finances and resources, and medical records as authorized by the Health



1 Insurance Portability and Accountability Act of 1996 (HIPAA), PL 104-199, as
2 amended through January 1, 2005, to assist in investigation of an alleged fraudulent
3 act and may require by administrative subpoena the production of any book, record,
4 or other information; and

5 (4) Cooperate with federal, state, and local law enforcement, prosecuting attorneys, and
6 the attorney general in the investigation and prosecution of any fraudulent act where
7 public assistance has been granted or applied for under the welfare laws of this state.

8 Section 2. The program may take any collection action provided for in state and federal law
9 and regulation to recover debts owed the department.

10 Section 3. All investigative records and files of the program established pursuant to this Act
11 are confidential. No investigative record may be released except to department personnel,
12 federal, state, and local law enforcement, prosecuting attorneys, and the attorney general in the
13 investigation and prosecution of fraudulent acts. No investigative record or file may be released
14 to any other person except pursuant to a court order. All collection files are confidential. No
15 collection file may be released except in accordance with recipient confidentiality requirements
16 of the department.

17 Section 4. The secretary of the Department of Social Services shall annually report to the
18 Governor and the Legislature concerning the activities of the program including the number and
19 type of cases investigated, the outcome of such investigations, and costs and expenditures
20 incurred during such investigations.

State of South Dakota

EIGHTIETH
LEGISLATIVE ASSEMBLY, 2005

400L0228

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1012 - 01/31/2005

Introduced by: The Committee on Judiciary at the request of the Department of Social
Services

1 FOR AN ACT ENTITLED, An Act to establish certain penalties for the unauthorized
2 acquisition or transfer of food stamp benefits.

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

4 Section 1. Any person who knowingly:

5 (1) Acquires, purchases, possesses, or uses any food stamp EBT card to obtain food
6 stamp benefits that the person is not entitled to;

7 (2) Transfers, sells, trades, gives, or otherwise disposes of any food stamp EBT card to
8 another person not entitled to receive or use it in exchange for anything of value;

9 (3) Acquires, purchases, possesses, or uses any eligible goods purchased with a food
10 stamp EBT card that the person is not entitled to; or

11 (4) Transfers, sells, trades, gives, or otherwise disposes of any eligible goods purchased
12 with a food stamp EBT card to another person not entitled to receive it in exchange
13 for anything of value;

14 is guilty of unauthorized acquisition or transfer of food stamp benefits.

15 Section 2. Any person convicted of an offense under subdivision (1) or (2) of section 1 of



1 this Act for food stamp benefits with an EBT card value of one thousand dollars or less is guilty
2 of a Class 1 misdemeanor. Any person convicted of an offense under subdivision (1) or (2) of
3 section 1 of this Act for food stamp benefits with an EBT card value of one thousand dollars is
4 guilty of a Class 6 felony. Amounts involved in the acquisition or transfer of EBT cards in
5 violation of subdivisions (1) and (2) of section 1 of this Act, committed pursuant to one scheme
6 or course of conduct in any twelve-month period, may be aggregated in determining the degree
7 of the offense. Any person convicted of an offense under subdivision (3) or (4) of section 1 of
8 this Act is guilty of a Class 1 misdemeanor.

9 Section 3. As used in this Act, the term, food stamp EBT card, means any card issued for
10 purchase of food pursuant to the Food Stamp Act of 1997, 7 U.S.C. 2011 to 2029, inclusive, in
11 effect on January 1, 2005.

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

444L0354

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB 1119** - 01/31/2005

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Representatives Hunt, Fryslie, Gillespie, Hackl, Krebs, Lange, McLaughlin, Pederson (Gordon), Rounds, and Weems and Senators Napoli, Abdallah, Broderick, Hundstad, Kelly, Koskan, McNenny, Moore, and Peterson (Jim)

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the sale of out-of-state
2 motor vehicles.

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

4 Section 1. That § 32-5-27 be amended to read as follows:

5 32-5-27. Any dealer, person, firm, or corporation, which brings into the state or purchases
6 any used or secondhand out-of-state motor vehicles not currently licensed in this state for the
7 purpose of sale or resale, except as a trade-in on a new motor vehicle or another used motor
8 vehicle ~~or, a used motor vehicle purchased by a dealer and sold to another dealer,~~ vehicles
9 receiving a junking certificate ~~or,~~ motor vehicles with a gross vehicle weight rating of over
10 twenty-six thousand pounds, or a semitrailer with a manufacturer's shipping weight of nine
11 thousand pounds or more, shall, within thirty days from the date of purchase or entry of the
12 motor vehicle into the limits of this state, or from the date of purchase at a dealer's car auction
13 agency, title the motor vehicle pursuant to chapter 32-3 and pay the excise tax pursuant to
14 chapter 32-5B but is not required to license the vehicle. Any licensed motor vehicle dealer



1 titling a motor vehicle pursuant to this section is exempt from paying the excise tax imposed by
2 § 32-5B-1 on such vehicle. A vehicle titled by a licensed motor vehicle dealer pursuant to this
3 section shall be issued a title indicating that no excise tax has been paid. Upon transfer of the
4 title to a subsequent purchaser of the motor vehicle, the excise tax shall be paid by the purchaser
5 or by any other person as defined by subdivision 2-14-2(18), on behalf of and as the agent for
6 the purchaser. A violation of this section is a Class 2 misdemeanor.

7 The provisions of this section do not apply to any motor vehicle titled and licensed in
8 another jurisdiction which is sold in this state through a dealer's car auction agency licensed
9 under the provisions of chapter 32-6B.

10 Section 2. That § 32-3-51.8 be amended to read as follows:

11 ~~32-3-51.8. Upon the sale, transfer, or trade-in of a motor vehicle, or if licensing a motor~~
12 ~~vehicle in South Dakota which is titled in another state or jurisdiction, the seller, transferor,~~
13 ~~trader, or person wishing to license in South Dakota the motor vehicle which is titled in another~~
14 ~~state or jurisdiction~~ Upon the sale, transfer, trade-in, or titling of a motor vehicle, the seller,
15 transferor, trader, or person wishing to title in South Dakota shall submit an accurately
16 completed damage disclosure statement ~~when applying for a certificate of title pursuant to § 32-~~
17 ~~3-18.~~ The completed damage disclosure statement may be on the back of the certificate of title
18 or on a separate document that has been approved for use by the department. Except as
19 otherwise provided by this section, no certificate of title may be issued by the department unless
20 the damage disclosure statement accompanies the application. It is a Class 1 misdemeanor to
21 intentionally falsify any information on the damage disclosure statement. No person or dealer
22 is liable to a subsequent owner of a vehicle because a prior owner of the vehicle failed to
23 disclose that the vehicle had previously been damaged and repaired. This section does not apply
24 to any motor vehicles vehicle more than six model years old or with a gross vehicle weight

1 rating of more than sixteen thousand pounds and does not apply if a rebuilt title or junking
2 certificate is sought.

3 This section ~~does apply~~ applies to all other motor vehicles, but only damage in excess of five
4 thousand dollars shall be disclosed in the statement. If the motor vehicle has incurred damages
5 more than once, only those damages ~~which~~ that occurred at one time ~~would be~~ are considered
6 in determining whether the damages exceeded five thousand dollars.

7 Section 3. That § 32-5B-13 be repealed:

8 ~~32-5B-13. Following a retail sale of a motor vehicle licensed pursuant to § 32-5-27 to an~~
9 ~~out-of-state resident who has not purchased the vehicle for the purpose of resale, the seller of~~
10 ~~the vehicle upon application to the county treasurer shall receive a refund of the excise tax~~
11 ~~imposed by § 32-5B-1. The seller shall present the county treasurer with a copy of the retail sale~~
12 ~~order, a receipt for the payment of the excise tax, motor vehicle title, and an affidavit stating the~~
13 ~~documents are valid before the county treasurer makes such refund.~~