



# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

555N0054

HOUSE LOCAL GOVERNMENT COMMITTEE

ENGROSSED NO. **HB 1006** - 01/16/2007

Introduced by: The Committee on Local Government at the request of the Office of the  
Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain procedures regarding the election process.

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

3 Section 1. That § 12-6-56 be amended to read as follows:

4 12-6-56. If a vacancy occurs by reason of death or withdrawal after a primary election, a  
5 party candidate for public office may be replaced by a new nominee if a meeting of the  
6 appropriate party central committee ~~can be~~ is held and the results are certified to the appropriate  
7 official within the times prescribed by § 12-8-6. ~~Such a~~ If the vacancy, if is a party candidate for  
8 presidential elector or statewide office, the vacancy shall be filled by the State Party Central  
9 Committee. ~~Such a~~ If the vacancy, if for is a party candidate for public office other than  
10 presidential elector or statewide office, the vacancy shall be filled by a vote of ~~all interested~~  
11 county party central committee members. ~~If any part of a county lies within the geographic~~  
12 ~~boundaries of such office, the party county central committee shall be deemed interested, and~~  
13 ~~the central committee members from within the county, residing in attendance who reside in the~~  
14 affected district, ~~may vote to fill the vacancy. In multi-county districts, all county central~~  
15 ~~committee members may vote to fill the vacancy.~~



1 Section 2. That § 12-7-7 be amended to read as follows:

2 12-7-7. Any candidate for President or Vice President of the United States who is not  
3 nominated by a primary election may be nominated by filing with the secretary of state ~~or county~~  
4 ~~auditor as prescribed by § 12-6-4~~, not prior to January ~~twentieth~~ first at eight a.m. and not later  
5 than the first Tuesday in August at five p.m. prior to the election, a certificate of nomination  
6 which shall be executed as provided in chapter 12-6. If the certificate of nomination is mailed  
7 by registered mail by the first Tuesday in August at five p.m. prior to the election, it is timely  
8 submitted. The certificate shall ~~specify that an independent candidate for President or Vice~~  
9 ~~President shall~~ designate the name of ~~any~~ the national political party, or political party organized  
10 pursuant to chapter 12-5, with which the ~~candidate has~~ candidate's electors have an affiliation.  
11 If no affiliation exists, the ~~candidate~~ electors shall be designated by the term, no party. The  
12 number of signatures required may not be less than one percent of the total combined vote cast  
13 for Governor at the last certified gubernatorial election within the state. An independent  
14 candidate for President shall file a declaration of candidacy and a certification of the candidate's  
15 selection for Vice President with the secretary of state prior to circulation of the candidate's  
16 nominating petitions. The candidate and the candidate's selection for Vice President shall sign  
17 the certification before it is filed. The State Board of Elections shall promulgate rules pursuant  
18 to chapter 1-26 prescribing the forms for the certificate of nomination and the certification for  
19 Vice President.

20 Section 3. That § 12-17B-11 be amended to read as follows:

21 12-17B-11. Except for any specially trained technicians representing the equipment vendor  
22 and required for the operation of the automatic tabulating equipment, there shall be equal  
23 representation from each political party having a candidate on the ballot and whose candidate  
24 on the county-wide ballot at the last general election received at least fifteen percent of the votes

1 amongst those employed or authorized to receive, process, or tabulate the ballots. The proposed  
2 list of employees shall be submitted to each county party chairperson for approval at least thirty  
3 days prior to the election. ~~If the chairperson fails to notify the person in charge of the election~~  
4 ~~of any disapproval of any proposed employee at least twenty days prior to the election, the list~~  
5 ~~is deemed approved.~~ Each person shall, prior to discharging any duties, take and subscribe to  
6 an oath as prescribed by the State Board of Elections.

7 Section 4. That § 12-19-3 be amended to read as follows:

8 12-19-3. Upon receiving an application for absentee ballots, the person in charge of an  
9 election shall, within forty-eight hours, or if ballots are not then on hand, then within forty-eight  
10 hours after receipt of the ballots, after confirming from the master registration file that the  
11 applicant is registered as a voter pursuant to chapter 12-4, enclose one of each of the official  
12 ballots, a set of instructions on absentee balloting, and an unsealed return envelope. All of the  
13 enclosures shall be sealed in an envelope addressed to the applicant at the place stated in the  
14 application. If a registration form is received simultaneous with an absentee ballot request and  
15 prior to the registration deadline, the absentee ballot provided shall be based on the submitted  
16 registration form.

17 Section 5. That § 34-11A-29 be amended to read as follows:

18 34-11A-29. A regular meeting of the registered voters who are residing within the  
19 boundaries of a district shall be held in the first quarter of each calendar year and special  
20 meetings may be called by the board of directors at any time. The annual election shall be  
21 conducted during the regular meeting consistent with the provisions of chapter 8-3. Notice of  
22 the annual election shall be given by the secretary-treasurer by one publication in a legal  
23 newspaper of general circulation in each county in which the district is situated. The meeting  
24 shall be held not less than seven days nor more than fourteen days after the date of publication

1 of the notice.

2 Section 6. That § 34-31A-43 be amended to read as follows:

3 34-31A-43. A regular meeting of the electors who are owners of any interest in real property  
4 assessed for taxation in the district and who are residing within the boundaries of a district shall  
5 be held in the first quarter of each calendar year and special meetings may be called by the board  
6 of directors at any time. The annual election shall be conducted during the regular meeting  
7 consistent with the provisions of chapter 8-3. Notice of the annual election shall be given by the  
8 secretary-treasurer by one publication in a legal newspaper of general circulation in each county  
9 in which the district is situated. The meeting shall be held not less than seven days nor more  
10 than fourteen days after the date of publication of the notice.

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

400N0249

HOUSE TAXATION COMMITTEE ENGROSSED NO.

**HB 1044** - 01/16/2007

Introduced by: The Committee on Taxation at the request of the Department of Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to provide reciprocity for sales, use, or gross receipts tax  
2 paid on farm equipment purchased in another state or political subdivision.

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

4 Section 1. That chapter 10-46E be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The amount of any use tax imposed with respect to the sale or lease of farm machinery,  
7 attachment units, and irrigation equipment shall be reduced by the amount of any sales, use, or  
8 gross receipts tax previously paid by the taxpayer with respect to the property on account of  
9 liability to another state or its political subdivisions. If the sales, use, or gross receipts tax of the  
10 other state is less than the tax of this state, the taxpayer is liable for the payment of the balance  
11 to this state. However, no credit may be given under this section if that state does not  
12 reciprocally grant a credit for taxes paid on similar tangible personal property.



# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

400N0247

HOUSE TAXATION COMMITTEE ENGROSSED NO.

**HB 1045** - 01/16/2007

Introduced by: The Committee on Taxation at the request of the Department of Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the times for filing  
2 returns and remitting taxes.

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

4 Section 1. That chapter 10-33A be amended by adding thereto a NEW SECTION to read  
5 as follows:

6 Any person who holds a license issued pursuant to this chapter or who is a person whose  
7 receipts are subject to the tax imposed by this chapter shall, except as otherwise provided in this  
8 section, file a return, and pay any tax due, to the Department of Revenue and Regulation on or  
9 before the twentieth day of the month following each monthly period. The return shall be filed  
10 on forms prescribed and furnished by the department.

11 If the person remits the tax by electronic transfer to the state, the person shall file the return  
12 by electronic means on or before the twenty-third day of the month following each monthly  
13 period and remit the tax on or before the second to the last day of the month following each  
14 monthly period.

15 The secretary may require or allow a person to file a return, and pay any tax due, on a basis



1 other than monthly. The return and remittance is due the last day of the month following the  
2 reporting period or at a time otherwise determined by the secretary.

3 The secretary may grant an extension of not more than five days for filing a return and  
4 remittance.

5 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return  
6 or remittance is not made on time.

7 Section 2. That § 10-45-28 be repealed.

8 ~~10-45-28. The secretary of revenue and regulation may require or allow some returns and~~  
9 ~~remittances to be filed on a monthly, bimonthly, semiannual or annual basis and the return and~~  
10 ~~remittance is due the last day of the month following the reporting period. For persons issued~~  
11 ~~a temporary or seasonal sales tax permit, the returns and remittances may be required at a time~~  
12 ~~determined by the secretary. Section 10-59-6 applies to returns and payments under this section.~~

13 Section 3. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 Any person who holds a license issued pursuant to this chapter or who is a person whose  
16 receipts are subject to the tax imposed by this chapter shall, except as otherwise provided in this  
17 section, file a return, and pay any tax due, to the Department of Revenue and Regulation on or  
18 before the twentieth day of the month following each monthly period. The return shall be filed  
19 on forms prescribed and furnished by the department.

20 If the person remits the tax by electronic transfer to the state, the person shall file the return  
21 by electronic means on or before the twenty-third day of the month following each monthly  
22 period and remit the tax on or before the second to the last day of the month following each  
23 monthly period.

24 The secretary may require or allow a person to file a return, and pay any tax due, on a basis

1 other than monthly. The return and remittance is due the last day of the month following the  
2 reporting period, or at a time otherwise determined by the secretary.

3 The secretary may grant an extension of not more than five days for filing a return and  
4 remittance. However, the secretary may grant an extension for remitting the tax to a qualified  
5 business as provided in §§ 10-45-99 to 10-45-107, inclusive, for six months.

6 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return  
7 or remittance is not made on time.

8 Section 4. That § 10-45D-11 be repealed.

9 ~~10-45D-11. The secretary of revenue and regulation may require or allow some returns and~~  
10 ~~remittances to be filed on a monthly, bimonthly, semiannual, or annual basis and the return and~~  
11 ~~remittance is due the last day of the month following the reporting period. For persons issued~~  
12 ~~a temporary or seasonal sales tax permit pursuant to chapter 10-45, the returns and remittances~~  
13 ~~may be required at a time determined by the secretary. Section 10-59-6 applies to returns and~~  
14 ~~payments under this section.~~

15 Section 5. That chapter 10-45D be amended by adding thereto a NEW SECTION to read  
16 as follows:

17 Any person who holds a license issued pursuant to this chapter or who is a person whose  
18 receipts are subject to the tax imposed by this chapter shall, except as otherwise provided in this  
19 section, file a return, and pay any tax due, to the Department of Revenue and Regulation on or  
20 before the twentieth day of the month following each monthly period. The return shall be filed  
21 on forms prescribed and furnished by the department.

22 If the person remits the tax by electronic transfer to the state, the person shall file the return  
23 by electronic means on or before the twenty-third day of the month following each monthly  
24 period and remit the tax on or before the second to the last day of the month following each

1 monthly period.

2 The secretary may require or allow a person to file a return, and pay any tax due, on a basis  
3 other than monthly. The return and remittance is due the last day of the month following the  
4 reporting period, or at a time otherwise determined by the secretary.

5 The secretary may grant an extension of not more than five days for filing a return and  
6 remittance.

7 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return  
8 or remittance is not made on time.

9 Section 6. That § 10-46A-1.7 be repealed.

10 ~~10-46A-1.7. The secretary of revenue and regulation may require or allow a return and~~  
11 ~~remittance to be filed on a monthly, bimonthly, semiannual, or annual basis. The return and~~  
12 ~~remittance is due the last day of the month following the reporting period. For any person issued~~  
13 ~~a temporary or seasonal contractor's excise tax license, the return and remittance may be~~  
14 ~~required at a time determined by the secretary. Section 10-59-6 applies to any return and~~  
15 ~~remittance under the provisions of this section.~~

16 Section 7. That § 10-46A-8 be amended to read as follows:

17 10-46A-8. The tax imposed shall be reported and paid pursuant to § ~~10-46A-1.7~~ section 8  
18 of this Act, upon the receipts received under the contract during the period.

19 Section 8. That chapter 10-46A be amended by adding thereto a NEW SECTION to read  
20 as follows:

21 Any person who holds a license issued pursuant to this chapter or who is a person whose  
22 receipts are subject to the tax imposed by this chapter shall, except as otherwise provided in this  
23 section, file a return, and pay any tax due, to the Department of Revenue and Regulation on or  
24 before the twentieth day of the month following each monthly period. The return shall be filed

1 on forms prescribed and furnished by the department.

2 If the person remits the tax by electronic transfer to the state, the person shall file the return  
3 by electronic means on or before the twenty-third day of the month following each monthly  
4 period and remit the tax on or before the second to the last day of the month following each  
5 monthly period.

6 The secretary may require or allow a person to file a return, and pay any tax due, on a basis  
7 other than monthly. The return and remittance is due the last day of the month following the  
8 reporting period, or at a time otherwise determined by the secretary.

9 The secretary may grant an extension of not more than five days for filing a return and  
10 remittance.

11 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return  
12 or remittance is not made on time.

13 Section 9. That § 10-46B-1.5 be repealed.

14 ~~10-46B-1.5. The secretary of revenue and regulation may require or allow a return and~~  
15 ~~remittance to be filed on a monthly, bimonthly, semiannual, or annual basis. The return and~~  
16 ~~remittance is due the last day of the month following the reporting period. For any person issued~~  
17 ~~a temporary or seasonal contractor's excise tax license, the return and remittance may be~~  
18 ~~required at a time determined by the secretary. Section 10-59-6 applies to any return and~~  
19 ~~remittance under the provisions of this section.~~

20 Section 10. That § 10-46B-7 be amended to read as follows:

21 10-46B-7. The tax imposed shall be reported and paid pursuant to ~~§10-46B-1.5~~ section 11  
22 of this Act upon the receipts received under the contract during the period.

23 Section 11. That chapter 10-46B be amended by adding thereto a NEW SECTION to read  
24 as follows:

1 Any person who holds a license issued pursuant to this chapter or who is a person whose  
2 receipts are subject to the tax imposed by this chapter shall, except as otherwise provided in this  
3 section, file a return, and pay any tax due, to the Department of Revenue and Regulation on or  
4 before the twentieth day of the month following each monthly period. The return shall be filed  
5 on forms prescribed and furnished by the department.

6 If the person remits the tax by electronic transfer to the state, the person shall file the return  
7 by electronic means on or before the twenty-third day of the month following each monthly  
8 period and remit the tax on or before the second to the last day of the month following each  
9 monthly period.

10 The secretary may require or allow a person to file a return, and pay any tax due, on a basis  
11 other than monthly. The return and remittance is due the last day of the month following the  
12 reporting period, or at a time otherwise determined by the secretary.

13 The secretary may grant an extension of not more than five days for filing a return and  
14 remittance.

15 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return  
16 or remittance is not made on time.

17 Section 12. That § 10-52A-5 be repealed.

18 ~~10-52A-5. The secretary of revenue and regulation may require or allow some returns and~~  
19 ~~remittances to be filed on a monthly, bimonthly, semiannual, or annual basis and the return and~~  
20 ~~remittance is due the last day of the month following the reporting period. For any person issued~~  
21 ~~a temporary or seasonal tax permit pursuant to chapter 10-45, the returns and remittances may~~  
22 ~~be required at a time determined by the secretary. Section 10-59-6 applies to any return and~~  
23 ~~payment made pursuant to this section.~~

24 Section 13. That chapter 10-52A be amended by adding thereto a NEW SECTION to read

1 as follows:

2 Any person who holds a license issued pursuant to this chapter or who is a person whose  
3 receipts are subject to the tax imposed by this chapter shall, except as otherwise provided in this  
4 section, file a return, and pay any tax due, to the Department of Revenue and Regulation on or  
5 before the twentieth day of the month following each monthly period. The return shall be filed  
6 on forms prescribed and furnished by the department.

7 If the person remits the tax by electronic transfer to the state, the person shall file the return  
8 by electronic means on or before the twenty-third day of the month following each monthly  
9 period and remit the tax on or before the second to the last day of the month following each  
10 monthly period.

11 The secretary may require or allow a person to file a return, and pay any tax due, on a basis  
12 other than monthly. The return and remittance is due the last day of the month following the  
13 reporting period, or at a time otherwise determined by the secretary.

14 The secretary may grant an extension of not more than five days for filing a return and  
15 remittance.

16 Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return  
17 or remittance is not made on time.

18 Section 14. That § 10-59-39 be repealed.

19 ~~— 10-59-39. Any person who holds a license issued pursuant to chapters 10-33A, 10-45, 10-~~  
20 ~~45D, 10-46A, 10-46B, or 10-52A or who is a person whose receipts are subject to the tax~~  
21 ~~imposed by chapters 10-33A, 10-45, 10-45D, 10-46A, 10-46B, or 10-52A shall, except as~~  
22 ~~otherwise provided in this section, file a return, and pay any tax due, to the Department of~~  
23 ~~Revenue and Regulation on or before the twentieth day of the month following each monthly~~  
24 ~~period. The return shall be filed on forms prescribed and furnished by the department.~~

1 ~~— If the person remits the tax by electronic transfer to the state, the person shall file the return~~  
2 ~~by electronic means on or before the twenty-third day of the month following each monthly~~  
3 ~~period and remit the tax on or before the second to the last day of the month following each~~  
4 ~~monthly period.~~

5 ~~— The secretary may require or allow a person to file a return, and pay any tax due, on a basis~~  
6 ~~other than monthly and the return and remittance is due the last day of the month following the~~  
7 ~~reporting period, or at time otherwise determined by the secretary.~~

8 ~~— The secretary of revenue and regulation may grant an extension of not more than five days~~  
9 ~~for filing a return and remittance. However, the secretary of revenue and regulation may grant~~  
10 ~~an extension for remitting the tax to a qualified business as provided in §§ 10-45-99 to 10-45-~~  
11 ~~107, inclusive, for six months.~~

12 ~~— Unless an extension is granted, penalty or interest under § 10-59-6 shall be paid if a return~~  
13 ~~or remittance is not made on time.~~

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

400N0251

HOUSE TAXATION COMMITTEE ENGROSSED NO.

**HB 1047 - 01/16/2007**

Introduced by: The Committee on Taxation at the request of the Department of Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to revise the taxation of bundled transactions involving  
2 telecommunications services and related services.

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

4 Section 1. That § 10-45-1.7 be amended to read as follows:

5 10-45-1.7. In the case of a bundled transaction ~~of that includes any of the following:~~  
6 telecommunications services, ~~if~~ ancillary services, internet access, or audio or video  
7 programming services and the charges are attributable to ~~services~~ retail sales that are taxable and  
8 ~~services~~ retail sales that are nontaxable, the portion of the price attributable to the nontaxable  
9 ~~services shall be~~ retail sales is subject to tax unless the provider can reasonably identify by  
10 reasonable and verifiable standards such portion from its books and records kept in the regular  
11 course of business ~~for other purposes.~~



# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

400N0256

HOUSE TRANSPORTATION COMMITTEE  
ENGROSSED NO. **HB 1081** - 01/16/2007

Introduced by: The Committee on Transportation at the request of the Department of  
Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions to provide that motor vehicle  
2 license plates remain with the owner of the plates.

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

4 Section 1. That § 32-5-2.3 be repealed.

5 ~~32-5-2.3. Each owner of a noncommercial motor vehicle registered before January 1, 1990,~~  
6 ~~shall, no later than March 31, 1990, renew the registration of the vehicle by payment of the~~  
7 ~~registration fee. To implement this section, the initial licensing and registration period may be~~  
8 ~~for a period varying from six months to eighteen months to comply with § 32-5-2.2. All~~  
9 ~~registration fees shall be prorated on a monthly basis.~~

10 Section 2. That § 32-5-2.4 be amended to read as follows:

11 32-5-2.4. ~~After the conversion period, all~~ All owners shall continue to renew the  
12 registrations of their vehicles during the month assigned to the first initial of their last name.  
13 Each registration fee shall be prorated on a monthly basis. All license plates or validation  
14 stickers issued on a staggered basis shall expire on the last day of the month assigned for the  
15 renewal of registration by § 32-5-2.2. If a person operates a motor vehicle without the current



1 license plate displaying the proper validation sticker he is guilty of a Class 2 misdemeanor.

2 Section 3. That section 4 of chapter 158 of the 2005 Session Laws be amended to read as  
3 follows:

4 Section 4. That § 32-5-2.5 be amended to read as follows:

5 32-5-2.5. A person who acquires a motor vehicle required to be annually registered shall,  
6 at the time of application and no later than thirty days after the date of purchase apply for a  
7 certificate of title or transfer of title, ~~renew the vehicle's registration by purchasing license plates~~  
8 ~~or validation decals which would be valid~~ register the vehicle until the appropriate month  
9 assigned to the person for renewal by § 32-5-2.2. ~~The person who acquires a vehicle that is~~  
10 ~~registered in this state shall be given credit for all full months remaining on the vehicle's~~  
11 ~~unexpired registration. This section does not apply if the vehicles are exempted from the excise~~  
12 ~~tax by § 32-5B-2.~~

13 Section 4. That section 1 of chapter 158 of the 2005 Session Laws be amended to read as  
14 follows:

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

17 If the ownership of a vehicle registered pursuant to the provisions of this chapter is  
18 transferred or assigned, ~~the registration of the vehicle expires and the transferor shall remove~~  
19 ~~the number plates from the vehicle~~ and shall receive credit for the unexpired months at the time  
20 the plates are attached to another vehicle. No refund may be issued if the plate is detached and  
21 not reattached. If the transferor fails to remove the number plates pursuant to this section, the  
22 transferor loses any credit and the plates are no longer valid. A violation of this section is guilty  
23 ~~of~~ a Class 2 misdemeanor.

24 Section 5. That section 2 of chapter 158 of the 2005 Session Laws be repealed.

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

3       ~~— A transferor pursuant to section 1 of this Act who has removed number plates from a motor~~  
4 ~~vehicle shall, within thirty days, either:~~

5       ~~— (1) — Affix the number plates to any vehicle acquired by the transferor; or~~

6       ~~— (2) — Destroy the number plates.~~

7       ~~— If the transferor affixes the number plates to any vehicle, the transferor shall register the~~  
8 ~~vehicle within thirty days.~~

9       ~~— Any violation of this section is a Class 2 misdemeanor.~~

10       Section 6. That section 3 of chapter 158 of the 2005 Session Laws be amended to read as  
11 follows:

12       Section 3. ~~If a person purchases a motor vehicle that the number plates have been removed~~  
13 ~~pursuant to section 1 of this Act, the person may operate the motor vehicle for five days from~~  
14 ~~the date of purchase without number plates if a dated notarized bill of sale is carried in the~~  
15 ~~motor vehicle. If a vehicle is sold or transferred, the seller shall provide the purchaser with a~~  
16 ~~seller's permit that shall allow for the movement of the vehicle until registered but no later than~~  
17 ~~thirty days from the date of purchase. Failure to comply with this section is a Class 2~~  
18 ~~misdemeanor.~~

19       Section 7. That § 32-5-3 be amended to read as follows:

20       32-5-3. The application required by § 32-5-2 shall also state the name of ~~the~~ each owner  
21 along with the owner's South Dakota driver license number or social security number, or, if a  
22 business, the federal employer identification number, of the motor vehicle, ~~his~~ the owner's  
23 residence post office address ~~and~~ or his the owner's business address, including county, and if  
24 in a first or second class municipality, ~~his~~ the street number, ~~and in case of a truck, truck tractor,~~

1 ~~road tractor, trailer, semitrailer, or recreational vehicle whether or not used exclusively within~~  
2 ~~the corporate limits of any municipality, and such other information as may be required by the~~  
3 ~~department.~~

4 Section 8. That § 32-5-5 be amended to read as follows:

5 32-5-5. Vehicle license fees provided by this chapter are based, except as otherwise  
6 specifically provided, upon manufacturers' weights, including accessories. If a noncommercial  
7 motor vehicle is an automobile, pickup truck, or van with a manufacturer's shipping weight,  
8 including accessories, of ten thousand pounds or less, the license fees for such a motor vehicle  
9 shall be as provided by § 32-5-6. However, if the noncommercial motor vehicle is a pickup  
10 truck that weighs more than six thousand pounds, the owner has the choice of paying the license  
11 fees pursuant to § 32-5-6 or paying the license fees based on the gross weight of the motor  
12 vehicle as provided in § 32-5-6.3. The license fees for a noncommercial motor home are as  
13 provided by § 32-5-6.1. The license fees for a motorcycle are as provided by § 32-5-9. The  
14 license fees for a snowmobile are as provided by § 32-5-9.1. The license fees for any other  
15 noncommercial motor vehicle are based on the gross weight of the motor vehicle and are as  
16 provided in § 32-5-6.3. If the department determines the actual dry weight of any model vehicle  
17 with accessories to be at variance with the manufacturers' shipping weight, the department shall  
18 certify the correct weight to be used in determining fees. These fees shall be assessed and paid  
19 annually to the county treasurer. Upon initial registration of a vehicle, the fees shall be assessed  
20 based upon the date of sale.

21 Section 9. That § 32-5-6.3 be amended to read as follows:

22 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile,  
23 pickup truck, or van licensed pursuant to § 32-5-6 shall be determined by the gross weight of  
24 the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

- 1 (1) Eight thousand pounds or less, inclusive, fifty-five dollars;
- 2 (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000  
3 pounds, inclusive, three dollars;
- 4 (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000  
5 pounds, inclusive, six dollars;
- 6 (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000  
7 pounds, inclusive, eighteen dollars;
- 8 (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000  
9 pounds, twenty-four dollars.

10 It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this  
11 section at a gross weight in excess of the gross weight for which it has been licensed. If the  
12 owner chooses to lower the registered weight, the plate shall be returned along with any  
13 validation decal and a new plate issued with the correct registered weight.

14 Section 10. That § 32-5-23 be amended to read as follows:

15 32-5-23. If a registered and licensed motor vehicle is destroyed by collision or fire, disposed  
16 of for salvage, or if rejected or condemned for use on the highways as the result of action by any  
17 inspection authority of this state, the registered owner of the current license plates thereon may  
18 remove the license plates and ~~forward them to the department to be destroyed. The owner shall~~  
19 ~~receive a refund of the regular license fee only for the fractional year involved, prorated~~  
20 ~~monthly. The refund shall be paid by the county treasurer of the county issuing the license on~~  
21 ~~order of the secretary. The refund can only be issued to the person who originally paid the~~  
22 ~~license fees for the current year~~ attach the plates to a newly acquired vehicle. Credit for the  
23 remaining months on the registration shall be given. If the plates were destroyed, the owner shall  
24 apply for a replacement set of plates for a fee of ten dollars.

1 Section 11. That § 32-5-79 be repealed.

2 ~~32-5-79. The department shall furnish all application blanks and receipt blanks necessary~~  
3 ~~for the registration of motor vehicles and on or before the thirty-first day of December of each~~  
4 ~~year shall furnish to each county treasurer, such quantity of number plates or decals as may be~~  
5 ~~deemed necessary for the subsequent calendar year.~~

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

8 At the time of sale of a vehicle, the seller shall file a report of sale with the department  
9 indicating the purchaser's name and address. Failure to file such a report is a Class 2  
10 misdemeanor.

11 Section 13. That § 32-9-3.3 be amended to read as follows:

12 32-9-3.3. The owner of any vehicle or equipment as defined by subdivision 32-9-3(7) shall,  
13 prior to the calendar year in which it is to be operated, file an application for a license with the  
14 department. The application shall be on a form prescribed and furnished by the department and  
15 shall provide the department with the information necessary to implement this section. The fee  
16 shall be twenty-five dollars and shall be apportioned on a monthly basis.

17 Section 14. That § 32-11-4.1 be amended to read as follows:

18 32-11-4.1. All funds collected for motor vehicle licenses in each county shall be distributed  
19 in the following manner:

20 (1) Fifty-four percent of all funds collected shall be transmitted to the secretary of  
21 revenue and credited to the local government highway and bridge fund;

22 (1A) Twenty-two and one-half percent shall be credited to the county road and bridge fund  
23 of the county in which they were collected;

24 (2) Fourteen percent shall be retained by the county and placed in a fund to be known as

1 the special highway fund, which shall be used for the construction, reconstruction,  
2 and maintenance of roads and bridges in the county as provided by this section and  
3 §§ 32-11-5 to 32-11-9, inclusive. If the county in which funds are collected for motor  
4 vehicle licenses has completed the construction of the county highway system, the  
5 entire amount in the special highway fund shall be used for township roads, and the  
6 board of county commissioners may direct the county auditor to pay the collected  
7 amount directly to the townships pursuant to §§ 32-11-6 and 32-11-7;

8 (3) Five percent shall be forwarded to the municipalities within the counties in the  
9 following proportions: each municipality within each county shall receive funds in  
10 the proportion which the total street mileage of each municipality bears to the total  
11 street mileage of all the municipalities within the county. The apportionment shall  
12 be made quarterly by the county commissioners at the first meeting in January, April,  
13 July, and October. In any county having no municipalities, the five percent collection  
14 shall be placed in the county road and bridge fund of the county;

15 (4) ~~Two~~ One and three-fourths percent shall be credited to the state motor vehicle fund;  
16 and

17 (5) One-fourth of one percent shall be credited to the county treasurer fund in the county  
18 in which the fees were collected to cover expenses for supplies such as toner, paper,  
19 etc.;

20 (6) Two and one-half percent shall be credited to the state license plate special revenue  
21 fund.

22 Section 15. That § 32-3-18 be amended to read as follows:

23 32-3-18. Application for a certificate of title shall be made to the secretary, upon a form  
24 prescribed by the secretary, ~~containing~~. The application shall contain a listing of all owners

1 along with either a South Dakota driver license number or social security number, or, if a  
2 business, the federal employer identification number; the address of the applicant; a full  
3 description of the vehicle with vehicle identification numbers, if any; a statement of applicant's  
4 title and all liens and encumbrances thereon; the county in which the vehicle is to be kept; and  
5 the names and addresses of the holders of all liens, title reservations, and encumbrances thereon;  
6 ~~and any other information as the secretary shall require.~~ The application shall be accompanied  
7 by a fee of five dollars. If a certificate of title has previously been issued for the motor vehicle,  
8 trailer, or semitrailer in this state, it shall be accompanied by the certificate of title duly  
9 assigned, unless provided for in this chapter.

10 Section 16. That § 32-5-97.2 be repealed.

11 ~~32-5-97.2. Electric or gas utilities as defined in chapter 49-34A or any common carrier~~  
12 ~~offering telecommunications service to the public as defined in chapter 49-31 who own straight~~  
13 ~~trucks with two or three axles, used wholly and exclusively to carry their own equipment or~~  
14 ~~property used for the construction or maintenance of their operating utility property, may apply~~  
15 ~~to the county treasurer for a decal with the word "utility" inscribed thereon. The decal shall be~~  
16 ~~placed on the license plate of the vehicle for which the application is made. The department~~  
17 ~~shall prescribe the form and size of the decal and the manner of application. The department~~  
18 ~~shall supply the decals to the county treasurer.~~

19 Section 17. That § 32-5-55 be amended to read as follows:

20 32-5-55. Any owner of a motor vehicle, who is a resident of this state, who is a regularly  
21 enlisted or commissioned member of the South Dakota National Guard, other than an inactive  
22 member thereof, and who has complied with all of the laws of this state in relation to the  
23 registration of a motor vehicle, may receive plates bearing a distinctive special number and  
24 design, and designating the person as a member or retired member of the South Dakota National

1 Guard. The number plates shall be designed by the adjutant general and subject to the approval  
2 of the department. ~~The distinctive plates shall be in addition to the regular number plates issued~~  
3 ~~for the motor vehicle pursuant to § 32-5-98.~~ The ~~distinctive~~ special plates shall be displayed as  
4 set forth in § 32-5-98 ~~and the regular number plates shall be kept on or in the motor vehicle.~~

5 Section 18. That § 32-5-56 be amended to read as follows:

6 32-5-56. Each person receiving national guard ~~distinctive~~ special number plates shall pay  
7 a ten dollar fee ~~therefor which shall be fixed by the department so as to reimburse the State of~~  
8 ~~South Dakota~~ for the cost of producing the special number plates. All fees collected under this  
9 section shall be placed in the license plate special revenue fund, as provided under § 32-5-67.

10 Section 19. That § 32-5-59 be amended to read as follows:

11 32-5-59. Each member of the South Dakota National Guard shall apply to the county  
12 treasurer of the county of ~~his~~ residence for the issuance of ~~regular~~ special number plates for the  
13 motor vehicles owned by ~~him~~ the member. The guard member, in order to receive the ~~distinctive~~  
14 special plates, shall have paid the appropriate license fee for the ~~regular number plates and~~  
15 ~~submitted the registration slip for the regular number plates to the adjutant general~~ registration  
16 of the vehicle.

17 Section 20. That § 32-5-62 be amended to read as follows:

18 32-5-62. If any member of the South Dakota National Guard is discharged, separated, or  
19 furloughed therefrom to a reserve or inactive status, the adjutant general shall, before relieving  
20 the member, require ~~him~~ the member to surrender the ~~distinctive~~ special number plates  
21 identifying him or her as a member of the South Dakota National Guard. The ~~distinctive~~ special  
22 plates shall be surrendered to the adjutant general who shall notify the secretary who shall make  
23 the necessary changes in ~~his~~ the registration file. The vehicle owner shall ~~retain the~~ obtain  
24 regular number plates issued under § 32-5-55.

1 Section 21. That § 32-5-63 be amended to read as follows:

2 32-5-63. If at any time a motor vehicle subject to the ~~distinctive~~ special number plates issued  
3 for the national guard shall be sold, conveyed, or otherwise transferred by the member or retired  
4 member of the South Dakota National Guard to whom such ~~distinctive~~ special number plates  
5 have been issued, ~~he~~ the member shall notify the ~~adjutant general~~ county treasurer of the county  
6 of residence. The ~~adjutant general~~ county shall process a new registration indicating the motor  
7 vehicle to which the ~~distinctive~~ special plates are to be transferred and send it to the department.  
8 The secretary shall make the necessary changes in the file. The department shall notify the  
9 applicant of any corrections which need to be made.

10 ~~—The regular number plates shall remain with the motor vehicle to which they were issued.~~  
11 ~~If the motor vehicle to which the distinctive plates are being transferred does not have valid~~  
12 ~~regular number license plates, the guard member shall obtain regular number license plates.~~

13 Section 22. That § 32-5-65 be amended to read as follows:

14 32-5-65. Any commercial radio station or broadcasting company that holds an unrevoked  
15 and unexpired official license issued by the federal communications commission or employees  
16 of ~~such~~ the station or company when requested and approved by the station or the company, and  
17 who are residents of this state and have complied with all the laws of this state in ~~obtaining~~  
18 ~~regular number plates for such motor vehicle~~ regards to the registration of a motor vehicle, may  
19 apply for a set of ~~distinctive~~ special plates bearing an inscription thereon of the call letters  
20 authorized for the station or company radio license by making application therefor as provided  
21 in § 32-5-66. The ~~distinctive~~ special plates are in ~~addition to~~ lieu of the regular number plates  
22 issued for the motor vehicle. The ~~distinctive~~ special plates shall be displayed as set forth in § 32-  
23 5-98 ~~and the regular number plates shall be kept on or in the motor vehicle~~. A ten dollar fee  
24 shall be charged for the ~~distinctive~~ special plates and for the renewal stickers. If the federal

1 communication commission's license is revoked, the owner shall surrender the ~~distinctive~~  
2 special license plates to the department. If the employee is no longer employed by the station  
3 or the broadcasting company, the employee shall surrender the ~~distinctive~~ special license plates  
4 to the department. The secretary shall make the necessary changes in ~~his~~ the registration file.  
5 The owner shall ~~retain the~~ obtain regular number plates. Failure to surrender the ~~distinctive~~  
6 special license plates as required by this section is a Class 2 misdemeanor.

7 Section 23. That § 32-5-65.1 be amended to read as follows:

8 32-5-65.1. Any owner of a motor vehicle who holds an unrevoked and unexpired official  
9 amateur radio license, is a resident of this state and has complied with all the laws of this state  
10 in ~~obtaining regular number plates for such motor vehicle~~ regards to the registration of a motor  
11 vehicle, may apply for a set of ~~distinctive~~ special plates bearing an inscription thereon of the call  
12 letters authorized for his amateur radio license by making application therefor as provided in  
13 § 32-5-66. The ~~distinctive~~ special plates are in ~~addition to~~ lieu of the regular number plates  
14 issued for the motor vehicle. The ~~distinctive~~ special plates shall be displayed as set forth in § 32-  
15 5-98 ~~and the regular number plates shall be kept on or in the motor vehicle~~. A ten dollar fee  
16 shall be charged for the ~~distinctive~~ special plates and for renewal stickers. If the amateur radio  
17 license is revoked, the owner shall surrender the ~~distinctive~~ special license plates to the  
18 department. The secretary shall make the necessary changes in ~~his~~ the registration file. The  
19 owner shall ~~retain the~~ obtain regular number plates. Failure to surrender the ~~distinctive~~ special  
20 license plates as required by this section is a Class 2 misdemeanor.

21 Section 24. That § 32-5-66 be repealed.

22 ~~32-5-66. Application for the special plates authorized by §§ 32-5-65 and 32-5-65.1 shall be~~  
23 ~~made in writing to the secretary, and if the applicant has met all of the requirements of law and~~  
24 ~~the rules promulgated by the secretary, special plates bearing an inscription of the applicant's~~

1 ~~radio call letters shall be furnished to the applicant.~~

2 Section 25. That § 32-5-67 be amended to read as follows:

3 32-5-67. All fees received pursuant to ~~§ 32-5-66~~ §§ 32-5-65 and 32-5-65.1 shall be credited  
4 to a fund to be known as the license plate special revenue fund. The special revenue fund shall  
5 be expended for the purchase of special plates required pursuant to this chapter and the expenses  
6 of the office incident to the issuance thereof. Disbursements from this fund shall be made by  
7 warrants drawn by the state auditor on vouchers duly approved by the secretary.

8 Section 26. That § 32-5-76 be amended to read as follows:

9 32-5-76. An owner of a motor vehicle, who is a resident of this state, who has complied with  
10 all the laws of this state in ~~obtaining regular number license plates for the motor vehicle~~ regards  
11 to the registration of a motor vehicle, and who operates or directs the operation of the vehicle,  
12 may submit to the county treasurer an application containing a physician's certificate on a form  
13 approved by the secretary, stating that the applicant is a person with a substantial physical  
14 disability that makes it impossible or causes substantial hardship to walk. The secretary shall  
15 promulgate a rule, pursuant to chapter 1-26, defining a person with a physical disability. The  
16 county treasurer shall procure, issue, and deliver to the applicant plates with letters, numbers,  
17 or symbols, or any combination thereof, as the secretary may prescribe. The plates shall be  
18 designed to readily apprise law enforcement officers of the fact that the motor vehicle is owned,  
19 operated, or used in transporting a person with a substantial disability. No charge may be made  
20 for the issuance of the ~~distinctive~~ special plates. The ~~distinctive~~ special plates shall be in  
21 ~~addition to~~ lieu of the regular number plates issued for the motor vehicle. The ~~distinctive~~ special  
22 plates shall be displayed as set forth in § 32-5-98 ~~and the regular number plates shall be kept on~~  
23 ~~or in the motor vehicle~~. If the applicant is no longer a person with a physical disability or is  
24 deceased, the ~~distinctive~~ special plates shall be surrendered within thirty days to the county

1 treasurer of the applicant's residence, and the treasurer shall notify the secretary who shall make  
2 the necessary changes in the registration file. The owner shall obtain regular number plates ~~shall~~  
3 ~~remain with the motor vehicle to which the plates were issued.~~ Failure to surrender the  
4 ~~distinctive~~ special license plates as required by this section is a Class 2 misdemeanor. It is a  
5 Class 1 misdemeanor to submit a false or fraudulent application.

6 Section 27. That § 32-5-76.3 be amended to read as follows:

7 32-5-76.3. Any nursing facility licensed pursuant to the provisions of chapter 34-12 and  
8 which has complied with all laws of this state in ~~obtaining title, license plates, and registration~~  
9 ~~for its motor vehicles~~ regards to the registration of a motor vehicle, may apply for a set of  
10 ~~distinctive~~ special plates as prescribed by § 32-5-76 permitting the operator of a vehicle  
11 transporting any person with a disability to park pursuant to § 32-30-11.1. However, the vehicle  
12 may only park for the time reasonably necessary to load or unload passengers in any space  
13 reserved for persons with disabilities. The application shall be made on a form approved by the  
14 secretary. If the department determines that the applicant is licensed as a nursing facility, the  
15 secretary shall issue and deliver a set of ~~distinctive~~ special plates to the applicant. The secretary  
16 may promulgate rules, pursuant to chapter 1-26, regarding the application for, term of, and  
17 conditions under which the ~~distinctive~~ special plates may be issued. If the applicant no longer  
18 transports persons with physical disabilities, the applicant shall surrender the ~~distinctive~~ special  
19 plates to the department within thirty days. Failure to surrender the ~~distinctive~~ special license  
20 plates as required by this section is a Class 2 misdemeanor.

21 Section 28. That § 32-5-89.2 be amended to read as follows:

22 32-5-89.2. Any owner of a motor vehicle, including a motorcycle, who is a resident of this  
23 state, and who has complied with all laws of this state in ~~obtaining regular license plates for a~~  
24 ~~motor vehicle, including a motorcycle~~ regards to the registration of a motor vehicle, may have

1 the license plates replaced by special personalized license plates which shall conform in size and  
2 color combinations as may be provided by the secretary. No personalized license plate for a  
3 motor vehicle other than a motorcycle may contain more than seven letters nor less than two  
4 letters. No personalized license plate for a motorcycle may contain more than six letters nor less  
5 than two letters. There may be no duplication of the personalized license plates issued by the  
6 secretary. The secretary may refuse to issue any letter combination which carries connotations  
7 offensive to good taste and decency.

8 Section 29. That § 32-5-89.3 be amended to read as follows:

9 32-5-89.3. Application for special personalized license plates shall be made on forms  
10 prescribed by the secretary. Upon the receipt of a properly completed application form and  
11 payment of a fee of twenty-five dollars for any motor vehicle other than a motorcycle, the  
12 department shall order the special plates. The fee for a personalized license plate for a  
13 motorcycle is twenty dollars. Upon issuance of the personalized license plates, the owner shall  
14 display the special plates on the assigned vehicle. ~~The regular plates assigned to the vehicle shall~~  
15 ~~be kept in or on the vehicle.~~

16 Personalized license plates shall be validated with ~~distinctive~~ stickers and are valid only for  
17 the registration year for which the stickers are issued. The annual fee for personalized license  
18 plate validation stickers for a motor vehicle other than a motorcycle is twenty-five dollars. The  
19 annual fee for a personalized license plate validation sticker for a motorcycle is twenty dollars.  
20 During the year originally issued, the personalized license metal plate fee includes the cost of  
21 that year's validation sticker. ~~Special personalized plates and current year validation stickers are~~  
22 ~~not in lieu of regular plates or the applicable license fees prescribed in this chapter.~~ The fees for  
23 personalized plates and validation stickers shall be credited to a fund to be known as the license  
24 plate special revenue fund.

1 Section 30. That § 32-5-89.6 be repealed.

2 ~~32-5-89.6. Any applicant issued a personalized vehicle license plate that was issued after~~  
3 ~~January 1, 1996, and before July 1, 1996, may receive a refund of license fees in the amount of~~  
4 ~~fifty dollars. Any applicant issued a personalized motorcycle license plate that was issued after~~  
5 ~~January 1, 1996, and before July 1, 1996, may receive a refund of license fees in the amount of~~  
6 ~~thirty dollars.~~

7 Section 31. That § 32-5-108 be amended to read as follows:

8 32-5-108. Any resident veteran owner of a motor vehicle who has received the United States  
9 Veterans' Administration K Award, meets the qualifications established by Public Law 187 of  
10 the Eighty-second Congress for a veteran to receive an automobile, or a veteran who has been  
11 rated as in receipt of a statutory benefit for loss or loss of use of one or more extremities, or a  
12 veteran who receives a veteran's allotment for total disability under compensation which is  
13 considered a service-connected injury, upon application to the department shall receive a set of  
14 distinct special license plates ~~in addition to a set of regular number license plates~~. The  
15 ~~distinctive~~ special plates shall be displayed as set forth in § 32-5-98 ~~and the number plates shall~~  
16 ~~be kept on or in the motor vehicle~~. The design of the license plate shall consist of a white  
17 background bordered on the left by a blue field with white stars and on the right by alternating  
18 red and white stripes. The words "Disabled Veteran" shall be inscribed on the plate in blue, in  
19 at least ten point bold type. The license plate shall be reflectorized and validated each year with  
20 a sticker in the same manner as a noncommercial license plate. License fees for the ~~distinctive~~  
21 special plates ~~and the regular number plates~~ shall be ten dollars for ~~both~~ and ten dollars for the  
22 plates and the renewal stickers. No license fee or sticker fee pursuant to § 32-5-6 may be  
23 charged to the veteran. The fees shall be deposited in the license plate special revenue fund.

24 In order to qualify for a special license plate pursuant to this section, a veteran shall, in

1 addition to meeting the qualifications established in the first paragraph, have incurred ~~his~~  
2 disabling injuries while serving the United States in active duty during a time of war or while  
3 participating in a military mission involving armed conflict. If it is determined that the veteran  
4 owner does not qualify for the ~~distinctive~~ special plates or if the veteran owner dies, the plates  
5 shall be surrendered to the county treasurer of applicant's residence. The treasurer shall notify  
6 the secretary who shall make the necessary changes in the registration file. ~~The regular number~~  
7 ~~plates shall remain with the motor vehicle to which they were issued.~~ Failure to surrender the  
8 ~~distinctive~~ special license plates as required by this section is a Class 2 misdemeanor.

9 Section 32. That § 32-5-109 be amended to read as follows:

10 32-5-109. Any resident of this state who was a prisoner of war while serving in the United  
11 States armed forces and who received an honorable discharge from the United States armed  
12 forces is eligible to apply to the secretary for special motor vehicle license plates if ~~he~~ the  
13 resident has first complied with all laws of this state ~~in obtaining standard motor vehicle license~~  
14 ~~plates.~~ Each application shall be on a form prescribed by the secretary and shall include  
15 certification of the applicant's prisoner of war status from the United States Veterans'  
16 Administration. The applicant shall pay a ten dollar fee and shall receive ~~both distinctive~~ special  
17 ~~plates and regular number plates.~~ The ~~regular number plates shall be kept on or in the motor~~  
18 ~~vehicle, and the distinctive~~ special plates shall be displayed as set forth in § 32-5-98. A fee of  
19 ten dollars shall be paid for the renewal stickers. No registration fee or sticker fee may be  
20 charged to the applicant pursuant to § 32-5-6. The fees shall be deposited into the license plate  
21 special revenue fund. Upon approval of the application, the secretary shall issue the license  
22 plates which shall be numbered consecutively, beginning with the number 1, and the number  
23 shall be preceded by the letters POW. If it is determined that an applicant does not qualify for  
24 the ~~distinctive~~ special plates or if the applicant dies, the plates shall be surrendered to the county

1 treasurer of the applicant's residence. The treasurer shall notify the secretary who shall make the  
2 necessary changes in the registration file. ~~The regular number plates shall remain with the motor~~  
3 ~~vehicle to which they were issued.~~ Failure to surrender the distinctive special license plates as  
4 required by this section is a Class 2 misdemeanor.

5 Section 33. That § 32-5-109.1 be amended to read as follows:

6 32-5-109.1. Any resident of this state who was serving in the United States armed forces and  
7 survived the attack at Pearl Harbor, Hawaii, on December 7, 1941, and who received an  
8 honorable discharge, may apply to the secretary for special motor vehicle license plates. Each  
9 application shall be on a form prescribed by the secretary and shall include such information as  
10 the secretary may require. The applicant shall pay a ten dollar fee and shall receive ~~both~~  
11 ~~distinctive special plates and regular number plates.~~ The ~~regular number plates shall be kept on~~  
12 ~~or in the motor vehicle, and the distinctive special plates shall be displayed as set forth in § 32-~~  
13 5-98. A fee of ten dollars shall be paid for the renewal stickers. No registration fee or sticker fee  
14 may be charged to the applicant pursuant to § 32-5-6. The fee shall be deposited into the license  
15 plate special revenue fund. Upon approval of the application, the secretary shall issue the license  
16 plates. The license plates shall be numbered consecutively beginning with number 1 and contain  
17 a symbol to be determined by the secretary indicating that the owner of the vehicle is a Pearl  
18 Harbor survivor. If it is determined that an applicant does not qualify for the distinctive special  
19 plates or if the applicant dies, the plates shall be surrendered to the county treasurer of the  
20 applicant's residence. The treasurer shall notify the secretary who shall make the necessary  
21 changes in the registration file. ~~The regular number plates shall remain with the motor vehicle~~  
22 ~~to which they were issued.~~

23 Section 34. That § 32-5-109.2 be amended to read as follows:

24 32-5-109.2. Any resident veteran owner of a motor vehicle who has received the Purple

1 Heart Medal may apply to the secretary to receive a maximum of two sets of ~~distinct~~ special  
2 license plates. ~~Such distinctive~~ The special license plates and the renewal stickers for the plates  
3 shall be issued only upon proof of payment of the current registration fees ~~for regular plates~~  
4 ~~issued by a county treasurer~~. The ~~distinctive~~ special plates shall be numbered consecutively  
5 beginning with number 1 and contain a symbol to be determined by the secretary indicating that  
6 the owner has received the Purple Heart Medal. The ~~distinctive~~ special plates shall be displayed  
7 as set forth in § 32-5-98 ~~and the number plates shall be kept on or in the motor vehicle~~. The  
8 ~~distinctive~~ special license plate shall be reflectorized and validated each year with a sticker in  
9 the same manner as a noncommercial license plate. No license fees may be charged for the  
10 ~~distinctive~~ special plates and its renewal stickers. If it is determined that the veteran owner does  
11 not qualify for the ~~distinctive~~ special plates or if the veteran owner dies, the plates shall be  
12 surrendered to the county treasurer of the applicant's residence. The treasurer shall notify the  
13 secretary who shall make the necessary changes in the registration file. ~~The regular number~~  
14 ~~plates shall remain with the motor vehicle to which they were issued~~. Failure to surrender the  
15 ~~distinctive~~ special license plates as required by this section is a Class 2 misdemeanor.

16 Section 35. That § 32-5-109.3 be amended to read as follows:

17 32-5-109.3. Any resident veteran owner of a motor vehicle who has received the  
18 Congressional Medal of Honor may apply to the secretary to receive a maximum of two sets of  
19 ~~distinctive~~ special license plates. The ~~distinctive~~ special plates shall be numbered and contain  
20 a symbol to be determined by the secretary indicating that the owner has received the  
21 Congressional Medal of Honor. The symbol shall include a facsimile of the medallion portion  
22 of the Congressional Medal of Honor for the branch of the armed forces in which the recipient  
23 served at the time the award was earned. The ~~distinctive~~ special plates shall be displayed as set  
24 forth in § 32-5-98 ~~and the number plates shall be kept on or in the motor vehicle~~. The ~~distinctive~~

1 special license plate shall be reflectorized and validated each year with a sticker in the same  
2 manner as a noncommercial license plate. No license fees may be charged for the ~~distinctive~~  
3 special plates and its renewal stickers, and any annual vehicle registration fees or other fees  
4 associated with the plates and renewal stickers are waived. If it is determined that the veteran  
5 owner does not qualify for the ~~distinctive~~ special plates, the plates shall be surrendered to the  
6 county treasurer of the applicant's residence. The treasurer shall notify the secretary who shall  
7 make the necessary changes in the registration file. The ~~regular number plates shall remain with~~  
8 ~~the motor vehicle to which they were issued, except that the distinctive~~ special plates may be  
9 retained by the veteran owner's family upon the veteran owner's death, but may not be displayed  
10 on the vehicle beyond the expiration of the plates or renewal stickers. Failure to surrender the  
11 ~~distinctive~~ special license plates as required by this section is a Class 2 misdemeanor.

12 Section 36. That § 32-5-109.4 be amended to read as follows:

13 32-5-109.4. An owner of a motor vehicle, who is a resident of this state, who has a valid  
14 South Dakota driver's license, and who signs an affidavit attesting to the fact that he or she is  
15 an honorably discharged veteran having served on active duty in the armed forces of the United  
16 States, may apply to the secretary to receive a set of ~~distinctive~~ special motor vehicle license  
17 plates designating the person as a veteran. If an owner of a motor vehicle falsely attests that he  
18 or she is an honorably discharged veteran having served on active duty in the armed forces of  
19 the United States, the owner is guilty of a Class 2 misdemeanor. The plate may allow for  
20 additional indication of the conflict, rank, or status of the veteran. The ~~distinctive~~ special plates  
21 shall be displayed as set forth in § 32-5-98, ~~and the number plates shall be kept on or in the~~  
22 ~~motor vehicle~~. The ~~distinctive~~ special license plate shall be reflectorized and validated each year  
23 with a sticker in the same manner as a noncommercial license plate. In addition to the  
24 noncommercial license plate fees an additional fee of ten dollars shall be charged for the

1 ~~distinctive~~ special license plates and any renewal stickers. If it is determined that the veteran  
2 owner does not qualify for the ~~distinctive~~ special plates or if the veteran owner dies, the plates  
3 shall be surrendered to the county treasurer of the applicant's residence. However, if the veteran  
4 owner dies, the ~~distinctive~~ special plates may be retained by the veteran owner's family, but may  
5 not be displayed on the vehicle beyond the expiration of the plates or renewal stickers. The  
6 treasurer shall notify the secretary who shall make the necessary changes in the registration file.  
7 ~~The noncommercial number plates shall remain with the motor vehicle to which they were~~  
8 ~~issued.~~ Failure to surrender the ~~distinctive~~ special license plates as required by this section is a  
9 Class 2 misdemeanor.

10 Section 37. That § 32-5-111 be amended to read as follows:

11 32-5-111. The secretary of revenue and regulation may promulgate rules pursuant to chapter  
12 1-26 and issue such instructions as are necessary to ensure and obtain uniformity in the  
13 administration of the provisions of this chapter. ~~Such rules may be adopted in the following~~  
14 ~~areas:~~

- 15 ~~—(1)— License plate issuance;~~
- 16 ~~—(2)— Special plate amateur radio licenses;~~
- 17 ~~—(3)— Military personnel and domestic volunteers;~~
- 18 ~~—(4)— Farm truck special licensing;~~
- 19 ~~—(5)— Personalized license plates;~~
- 20 ~~—(6)— Registration tax dealers guides for used vehicles or mobile homes, older motor~~  
21 ~~vehicles and government vehicles, title and license requirements, nonresident~~  
22 ~~reciprocity, manufacturer's price sticker, wrecked motor vehicles, leased vehicles,~~  
23 ~~and homemade vehicles.~~

24 All local officials charged with the administration of the provisions of this chapter are

1 governed in their official acts by the rules promulgated by the secretary.

2 Section 38. That § 32-5-113 be amended to read as follows:

3 32-5-113. Any owner of a motor vehicle, who is a resident of this state, who is a firefighter  
4 and who has complied with all of the laws of this state in relation to the registration of a motor  
5 vehicle, may receive plates bearing a ~~distinctive~~ special number and design, and designating  
6 ~~such~~ the person as a firefighter. ~~Such~~ The number plates shall be designed by the fire marshal  
7 and subject to the approval of the Department of Revenue and Regulation. ~~The distinctive plates~~  
8 ~~shall be in addition to the regular number plates issued for the motor vehicle pursuant to § 32-5-~~  
9 ~~98. The distinctive special plates shall be displayed as set forth in § 32-5-98 and the regular~~  
10 ~~number plates shall be kept on or in the motor vehicle.~~

11 Section 39. That § 32-5-114 be amended to read as follows:

12 32-5-114. Each person receiving firefighter ~~distinctive~~ special number plates shall pay a ten  
13 dollar fee ~~therefor~~ which shall be fixed by the Department of Revenue and Regulation so as to  
14 reimburse the State of South Dakota for the cost of producing such special number plates and  
15 decals. All fees collected under this section shall be placed in the license plate special revenue  
16 fund, as provided under § 32-5-67.

17 Section 40. That § 32-5-116 be amended to read as follows:

18 32-5-116. Any firefighter desiring ~~distinctive~~ special license plates authorized by § 32-5-113  
19 for use during the next year shall make application to the Department of Revenue and  
20 Regulation specifying the number of vehicles to be licensed, ~~his~~ the firefighter's name, and the  
21 county of ~~his~~ residence. The department shall notify the manufacturer of the number of special  
22 number plates required in sufficient time that ~~such distinctive~~ the plates may be produced and  
23 sent to the department.

24 Section 41. That § 32-5-117 be repealed.

1 ~~32-5-117. Each firefighter requesting such special number plates shall be issued a certificate~~  
2 ~~showing his county of residence and the number of vehicles upon which such special plates are~~  
3 ~~to be used. Such certificate shall bear the signature of the secretary of revenue and regulation~~  
4 ~~, and shall be in such form as the Department of Revenue and Regulation provides.~~

5 Section 42. That § 32-5-118 be amended to read as follows:

6 32-5-118. Each firefighter shall apply to the county treasurer of the county of ~~his~~ the  
7 firefighter's residence for the issuance of ~~regular~~ special number plates for the motor vehicles  
8 owned by ~~him~~ the firefighter. The firefighter, in order to receive the ~~distinctive~~ special plates,  
9 shall have paid the registration fee for the ~~regular number~~ plates and submitted the registration  
10 slip for the regular number plates to the Department of Revenue and Regulation.

11 Section 43. That § 32-5-120 be amended to read as follows:

12 32-5-120. ~~Whenever~~If any firefighter is discharged, separated, or retires ~~he~~, the firefighter  
13 shall surrender the ~~distinctive~~ special number plates identifying him or her as a firefighter. The  
14 ~~distinctive~~ special plates shall be surrendered to the secretary of revenue and regulation who  
15 shall make the necessary changes in ~~his~~ the registration file. The firefighter shall ~~retain~~ the  
16 obtain regular number plates issued under § 32-5-113.

17 Section 44. That § 32-5-121 be amended to read as follows:

18 32-5-121. If at any time a motor vehicle subject to the ~~distinctive~~ special number plates  
19 issued for the firefighter shall be sold, conveyed, or otherwise transferred by the firefighter to  
20 whom ~~such distinctive~~ the special number plates have been issued, ~~he~~ the firefighter shall notify  
21 the Department of Revenue and Regulation . The Department of Revenue and Regulation shall  
22 process a new registration indicating the motor vehicle to which the ~~distinctive~~ special plates  
23 are to be transferred. The secretary shall make the necessary changes in the file. The department  
24 shall notify the applicant of any corrections which need to be made.

1 ~~—The regular number plates shall remain with the motor vehicle to which they were issued.~~  
2 ~~If the motor vehicle to which the distinctive plates are being transferred does not have valid~~  
3 ~~regular number license plates, the firefighter shall obtain regular number license plates.~~

4 Section 45. That § 32-5-122 be amended to read as follows:

5 32-5-122. All statutes of this state relating to the registration of motor vehicles, and the  
6 titling and licensing of motor vehicles, the fees for registering, titling, and licensing of motor  
7 vehicles, and the retention of plates from year to year shall be applicable to firefighters and the  
8 ~~distinctive~~ special plates issued in conformity with § 32-5-113.

9 Section 46. That § 32-5-123 be amended to read as follows:

10 32-5-123. Any owner of a motor vehicle who is a resident of this state and who has  
11 complied with all of the laws of this state in relation to the registration of a motor vehicle may  
12 receive plates bearing a ~~distinctive~~ special design identifying an Indian tribe located within the  
13 state. ~~Such~~ The special license plates shall be issued only upon proof of payment of the current  
14 registration fees ~~for regular plates issued by a county treasurer of this state.~~ The ~~distinctive~~  
15 special plates shall be in ~~addition to~~ lieu of the regular number plates issued for the motor  
16 vehicle pursuant to § 32-5-98. ~~The distinctive plates shall be displayed as set forth in § 32-5-98~~  
17 ~~and the regular number plates shall be kept on or in the motor vehicle.~~ Annual renewal of these  
18 special plates shall be in accordance with the general provisions of this chapter.

19 Section 47. That § 32-5-124 be amended to read as follows:

20 32-5-124. A ten dollar administrative fee shall be charged for the ~~distinctive~~ special plates  
21 and deposited into the treasury of the designated tribe to be used for the maintenance,  
22 construction, and supervision of tribal highways and bridges.

23 Section 48. That § 32-5-141 be repealed.

24 ~~—32-5-141. If, before April 1, 2000, an applicant requests a refund of the fifteen dollar~~

- 1 ~~temporary permit fee, the department shall authorize the refund upon receipt of the request, the~~
- 2 ~~temporary permit, and a copy of the registration.~~