

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0231

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1013** - 01/24/2007

Introduced by: The Committee on State Affairs at the request of the Bureau of Administration

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the standards for fire-
2 resistant state buildings.

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

4 Section 1. That § 5-14-11 be amended to read as follows:

5 5-14-11. ~~It is a Class 6 felony for any board or person to design, construct, or use any No~~
6 state building may be designed or constructed for the permanent housing of human beings that
7 is not fire resistant. This section does not apply to the use of buildings constructed or renovated
8 prior to July 1, ~~1993~~ 2007, or to one-family or two-family dwellings used for employees'
9 housing at institutions under the control of the executive branch or the Board of Regents.

10 A fire resistant building within the meaning of this section is a building with appropriate fire
11 detection devices as approved by the Department of Public Safety and constructed in
12 compliance with the provisions of the ~~Uniform~~ International Building Code utilizing fire
13 resistive construction throughout and equipped with an automatic fire-extinguishing system. The
14 ~~bureau of administration~~ Bureau of Administration shall promulgate rules pursuant to chapter
15 1-26 to establish the edition of the ~~Uniform~~ International Building Code which would be



1 applicable to this section. Nothing in this section prevents the application of more restrictive
2 conditions by individual agencies. The ~~bureau of administration~~ Bureau of Administration shall
3 identify those buildings which are subject to this section and make all determinations of
4 compliance with these requirements.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0335

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1073 - 01/24/2007

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney
General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding identification and
2 recording for products containing pseudoephedrine or ephedrine.

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

4 Section 1. That § 34-20D-8 be amended to read as follows:

5 34-20D-8. If offering for sale a product containing pseudoephedrine or ephedrine as an
6 active ingredient, a retailer shall, before making such a sale, require and make a record of the
7 identification of the person purchasing the product containing pseudoephedrine or ephedrine.
8 For purposes of this section, the term, identification, means a document issued by a
9 governmental agency which contains a description of the person or a photograph of the person,
10 or both, and gives the person's date of birth, such as a driver's license, passport, or military
11 identification card. The retailer shall maintain the record of identification, including the
12 purchaser's name and date of birth. ~~On August 1, 2006, and no later than the fifth day of every~~
13 ~~month thereafter, the retailer shall send any such records to the Office of the Attorney General,~~
14 for two years, after which the record may be destroyed. No retailer may use or maintain the
15 record for any private or commercial purpose or disclose the record to any person, except as



- 1 authorized by law. The retailer shall disclose the record, upon request, to a law enforcement
- 2 agency for a law enforcement purpose.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0256

SENATE ENGROSSED NO. **HB 1081** - 01/29/2007

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.~~

3 Section 49. This Act is effective on July 1, 2008.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

625N0462

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1108 - 01/29/2007

Introduced by: Representatives Van Etten, Buckingham, Dreyer, Elliott, Faehn, Gilson, Glenski, Halverson, Hanks, Haverly, Hills, Howie, Kirkeby, Lust, McLaughlin, Miles, Moore, Novstrup (Al), Novstrup (David), Nygaard, Olson (Ryan), Pederson (Gordon), Peters, Rausch, Rhoden, Steele, Street, Thompson, Turbiville, Vehle, and Weems and Senators McCracken, Gant, Hanson (Gary), Hundstad, Napoli, Schmidt, and Smidt

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding when and by whom
2 chemical dependency evaluations occur after a conviction of driving while under the
3 influence of drugs or alcohol.

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

5 Section 1. That § 32-23-2.1 be amended to read as follows:

6 32-23-2.1. Any person convicted of a first offense pursuant to § 32-23-1 with a 0.17 percent
7 or more by weight of alcohol in the person's blood shall, in addition to the penalties provided
8 in § 32-23-2, be required to undergo a court-ordered evaluation by a chemical dependency
9 counselor as defined in § 34-20A-2 or a licensed or certified health care professional with
10 specialized training in chemical dependency evaluation to determine if the defendant is
11 chemically dependent. The cost of such evaluation shall be paid by the defendant. The
12 recommendations of the evaluation shall be provided to the referring judge.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0313

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **SB 11** - 01/25/2007

Introduced by: The Committee on Transportation at the request of the Department of Public Safety

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the licensing of
2 commercial drivers.

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

4 Section 1. That § 32-12A-1 be amended to read as follows:

5 32-12A-1. Terms used in this chapter mean:

- 6 (1) "Alcohol," any substance containing any form of alcohol;
- 7 (2) "Commercial driver license," or "CDL," a license issued in accordance with the
8 requirements of this chapter to an individual that authorizes the individual to drive
9 a class of commercial motor vehicle;
- 10 (3) "Commercial driver license information system," or "CDLIS," the information system
11 established pursuant to the Commercial Motor Vehicle Safety Act (CMVSA) to serve
12 as a clearinghouse for locating information related to the licensing and identification
13 of commercial motor vehicle drivers;
- 14 (4) "Commercial driver instruction permit," a permit issued pursuant to § 32-12A-12;
- 15 (5) "Commercial motor vehicle," a motor vehicle designed or used to transport



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- passengers or property:
- (a) If the vehicle has a gross combination weight rating of twenty-six thousand one pounds or more and the towed unit has a gross vehicle weight rating of more than ten thousand pounds;
 - (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more pounds;
 - (c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or
 - (d) If the vehicle is of any size and is used in the transportation of hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, Subpart F, as amended through January 1, ~~2005~~ 2007;
- (6) "Controlled substance," any substance so classified under section 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)), and includes all substances listed on Schedules I through V, of 21 C.F.R. Part 1308, inclusive, as amended through January 1, ~~2005~~ 2007;
- (7) "Conviction," an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated;
- (8) "Department," the Department of Public Safety;
- (9) "Disqualification," any of the following actions:

- 1 (a) The suspension, revocation, or cancellation of a CDL by the state or
2 jurisdiction of issuance;
- 3 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle
4 by a state or other jurisdiction as the result of a violation of state or local law
5 relating to motor vehicle traffic control (other than parking, vehicle weight, or
6 vehicle defect violations); or
- 7 (c) A determination by the Federal Motor Carrier Safety Administration that a
8 person is not qualified to operate a commercial motor vehicle;
- 9 (10) "Domicile," the state where a person has that person's true, fixed, and permanent
10 home and principal residence and to which that person has the intention of returning
11 whenever that person is absent;
- 12 (11) "Drive," to drive, operate, or be in actual physical control of a motor vehicle;
- 13 (12) "Driver," any person who drives, operates, or is in actual physical control of a
14 commercial motor vehicle, or who is required to hold a commercial driver license;
- 15 (13) "Employer," any person, including the United States, a state, or a political
16 subdivision of a state, who owns or leases a commercial motor vehicle, or assigns a
17 person to drive a commercial motor vehicle;
- 18 (14) "Endorsement," an authorization to a person's CDL required to permit the person to
19 operate certain types of commercial motor vehicles;
- 20 (15) "Fatality," the death of a person as the result of a motor vehicle accident;
- 21 (16) "Felony," any offense under state or federal law that is punishable by death or
22 imprisonment for a term exceeding one year;
- 23 (17) "Foreign jurisdiction," any jurisdiction other than a state of the United States;
- 24 (18) "Gross combination weight rating" or "GCWR," the value specified by the

1 manufacturer as the loaded weight of a combination (articulated) vehicle. In the
2 absence of a value specified by the manufacturer, GCWR shall be determined by
3 adding the GVWR of the power unit and the total weight of the towed unit and any
4 load thereon;

5 (19) "Gross vehicle weight rating," or "GVWR," the value specified by the manufacturer
6 as the loaded weight of a single vehicle;

7 (20) "Hazardous materials," ~~the same as that found in Section 103 of the Hazardous~~
8 ~~Materials Transportation Act (49 App. U.S.C. § 1801 et seq.)~~ any material that has
9 been designated as hazardous under 49 U.S.C. 5103 as amended through January 1,
10 2007 and is required to be placarded under subpart F of 49 CFR part 172 or any
11 quantity of a material listed as a select agent or toxin in 42 CFR part 73, as amended
12 through January 1, 2005 2007;

13 (21) "Imminent hazard," the existence of a condition that presents a substantial likelihood
14 that death, serious illness, severe personal injury, or a substantial endangerment to
15 health, property, or the environment may occur before the reasonably foreseeable
16 completion date of a formal proceeding begun to lessen the risk of that death, illness,
17 injury, or endangerment;

18 (22) "Motor vehicle," a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn
19 by mechanical power, used on highways, but does not include any vehicle, machine,
20 tractor, trailer, or semitrailer operated exclusively on a rail;

21 (23) "Noncommercial motor vehicle," a motor vehicle or combination of motor vehicles
22 not defined as a commercial motor vehicle;

23 (24) "Nonresident CDL," a commercial driver license issued by a state to a person who
24 resides in a foreign jurisdiction or a person domiciled in another state that is

1 prohibited from issuing commercial driver licenses by the Federal Motor Carrier
2 Safety Administration;

3 (25) "Notice of final administrative decision," a determination rendered by an agency of
4 competent jurisdiction when all avenues of appeal have been exhausted or time to
5 appeal has elapsed;

6 (26) "Operator's license," any license issued by a state to a person which authorizes the
7 person full privileges to drive a motor vehicle;

8 (27) "Out-of-service order," an out-of- service order as defined by 49 C.F.R. part 390.5,
9 as of January 1, ~~2005~~ 2007;

10 (28) "Recreational vehicle," a vehicle which is self-propelled or permanently towable by
11 a light duty truck and designed primarily not for use as a permanent dwelling but as
12 temporary living quarters for recreational, camping, travel, or seasonal use;

13 (29) "School bus," any motor vehicle that is used to transport sixteen or more passengers,
14 including the driver, and is used to transport pre-primary, primary, or secondary
15 school students from home to school, from school to home, or to and from school-
16 sponsored events. School bus does not include a bus used as a common carrier;

17 (30) "Serious traffic violation," a conviction of:

18 (a) Excessive speeding, involving a single charge of any speed fifteen miles per
19 hour or more, above the posted speed limit, in violation of chapter 32-25;

20 (b) Reckless driving, in violation of § 32-24-1;

21 (c) Careless driving, in violation of § 32-24-8;

22 (d) Improper or erratic traffic lane changes, in violation of § 32-26-6;

23 (e) Following the vehicle ahead too closely, in violation of § 32-26-40;

24 (f) A violation of any state or local law related to motor vehicle traffic control,

- 1 other than a parking violation, arising in connection with a fatal accident;
- 2 (g) Failure to stop or yield, in violation of §§ 32-29-2.1, 32-29-2.2, 32-29-3, and
- 3 32-29-4;
- 4 (h) Failure to stop or slow vehicle for a school bus, in violation of § 32-32-6;
- 5 (i) Eluding a police vehicle, in violation of § 32-33-18;
- 6 (j) Overtaking or passing another vehicle, in violation of §§ 32-26-26, 32-26-27,
- 7 32-26-28, 32-26-34, 32-26-35, 32-26-36, and 32-26-37;
- 8 (k) Driving a commercial motor vehicle without obtaining a commercial driver
- 9 license, in violation of § 32-12A-6;
- 10 (l) Driving a commercial motor vehicle without a commercial driver license in
- 11 the driver's possession in violation of § 32-12A-6. Any person who provides
- 12 proof to the court or to the enforcement authority that issued the citation, by
- 13 the date the person was required to appear in court or to pay a fine for the
- 14 violation, that the person held a valid commercial driver license on the date the
- 15 citation was issued, is not guilty of a serious traffic violation; or
- 16 (m) Driving a commercial motor vehicle without the proper class of commercial
- 17 driver license or endorsement, or both, for the specific vehicle group being
- 18 operated or for the passengers or type of cargo being transported in violation
- 19 of § 32-12A-6;

20 (31) "State," a state of the United States and the District of Columbia;

21 (32) "United States," the fifty states and the District of Columbia.

22 Section 2. That § 32-12A-7 be amended to read as follows:

23 32-12A-7. Each commercial motor vehicle driver shall meet the minimum standards and

24 qualifications established under this chapter and in accordance with 49 C.F.R. subpart 383.23

1 as amended through January 1, ~~2005~~ 2007. Each commercial motor vehicle driver shall obtain
2 a commercial driver license.

3 Section 3. That § 32-12A-9 be amended to read as follows:

4 32-12A-9. The following are exempt from the provisions of this chapter:

5 (1) Operators involved in farm to market transportation movements, at least sixteen years
6 of age holding a valid operator's license, limited to those operators of a farm vehicle:

7 (a) Controlled and operated by a farmer;

8 (b) Used to transport either agricultural products, farm machinery or farm supplies
9 to or from a farm; and

10 (c) Not used in the operations of a common or contract motor carrier;

11 (2) Operators of emergency fire fighting equipment necessary to the preservation of life
12 or property or the execution of emergency governmental functions performed under
13 emergency conditions that are not subject to normal traffic regulation, or
14 nonemergency conditions when operated by members of a fire fighting agency;

15 (3) Operators of ~~military~~ commercial motor vehicles for military purposes including:

16 (a) Active duty military personnel;

17 (b) Members of the military reserves;

18 (c) Members of the national guard on active duty, including personnel on full-
19 time national guard duty, personnel on part-time national guard training and
20 national guard military technicians (civilians who are required to wear military
21 uniforms); and

22 (d) Active duty U.S. Coast Guard personnel;

23 (4) Operators of recreational vehicles; and

24 (5) Operators of rental transporting equipment used as personal family use vehicles.

1 United States reserve technicians are not exempt under the provisions of subdivision (3) of
2 this section.

3 Section 4. That § 32-12A-11 be amended to read as follows:

4 32-12A-11. No person may be issued a commercial driver license unless that person is a
5 resident of this state, has passed a knowledge and skills test for driving a commercial motor
6 vehicle that complies with the minimum federal standards established by federal regulation
7 enumerated in 49 C.F.R. Part 383, Subparts G and H as amended through January 1, ~~2005~~2007,
8 and has satisfied all other requirements of the CMVSA in addition to other requirements
9 imposed by state law or federal regulation. The tests shall be prescribed and conducted by the
10 department.

11 The department may authorize a person, an employer, a private driver training facility, other
12 private institution, a department, agency, or instrumentality of local government, of this state
13 or another state, to administer the skills test specified by this section, if:

14 (1) The test is the same which would otherwise be administered by the department; and

15 (2) The third party has entered into an agreement with the department that complies with
16 requirements of 49 C.F.R. Part 383.75 as amended through January 1, ~~2005~~2007.

17 Failure to comply with agreement may result in termination of the agreement.

18 The department may waive the skills test specified in this section for a commercial driver
19 license applicant who meets the requirements of 49 C.F.R. Part 383.77 as amended through
20 January 1, ~~2005~~ 2007.

21 No commercial driver license or commercial driver instruction permit may be issued to a
22 person while the person is subject to a disqualification from driving a commercial motor
23 vehicle, or while the person's operator's license or driving privilege is suspended, revoked, or
24 cancelled in any state; nor may a commercial driver license be issued to a person who has a

1 commercial driver license, noncommercial driver license, noncommercial instruction permit or
2 commercial driver instruction permit issued by any other state unless the person first surrenders
3 all such licenses or permits, which shall be destroyed by the department. The issuing jurisdiction
4 shall be notified that the licensee has applied for a commercial driver license or commercial
5 driver instruction permit in a new jurisdiction. A violation of this provision is a Class 2
6 misdemeanor.

7 Section 5. That § 32-12A-13 be amended to read as follows:

8 32-12A-13. The department may issue a nonresident CDL to:

- 9 (1) A person who is domiciled in a foreign jurisdiction whose commercial motor vehicle
10 testing and licensing standards, as determined by the administrator of the Federal
11 Motor Carrier Safety Administration, do not meet the testing standards established
12 in 49 C.F.R. Part 383 as amended through January 1, ~~2005~~ 2007;
- 13 (2) A person who is domiciled in a state whose commercial driver licensing program has
14 been decertified by the administrator of the Federal motor Carrier Safety
15 Administration.

16 The word^u, nonresident^u, shall appear on the face of the nonresident CDL. An applicant
17 shall surrender any nonresident CDL issued by another state. The holder of a nonresident CDL
18 is subject to the same disqualifications and conditions applicable to a commercial driver license
19 issued to a person domiciled in this state.

20 Section 6. That § 32-12A-14 be amended to read as follows:

21 32-12A-14. The application for a commercial driver license or commercial instruction
22 permit, shall include the following:

- 23 (1) The full legal name and current mailing and residential address of the applicant;
- 24 (2) A physical description of the applicant including sex, height, weight and eye color;

- 1 (3) Date of birth;
- 2 (4) The applicant's social security number;
- 3 (5) The applicant's signature;
- 4 (6) The applicant's color photograph;
- 5 (7) Certifications including those required by 49 C.F.R. Part 383.71(a) as amended
- 6 through January 1, ~~2005~~ 2007;
- 7 (8) A consent to release driving record information ; and
- 8 (9) The names of all states where the applicant has previously been licensed to drive any
- 9 type of motor vehicle during the ten-year period immediately preceding the date of
- 10 the application.

11 Section 7. That § 32-12A-21 be amended to read as follows:

12 32-12A-21. The holder of a valid commercial driver license may drive any vehicle in the

13 class for which that license is issued, and any lesser class of vehicle, except a motorcycle. No

14 person may drive a vehicle requiring an endorsement unless the proper corresponding

15 endorsement appears on that person's commercial driver license. A commercial driver license

16 may be issued with the following classifications:

- 17 (1) Class A Combination Vehicle. Any combination of commercial motor vehicles and
- 18 towed vehicles with a gross vehicle weight rating of twenty-six thousand one or more
- 19 pounds if the gross vehicle weight rating of the vehicles being towed are in excess
- 20 of ten thousand pounds. This class includes:
 - 21 (a) Any vehicle designed to transport sixteen or more passengers, including the
 - 22 driver; and
 - 23 (b) Any vehicle used in the transportation of hazardous materials that require the
 - 24 vehicle to be placarded under 49 C.F.R. Part 172, Subpart F, as amended

1 through January 1, ~~1993~~ 2007;

2 (2) Class B Heavy Straight Vehicle. Any single commercial motor vehicle with a gross
3 vehicle weight rating of twenty-six thousand one or more pounds or any such
4 commercial motor vehicle towing a vehicle with a gross weight rating not exceeding
5 ten thousand pounds. This class includes:

6 (a) Any vehicle designed to transport sixteen or more passengers, including the
7 driver; and

8 (b) Any vehicle used in the transportation of hazardous materials which require
9 the vehicle to be placarded under 49 C.F.R. Part 172, Subpart F, as amended
10 through January 1, ~~1993~~ 2007;

11 (3) Class C Small Vehicle. Any single vehicle, or combination of vehicles, that meet
12 neither the definition of class A nor that of class B as contained in this section. This
13 class includes any vehicle designed to transport sixteen or more passengers, including
14 the driver, or is used in the transportation of hazardous materials which require the
15 vehicle to be placarded under 49 C.F.R. Part 172, Subpart F, as amended through
16 January 1, ~~1993~~ 2007.

17 Section 8. That § 32-12A-24 be amended to read as follows:

18 32-12A-24. No person under the age of eighteen may receive an endorsement on a
19 commercial driver license to drive a school bus. Any school bus endorsed driver operating with
20 an intrastate restriction shall meet all requirements of 49 C.F.R. Part 391 Subpart E as amended
21 through January 1, ~~2005~~ 2007, in the area of physical qualifications.

22 Section 9. That § 32-12A-41 be amended to read as follows:

23 32-12A-41. Any person is disqualified from driving a commercial motor vehicle for not less
24 than one hundred twenty days if convicted within a three-year period of three serious traffic

1 violations committed while operating a commercial motor vehicle. Any person is disqualified
2 from driving a commercial motor vehicle for a period of not less than one hundred twenty days
3 if convicted within a three-year period of three serious traffic violations committed while
4 operating a noncommercial motor vehicle and any of these convictions result in the revocation,
5 cancellation, or suspension of the CDL holder's license or noncommercial driving privileges.
6 Any disqualification period imposed under this section shall be in addition to any other previous
7 period of disqualification.

8 Section 10. That § 32-12A-48 be amended to read as follows:

9 32-12A-48. The secretary of the Department of Public Safety may promulgate rules,
10 pursuant to chapter 1-26, in the following areas:

- 11 (1) Definitions;
- 12 (2) Commercial driver license waivers;
- 13 (3) Single license requirement;
- 14 (4) Notification requirements and employer responsibilities;
- 15 (5) Federal disqualifications and penalties;
- 16 (6) Testing and licensing procedures;
- 17 (7) Vehicle groups and endorsements;
- 18 (8) Required knowledge and skills;
- 19 (9) Tests;
- 20 (10) Background check requirements;
- 21 (11) Commercial driver license document; and
- 22 (12) Other rules necessary to implement the provisions of C.F.R. 49, Chapter 3,
23 Subchapter B, parts 383, 384, 390, 391, and 392, inclusive, as amended through
24 January 1, ~~2005~~ 2007.

1 Section 11. That § 32-12A-50 be amended to read as follows:

2 32-12A-50. Notwithstanding any law to the contrary, a person may drive a commercial
3 motor vehicle in this state if the person has a valid commercial driver license or commercial
4 driver license instruction permit issued by any state or province or territory of Canada or if the
5 person has a valid licencia federal de conductor (federal license of driver) issued by Mexico in
6 accordance with the minimum federal standards for the issuance of commercial motor vehicle
7 driving licenses, if the person is not suspended, revoked, or cancelled, and if the person is not
8 disqualified from driving a commercial motor vehicle, or subject to an out-of-service order. The
9 department shall give any out-of-state conviction full faith and credit and treat it, for sanctioning
10 purposes under this chapter, as if it had occurred in this state.

11 Section 12. That § 32-12A-52 be amended to read as follows:

12 32-12A-52. Any person is disqualified from driving a commercial motor vehicle for a period
13 of ninety days if convicted of a first violation of an out-of-service order.

14 If a violation of an out-of-service order pursuant to this section occurred while transporting
15 hazardous materials required to be placarded under ~~the Hazardous Materials Transportation Act~~
16 ~~(49 U.S.C. app. 1801-1813 as of January 1, 1996)~~ 49 C.F.R. Part 172, Subpart F, as amended
17 through January 1, 2007, or while operating a motor vehicle designed to transport more than
18 sixteen passengers, including the driver, the operator is disqualified for a period of one hundred
19 eighty days.

20 Section 13. That § 32-12A-53 be amended to read as follows:

21 32-12A-53. Any person is disqualified from driving a commercial motor vehicle for a period
22 of one year if convicted of two violations of out-of-service orders in separate incidents during
23 a ten-year period.

24 If the violations of out-of-service orders pursuant to this section occurred while transporting

1 hazardous materials required to be placarded under ~~the Hazardous Materials Transportation Act~~
2 ~~(49 U.S.C. app. 1801-1813 as of January 1, 1996)~~ 49 C.F.R. Part 172, Subpart F, as amended
3 through January 1, 2007, or while operating a motor vehicle designed to transport more than
4 sixteen passengers, including the driver, the operator is disqualified for a period of three years.

5 Section 14. That § 32-12A-54 be amended to read as follows:

6 32-12A-54. Any person is disqualified from driving a commercial motor vehicle for a period
7 of three years if convicted of three or more violations of out-of-service orders in separate
8 incidents during a ten-year period.

9 If the violations of out-of-service orders pursuant to this section occurred while transporting
10 hazardous materials required to be placarded under ~~the Hazardous Materials Transportation Act~~
11 ~~(49 U.S.C. app. 1801-1813 as of January 1, 1996)~~ 49 C.F.R. Part 172, Subpart F, as amended
12 through January 1, 2007, or while operating a motor vehicle designed to transport more than
13 sixteen passengers, including the driver, the operator is disqualified for a period of five years.

14 Section 15. That § 32-12A-58 be amended to read as follows:

15 32-12A-58. The state hereby adopts Title 49 of the Code of Federal Regulations, chapter 3,
16 subpart B, parts 383 and 384, inclusive, June 17, 1994, as amended through January 1, ~~2005~~
17 2007.

18 Section 16. That § 32-12A-60 be amended to read as follows:

19 32-12A-60. Any person is disqualified from driving a commercial motor vehicle for a period
20 of one hundred twenty days if convicted during any three-year period, while driving a
21 commercial motor vehicle, of a second ~~violation~~ conviction or any combination of convictions
22 of § 32-29-4, 32-29-5, 32-29-7, 32-29-8, or 32-29-9 in separate incidents.

23 Section 17. That § 32-12A-61 be amended to read as follows:

24 32-12A-61. Any person is disqualified from driving a commercial motor vehicle for a period

1 of one year if convicted during any three-year period, while driving a commercial motor vehicle,
2 of a third or subsequent ~~violation~~ conviction or any combination of convictions of § 32-29-4,
3 32-29-5, 32-29-7, 32-29-8, or 32-29-9 in separate incidents.

4 Section 18. That § 32-12A-62 be amended to read as follows:

5 32-12A-62. Any disqualification imposed in accordance with the provisions of 49 CFR part
6 383.52 as amended through January 1, ~~2005~~ 2007, relating to notification from the Federal
7 Motor Carrier Safety Administration that the driver is disqualified from driving a commercial
8 motor vehicle and is determined to constitute an imminent hazard becomes a part of the driver's
9 record maintained by the department.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0240

SENATE HEALTH AND HUMAN SERVICES COMMITTEE ENGROSSED NO. **SB 18** - 01/22/2007

Introduced by: The Committee on Health and Human Services at the request of the Board of
Chiropractic Examiners

1 FOR AN ACT ENTITLED, An Act to revise the chiropractic scope of practice.

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

3 Section 1. That § 36-5-1 be amended to read as follows:

4 36-5-1. Chiropractic is ~~hereby defined to be~~ the science of locating and removing the cause
5 of any abnormal transmission of nerve energy including diagnostic and ~~externally~~ applied
6 mechanical measures incident thereto. ~~Chiropractors shall not be entitled to~~ Integral to
7 chiropractic is the treating of specific joints and articulations of the body and adjacent tissues,
8 to influence joints or neurophysiological functions of the body, or both, including the use of
9 examination and treatment by manipulation, adjustment, and mobilization of a joint. No
10 chiropractor may practice obstetrics or treat communicable diseases. ~~The requirements of this~~
11 section do not apply to those licensed pursuant to chapter 36-4.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0211 **SENATE STATE AFFAIRS COMMITTEE ENGROSSED**
NO. SB 22 - 01/12/2007

Introduced by: The Committee on State Affairs at the request of the Public Utilities
Commission

1 FOR AN ACT ENTITLED, An Act to prohibit the filing of tariffs for certain
2 telecommunications services and to impose certain requirements regarding the availability
3 of telecommunications services information.

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

5 Section 1. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Unless exempted from filing by § 49-31-5.1, a telecommunications company shall file tariffs
8 only for emerging and noncompetitive telecommunications services. No other
9 telecommunications services may be tariffed.

10 Section 2. That chapter 49-31 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 A telecommunications company shall make available to any person, in at least one location,
13 during regular business hours, information concerning its current rates, terms, and conditions
14 for all of its telecommunications services. The information shall be made available in an easy
15 to understand format and in a timely manner. Following an inquiry or complaint from a person



1 concerning a rate, term, or condition for a telecommunications service, a telecommunications
2 company shall specify that such information is available and the manner in which the person
3 may obtain the information. A telecommunications company shall notify a customer of any
4 materially adverse change to any rate, term, or condition of any telecommunications service
5 being provided to the customer. The notification shall be made at least thirty days in advance
6 of the change.

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0306

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

SB 39 - 01/29/2007

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

1 FOR AN ACT ENTITLED, An Act to provide claims information to commercial property
2 casualty insureds.

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

4 Section 1. That chapter 58-12 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any carrier who is or has provided commercial property casualty coverage in this state shall
7 provide, at the written request of the insured, annual reports of the claims experience of that
8 insured for the immediate past policy period and for any time frames which are not in excess
9 of three years prior to the policy period for which the request was made. A carrier is not required
10 to provide any claim information that pertains to a prior carrier's experience with that insured.
11 The claims report shall be in sufficient detail so as to provide the insured with data sufficient
12 to assess the insured's future commercial property casualty insurance needs. The director may
13 promulgate rules pursuant to chapter 1-26 regarding the content and time frames for the annual
14 reports.



State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

400N0382

SENATE ENGROSSED NO. **SB 58** - 01/17/2007

Introduced by: The Committee on State Affairs at the request of the Department of Tourism
and State Development

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the South Dakota
2 Energy Infrastructure Authority.

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

4 Section 1. That § 1-16I-2 be amended to read as follows:

5 1-16I-2. The South Dakota Energy Infrastructure Authority is created as a body corporate
6 and politic to diversify and expand the state's economy by developing in this state the energy
7 production facilities and the energy transmission facilities necessary to produce and transport
8 energy to markets within the state and outside of the state.

9 Section 2. That § 1-16I-5 be amended to read as follows:

10 1-16I-5. In order to finance energy transmission facilities as authorized pursuant to this
11 chapter, the authority may issue and have outstanding bonds to finance such facilities in an
12 amount not to exceed one billion dollars. However, no bonds may be issued until the issuance
13 of the bonds is specifically approved by an act of the Legislature. The authority shall have
14 contracts sufficient to justify the issuance of bonds.

15 Section 3. That § 1-16I-6 be amended to read as follows:



1 1-16I-6. The authority shall:

2 (1) Meet with any interested owner of transmission lines in South Dakota and any
3 interested generator and distributor of electricity to consumers in South Dakota by
4 August first each year to understand the generation of electricity in South Dakota and
5 the transmission enhancements needed for the transmission of electricity to, from,
6 and within South Dakota, and to analyze how the authority could proactively assist
7 in developing the generation and transmission infrastructure;

8 (2) Report its findings and make recommendations to the Governor, the Legislature, and
9 the South Dakota congressional delegation by December first of each year concerning
10 what the private sector, the state, and the federal government can do to create and
11 enhance the generation of electricity in South Dakota and the transmission of
12 electricity to, from, and within South Dakota. The report due December 1, ~~2005~~
13 2007, shall address and quantify market opportunities for the development, use in-
14 state, and export of South Dakota's enormous wind power resource, including, as
15 appropriate, the export of South Dakota's enormous wind power resource;

16 (3) Annually evaluate state laws and rules affecting electric generation and electric
17 transmission and make recommendations to the Governor and the Legislature for
18 improvements ~~by December first of each year~~;

19 (4) Annually evaluate federal laws and rules affecting electric generation and electric
20 transmission and make recommendations to the South Dakota congressional
21 delegation for improvements by December first of each year;

22 (5) Identify opportunities where owners of transmission lines in South Dakota and
23 generators and distributors of electricity to consumers in South Dakota can cooperate
24 to improve and increase electric transmission in South Dakota and communicate

1 those opportunities to owners, generators, and distributors of electricity in South
2 Dakota;

3 (6) Assist any entity that wants to build new or upgrade existing electric transmission
4 facilities to, from, and within South Dakota by helping the entity develop a business
5 plan and identify financing options; and

6 (7) Assist other state transmission authorities and any federal or regional entity wanting
7 to build new or upgrade existing transmission facilities to deliver electricity to, from,
8 and within South Dakota.

9 Section 4. That § 1-16I-9 be amended to read as follows:

10 1-16I-9. Members of the board shall receive compensation for the performance of their
11 duties as established by the Legislature in accordance with § 4-7-10.4 from the funds of the
12 authority. Members may be reimbursed at rates established by the ~~Bureau of Personnel~~ Board
13 of Finance for necessary expenses, including travel and lodging expenses, incurred in
14 connection with the performance of their duties as members.

15 Section 5. That § 1-16I-12 be amended to read as follows:

16 1-16I-12. The board shall meet on the call of the chair, upon the written request of ~~four~~ three
17 members of the board, or upon the request of the executive director.

18 Section 6. That § 1-16I-13 be amended to read as follows:

19 1-16I-13. A majority of the members of the board constitute a quorum for the transaction
20 of business. All official acts of the authority shall require the affirmative vote of at least ~~four~~
21 three members of the board at a meeting of the board at which the members casting those
22 affirmative votes are present.