

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0314

SENATE EDUCATION ENGROSSED NO. **HB 1047** - 2/14/2008

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to make an appropriation to assist sparse school districts.

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

3 Section 1. There is hereby appropriated from the general fund the sum of two million forty-
4 three thousand one hundred thirty-eight dollars (\$2,043,138), or so much thereof as may be
5 necessary, to the Department of Education for the purpose of making the payments in
6 accordance with § 13-13-79.

7 Section 2. The secretary of the Department of Education shall approve vouchers and the
8 state auditor shall draw warrants to pay expenditures authorized by this Act.

9 Section 3. Any amounts appropriated in this Act not lawfully expended or obligated shall
10 revert in accordance with § 4-8-21.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0390

SENATE APPROPRIATIONS ENGROSSED NO. **HB 1087** - 2/19/2008

Introduced by: The Committee on Appropriations at the request of the Bureau of Finance and Management

1 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal year
2 2008 regarding appropriations to the Department of Executive Management, the Department
3 of Revenue and Regulation, the Department of Game, Fish and Parks, the Department of
4 Transportation, the Department of Education, the Board of Regents, the Department of
5 Human Services, and the Department of Environment and Natural Resources.

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

7 Section 1. That section 2 of chapter 25 of the 2007 Session Laws be amended to read as
8 follows:

9 DEPARTMENT OF EXECUTIVE MANAGEMENT

10 South Dakota Risk Pool

11 Operating Expenses, General Funds, delete "\$593,000" and insert "\$643,000"

12 Operating Expenses, Other Funds, delete "\$4,016,355" and insert "\$6,016,355"

13 Adjust all totals accordingly.

14 Section 2. That section 3 of chapter 25 of the 2007 Session Laws be amended to read as



1 follows:

2 DEPARTMENT OF REVENUE AND REGULATION

3 Secretariat

4 Operating Expenses, General Funds, delete "\$53,128" and insert "\$203,128"

5 Adjust all totals accordingly.

6 Section 3. That section 6 of chapter 25 of the 2007 Session Laws be amended to read as

7 follows:

8 DEPARTMENT OF GAME, FISH AND PARKS

9 Parks and Recreation

10 Operating Expenses, General Funds, delete "\$441,902" and insert "\$925,265"

11 Development and Improvement, Parks and Recreation

12 Operating Expenses, Federal Funds, delete "\$4,569,954" and insert "\$5,459,954"

13 Adjust all totals accordingly.

14 Section 4. That section 10 of chapter 25 of the 2007 Session Laws be amended to read as

15 follows:

16 DEPARTMENT OF TRANSPORTATION

17 General Operations

18 Operating Expenses, Other Funds, delete "\$86,842,230" and insert "\$81,592,230"

19 Adjust all totals accordingly.

20 Section 5. That section 11 of chapter 25 of the 2007 Session Laws be amended to read as

21 follows:

22 DEPARTMENT OF EDUCATION

23 Administration, Secretary of Education

24 Operating Expenses, General Funds, delete "\$337,286" and insert "\$587,286"

1 State Aid to General Education

2 Operating Expenses, General Funds, delete "\$308,704,345" and insert "\$311,073,555"

3 Technology in Schools

4 Operating Expenses, General Funds, delete "\$6,632,201" and insert "\$9,586,641"

5 Adjust all totals accordingly.

6 Section 6. That section 13 of chapter 25 of the 2007 Session Laws be amended to read as
7 follows:

8 BOARD OF REGENTS

9 Regents System Office

10 Operating Expenses, General Funds, delete "\$7,732,715" and insert "\$11,929,374"

11 University of South Dakota Proper

12 F.T.E. delete "1,166.9" and insert "1,172.9"

13 Adjust all totals accordingly.

14 University of South Dakota School of Medicine

15 Personal Services, Federal Funds, delete "\$5, 944,751" and insert "\$5,994,751"

16 Operating Expenses, Federal Funds, delete "\$10,910,268" and insert "\$11,210,268"

17 Adjust all totals accordingly.

18 South Dakota State University Proper

19 Personal Services, Federal Funds, delete "\$6,123,062" and insert "\$6,723,062"

20 Operating Expenses, Federal Funds, delete "\$14,971,290" and insert "\$16,371,290", and

21 Other Funds, delete "\$49,789,899" and insert "\$50,789,899"

22 Adjust all totals accordingly.

23 Dakota State University

24 Personal Services, Other Funds, delete "\$7,882,889" and insert "\$8,157,889"

1 Operating Expenses, Federal Funds, delete "\$2,191,307" and insert "\$2,291,307", and Other
2 Funds, delete "\$8,078,409" and insert "\$8,503,409".

3 Adjust all totals accordingly.

4 South Dakota School for the Deaf

5 Operating Expenses, Other Funds, delete "\$395,950" insert "\$526,409"

6 Adjust all totals accordingly.

7 South Dakota School for the Blind and Visually Impaired

8 Operating Expenses, Other Funds, delete "\$237,124" and insert "\$362,124"

9 Adjust all totals accordingly.

10 Section 7. That section 16 of chapter 25 of the 2007 Session Laws be amended to read as
11 follows:

12 DEPARTMENT OF HUMAN SERVICES

13 Alcohol and Drug Abuse

14 Operating Expenses, Other Funds, delete "\$474,939" and insert "\$965,939"

15 Adjust all totals accordingly.

16 Section 8. That section 17 of chapter 25 of the 2007 Session Laws be amended to read as
17 follows:

18 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

19 Financial and Technical Assistance

20 Operating Expenses, Federal Funds, delete "\$595,998" and insert "\$1,075,998"

21 Adjust all totals accordingly.

22 Section 9. That chapter 25 of the 2007 Session Laws be amended by adding thereto a NEW
23 SECTION to read as follows:

24 Section 37. The state treasurer shall transfer to the state general fund four hundred eighty-

1 three thousand three hundred sixty-three dollars (\$483,363) from the Custer State Park
2 improvement fund for the payment of the Custer State Park improvement bond.

3 Section 10. That chapter 25 of the 2007 Session Laws be amended by adding thereto a NEW
4 SECTION to read as follows:

5 Section 38. The state treasurer shall transfer to the state general fund six hundred ninety-
6 three thousand six hundred eighty-eight dollars (\$693,688) from the Board of Regents for the
7 payment of the critical deferred maintenance bond.

8 Section 11. Funds appropriated by this Act which are unspent at the end of fiscal year 2008
9 may be carried over to fiscal year 2009.

10 Section 12. This Act is effective June 16, 2008.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

193P0164

HOUSE LOCAL GOVERNMENT ENGROSSED NO. **HB 1151** - 2/12/2008

Introduced by: Representatives Steele, Brunner, Gillespie, Glenski, Hunt, Koistinen, Noem, Novstrup (Al), Novstrup (David), Olson (Russell), Rhoden, and Wick and Senators Greenfield, Albers, Duenwald, Hunhoff, Maher, Schmidt (Dennis), and Smidt (Orville)

1 FOR AN ACT ENTITLED, An Act to regulate the location and hours of operation of adult
2 oriented businesses.

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

4 Section 1. No adult oriented business established after June 30, 2008, may be located within
5 one-fourth mile of a child welfare agency, a private or public school, a public playground, a
6 public recreational facility, a residence, or a place of worship. For the purposes of this section,
7 measurements shall be made in a straight line in all directions, without regard to intervening
8 structures or objects, from the nearest point on the property line of a parcel containing an adult
9 oriented business to the nearest point on the property line of a parcel containing a child welfare
10 agency, a private or public school, a public playground, a public recreational facility, a
11 residence, or a place of worship. An adult oriented business lawfully operating in conformity
12 with this section does not violate this section if a child welfare agency, a private or public
13 school, a public playground, a public recreational facility, a residence, or a place of worship



1 subsequently locates within one-fourth mile of the adult oriented business. A violation of this
2 section is a Class 1 misdemeanor. Each day of violation constitutes a separate offense.

3 Section 2. No adult arcade, adult bookstore or video store, adult cabaret, adult motion
4 picture theater, adult theater, or nude model studio may remain open at any time between the
5 hours of 2:00 a.m. and 8:00 a.m. on Monday through Saturday and between the hours of 2:00
6 a.m. and 12:00 noon on Sunday. A violation of this section is a Class 1 misdemeanor. Each day
7 of violation constitutes a separate offense.

8 Section 3. Section 1 of this Act does not prohibit any county or municipality from enacting
9 and enforcing any ordinance that regulates the location of an adult oriented business.

10 Section 4. Section 2 of this Act does not prohibit any county or municipality from enacting
11 and enforcing any ordinance that regulates an adult arcade, adult bookstore or video store, adult
12 cabaret, adult motion picture theater, adult theater, or nude model studio.

13 Section 5. If there is reason to believe that a violation of section 1 of this Act is being
14 committed in any county or city, the state's attorney of the county shall, or a citizen of this state
15 who resides in the county or city in the citizen's own name may, maintain an action to abate and
16 prevent the violation and to enjoin perpetually any person who is committing the violation and
17 the owner, lessee, or agent of the building or place in or on which the violation is occurring from
18 directly or indirectly committing or permitting the violation.

19 Section 6. Terms used in this Act mean:

20 (1) "Adult arcade," any place to which the public is permitted or invited and in which
21 coin-operated or slug-operated or electronically, electrically, or mechanically
22 controlled still or motion picture machines, projectors, or other image producing
23 devices are maintained to show images involving specific sexual activities or specific
24 anatomical areas to persons in booths or viewing rooms;

- 1 (2) "Adult bookstore or video store," a commercial establishment that offers for sale or
2 rent any of the following as one of its principal business purposes:
- 3 (a) Books, magazines, periodicals, or other printed matter, photographs, films,
4 motion pictures, videocassettes or reproductions or slides, or other visual
5 representations that depict or describe specific sexual activities or specific
6 anatomical areas;
- 7 (b) Instruments, devices, or paraphernalia that are designed for use in connection
8 with specific sexual activities;
- 9 (3) "Adult cabaret," any nightclub, bar, restaurant, or other similar commercial
10 establishment that regularly features:
- 11 (a) Persons who appear in a state of nudity or seminudity;
- 12 (b) Live performances that are characterized by the exposure of specific
13 anatomical areas or specific sexual activities;
- 14 (c) Films, motion pictures, videocassettes, slides or other photographic
15 reproductions that are characterized by the depiction or description of specific
16 sexual activities or specific anatomical areas;
- 17 (4) "Adult motion picture theater," a commercial establishment in which, for any form
18 of consideration, films, motion pictures, videocassettes, slides, or other similar
19 photographic reproductions that are characterized by the depiction or description of
20 specific sexual activities or specific anatomical areas are predominantly shown;
- 21 (5) "Adult oriented business," any adult arcade, adult bookstore or video store, cabaret,
22 adult live entertainment establishment, adult motion picture theater, adult theater,
23 massage establishment that offers adult service, or nude model studios;
- 24 (6) "Adult service," dancing, serving food or beverages, modeling, posing, wrestling,

1 singing, reading, talking, listening, or other performances or activities conducted for
2 any consideration in an adult oriented business by a person who is nude or seminude
3 during all or part of the time that the person is providing the service;

4 (7) "Adult theater," a theater, concert hall, auditorium, or similar commercial
5 establishment that predominantly features persons who appear in a state of nudity or
6 who engage in live performances that are characterized by the exposure of specific
7 anatomical areas or specific sexual activities;

8 (8) "Massage establishment," an establishment in which a person, firm, association, or
9 corporation engages in or permits massage activities, including any method of
10 pressure on, friction against, stroking, kneading, rubbing, tapping, pounding,
11 vibrating, or stimulating of external soft parts of the body with the hands or with the
12 aid of any mechanical apparatus or electrical apparatus or appliance. This subdivision
13 does not apply to:

14 (a) Physicians who are licensed pursuant to chapter 36-4 or a podiatrist licensed
15 pursuant to chapter 36-8;

16 (b) Registered nurses or licensed practical nurses who are licensed pursuant to
17 chapter 36-9;

18 (c) Physician assistants who are licensed pursuant to chapter 36-4A or certified
19 nurse practitioners and certified nurse midwives who are licensed pursuant to
20 chapter 36-9A;

21 (d) Physical therapists licensed pursuant to chapter 36-10;

22 (e) Athletic trainers licensed pursuant to chapter 36-29;

23 (f) Massage therapists licensed pursuant to chapter 36-35;

24 (g) Chiropractors licensed pursuant to chapter 36-5;

1 (9) "Nude model studio," a place in which a person who appears in a state of nudity or
2 who displays specific anatomical areas is observed, sketched, drawn, painted,
3 sculptured, photographed, or otherwise depicted by other persons who pay money or
4 other consideration. The term, nude model studio, does not include a proprietary
5 school that is licensed by this state, a college, or a university that is supported entirely
6 or in part by taxation, a private college or university that maintains and operates
7 educational programs in which credits are transferable to a college or university that
8 is supported entirely or in part by taxation or a structure to which the following
9 apply:

10 (a) A sign is not visible from the exterior of the structure and no other advertising
11 appears indicating that a nude person is available for viewing;

12 (b) A student must enroll at least three days in advance of a class in order to
13 participate; and

14 (c) No more than one nude or seminude model is on the premises at any time;

15 (10) "Nude," "nudity," or "state of nudity," any of the following:

16 (a) The appearance of a human anus, genitals, or a female breast below a point
17 immediately above the top of the areola;

18 (b) A state of dress that fails to opaquely cover a human anus, genitals, or a
19 female breast below a point immediately above the top of the areola;

20 (11) "Place of worship," a structure where persons regularly assemble for worship,
21 ceremonies, rituals, and education relating to a particular form of religious belief and
22 which a reasonable person would conclude is a place of worship by reason of design,
23 signs, or architectural or other features;

24 (12) "Residence," a permanent dwelling place;

- 1 (13) "Seminude," a state of dress in which clothing covers no more than the genitals,
2 pubic region, and female breast below a point immediately above the top of the
3 areola, as well as portions of the body that are covered by supporting straps or
4 devices;
- 5 (14) "Specific anatomical areas," any of the following:
- 6 (a) A human anus, genitals, the pubic region, or a female breast below a point
7 immediately above the top of the areola that is less than completely and
8 opaquely covered;
- 9 (b) Male genitals in a discernibly turgid state even if completely and opaquely
10 covered;
- 11 (15) "Specific sexual activities," any of the following:
- 12 (a) Human genitals in a state of sexual stimulation or arousal;
- 13 (b) Sex acts, normal or perverted, actual or simulated, including acts of human
14 masturbation, sexual intercourse, oral copulation, or sodomy;
- 15 (c) Fondling or other erotic touching of the human genitals, pubic region,
16 buttocks, anus, or female breast; or
- 17 (d) Excretory functions as part of or in connection with any of the activities under
18 subsection (a), (b), or (c) of this subdivision.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

319P0547

HOUSE JUDICIARY ENGROSSED NO. **HB 1163** - 1/30/2008

Introduced by: Representatives Cutler, Feinstein, Lucas, Rave, and Willadsen and Senators Gray, Hunhoff, Jerstad, Koetzle, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to increase the duration of juvenile diversion programs.

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

3 Section 1. That § 26-7A-11 be amended to read as follows:

4 26-7A-11. A report of a preliminary investigation involving an apparent child in need of
5 supervision or an apparent delinquent child may be referred under § 26-7A-10 only if:

6 (1) The child and the child's parents, guardian, or other custodian were informed of their
7 constitutional and legal rights, including being represented by an attorney at every
8 stage of the proceedings if a petition is filed;

9 (2) The facts are admitted and establish prima facie jurisdiction; and

10 (3) Written consent is obtained from the child's parents, guardian, or custodian and from
11 the child if the child is of sufficient age and understanding. Efforts to effect informal
12 adjustment may extend no longer than ~~three~~ six months from the date of such
13 consent.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

268P0252

HOUSE JUDICIARY ENGROSSED NO. **HB 1173** 2/6/2008

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

Introduced by: Representatives Gosch, Juhnke, Kirkeby, Lust, Olson (Betty), Olson (Ryan), Rhoden, and Turbiville and Senators Hansen (Tom), Abdallah, Gray, and McCracken

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the effect of
2 suspended impositions of sentence on parole eligibility of certain offenders.

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

4 Section 1. That chapter 24-15A be amended by adding thereto a NEW SECTION to read
5 as follows:

6 If a person receives a suspended imposition of sentence for an offense committed on or after
7 July 1, 2008, and that offense constitutes a felony under the laws of the state, any other state,
8 or the United States at the time of the suspension of imposition, that offense, whether or not
9 discharge and dismissal have occurred, shall be considered a prior felony conviction for
10 purposes of establishment of an initial parole date pursuant to this chapter. The date of the first
11 order suspending the imposition of sentence, whether or not discharge and dismissal have
12 occurred, shall be the date of conviction for purposes of establishment of an initial parole date
13 pursuant to this chapter.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

472P0186

HOUSE JUDICIARY ENGROSSED NO. **HB 1238** 1/30/2008

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

Introduced by: Representatives Gillespie, Burg, Cutler, Deadrick, Dennert, Dykstra, Elliott, Engels, Feinstein, Gassman, Glenski, Halverson, Hargens, Krebs, Lucas, Miles, Nygaard, Peters, Rhoden, Sigdestad, Street, and Thompson and Senators Hanson (Gary), Abdallah, Albers, Apa, Heidepriem, and Olson (Ed)

1 FOR AN ACT ENTITLED, An Act to revise the limitation period for commencing child abuse
2 prosecutions.

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

4 Section 1. That § 26-10-1 be amended to read as follows:

5 26-10-1. Any person who abuses, exposes, tortures, torments, or cruelly punishes a minor
6 in a manner which does not constitute aggravated assault, is guilty of a Class 4 felony. If the
7 victim is less than seven years of age, the person is guilty of a Class 3 felony. The use of
8 reasonable force, as provided in § 22-18-5, is a defense to an offense under this section.
9 Notwithstanding § 23A-42-2, a charge brought pursuant to this section may be commenced at
10 any time before the victim becomes age twenty-five.

11 If any person convicted of this offense is the minor's parent, guardian, or custodian, the court
12 shall include as part of the sentence, or conditions required as part of suspended execution or
13 imposition of such sentence, that the person receive instruction on parenting approved or



1 provided by the Department of Social Services.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

923P0179

HOUSE ENGROSSED NO. **HB 1250** - 2/5/2008

Introduced by: Representatives Lucas, Bradford, Elliott, Gassman, Halverson, Nelson, Rave, Street, Van Etten, Van Norman, and Weems and Senators Koetzle, McCracken, Olson (Ed), and Two Bulls

1 FOR AN ACT ENTITLED, An Act to increase the salary for legislators.

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

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

4 2-4-2. The salary of each member of the Legislature is ~~six~~ eight thousand dollars for ~~every~~
5 each regular legislative session. In addition, each legislator shall receive:

6 (1) Reimbursement to be paid after the legislative session for actual mileage or its
7 equivalent traveled to and from home not more than once each weekend or between
8 days of recess during the regular legislative session, at state rates established by the
9 Board of Finance;

10 (2) Expenses of one hundred ten dollars per day for each day of a regular or special
11 legislative session as prepaid reimbursement for living expenses, including meals and
12 lodging, laundry, cleaning and pressing of clothing, and all other uncompensated
13 expenses as defined in § 2-4-2.1 incident to the performance of legislative services;
14 and



1 (3) Five cents once each session for every mile of necessary travel in going to and
2 returning from the place of meeting of the Legislature by the most usual route.

3 For each day's attendance at special sessions, each member, in addition to mileage and
4 expenses, shall receive a per diem calculated by the director of the Legislative Research Council
5 equal to the normal daily compensation for the regular session immediately preceding the
6 special session.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0216

HOUSE ENGROSSED NO. **SB 13** - 2/19/2008

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 regarding the suspension of a
2 minor's driving privileges.

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

4 Section 1. That § 32-12-15 be amended to read as follows:

5 32-12-15. The issuance of an instruction permit, motorcycle instruction permit, restricted
6 minor's permit, or motorcycle restricted minor's permit is on a probationary basis. The
7 Department of Public Safety upon the receipt of a record of conviction for a traffic violation or
8 for a violation of the restrictions in §§ 32-12-11, 32-12-11.1, 32-12-12, 32-12-12.1, 32-12-13,
9 or 32-12-14, committed prior to the minor's sixteenth birthday shall suspend the minor's driving
10 privileges according to the following schedule:

11 (1) A felony or Class 1 misdemeanor traffic conviction--suspension until the minor's
12 sixteenth birthday or as otherwise required by law;

13 (2) A first Class 2 misdemeanor traffic conviction or a comparable conviction of any
14 moving traffic violation of a county or municipal ordinance--suspension for thirty
15 days or as otherwise required by law;



- 1 (3) A first conviction of a violation of the conditions of an instruction permit, a
2 motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted
3 minor's permit--suspension for thirty days or as otherwise required by law;
- 4 (4) A second Class 2 misdemeanor traffic conviction or a comparable conviction of any
5 moving traffic violation of a county or municipal ordinance--suspension until the
6 minor's sixteenth birthday or for ninety days, whichever period is longer, or as
7 otherwise required by law; and
- 8 (5) A second conviction of a violation of the conditions of an instruction permit, a
9 motorcycle instruction permit, a restricted minor's permit, or a motorcycle restricted
10 minor's permit--suspension until the minor's sixteenth birthday or for ninety days,
11 whichever period is longer, or as otherwise required by law.

12 No permit may be suspended for a first violation of §§ 32-14-9.1, 32-21-27, 32-25-5, 32-26-
13 20, or 34A-7-7.

14 If a minor has no instruction permit, motorcycle instruction permit, restricted minor's permit,
15 or motorcycle restricted minor's permit and is convicted of any traffic violation prior to the
16 minor's sixteenth birthday, the department shall suspend or revoke the minor's driving privilege
17 or privilege to apply for a driver license as provided in this section. A conviction for any traffic
18 violation that occurs prior to the issuance of an instruction permit, motorcycle instruction
19 permit, restricted minor's permit, motorcycle restricted minor's permit, motorcycle operator's
20 license or an operator's license shall be placed on the driving record and given the same
21 consideration as any violation that occurs following the issuance of an instruction permit,
22 motorcycle instruction permit, restricted minor's permit, motorcycle restricted minor's permit,
23 motorcycle operator's license, or an operator's license.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

833P0414

HOUSE TRANSPORTATION ENGROSSED NO. **SB 87** - 2/5/2008

Introduced by: Senators Gant, Garnos, and Peterson (Jim) and Representatives Steele, Juhnke, and Weems

1 FOR AN ACT ENTITLED, An Act to reduce the period of effectiveness for cease and desist
2 orders issued to certain dealers.

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

4 Section 1. That § 32-6B-41.1 be amended to read as follows:

5 32-6B-41.1. In addition to any other remedy provided by law, the secretary of revenue and
6 regulation may issue an order directing a vehicle dealer to cease and desist from engaging in any
7 act or practice enumerated in § 32-6B-41. A cease and desist order issued pursuant to this
8 section ~~shall be~~ is effective for a period of ~~five~~ two years.

9 Section 2. That § 32-6C-14.1 be amended to read as follows:

10 32-6C-14.1. In addition to any other remedy provided by law, the secretary of revenue and
11 regulation may issue an order directing a snowmobile dealer to cease and desist from engaging
12 in any act or practice enumerated in § 32-6C-14. A cease and desist order issued pursuant to this
13 section is effective for a period of ~~five~~ two years.

14 Section 3. That § 32-7A-4.3 be amended to read as follows:



1 32-7A-4.3. In addition to any other remedy provided by law, the secretary of revenue and
2 regulation may issue an order directing a dealer to cease and desist from engaging in any act or
3 practice enumerated in § 32-7A-4.2. A cease and desist order issued pursuant to this section is
4 effective for a period of ~~five~~ two years.

5 Section 4. That § 32-7B-17.1 be amended to read as follows:

6 32-7B-17.1. In addition to any other remedy provided by law, the secretary of revenue and
7 regulation may issue an order directing a boat dealer to cease and desist from engaging in any
8 act or practice enumerated in § 32-7B-17. A cease and desist order issued pursuant to this
9 section is effective for a period of ~~five~~ two years.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

635P0615

HOUSE TRANSPORTATION ENGROSSED NO. **SB 156** - 2/5/2008

Introduced by: Senators Apa, Abdallah, Hunhoff, Koetzle, Maher, and Napoli and
Representatives Pederson (Gordon), Dennert, Moore, and Turbiville

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special motor vehicle
2 license plates for veterans with a disability, prisoners of war, Pearl Harbor survivors, and
3 Purple Heart recipients.

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

5 Section 1. That § 32-5-108 be amended to read as follows:

6 32-5-108. Any resident veteran owner of a motor vehicle who has received the United States
7 Veterans' Administration K Award, meets the qualifications established by Public Law 187 of
8 the Eighty-second Congress for a veteran to receive an automobile, or a veteran who has been
9 rated as in receipt of a statutory benefit for loss or loss of use of one or more extremities, or a
10 veteran who receives a veteran's allotment for total disability under compensation which is
11 considered a service-connected injury, upon application to the department shall receive a ~~set~~
12 maximum of two sets of special license plates for any automobile, pickup truck, or van licensed
13 pursuant to § 32-5-5 or a motorcycle licensed pursuant to § 32-5-9. The veteran may choose to
14 use one of the two sets of plates on a noncommercial motor vehicle that is a pickup truck and



1 that weighs more than six thousand pounds licensed pursuant to § 32-5-6.3 or a motor home
2 licensed pursuant to § 32-5-6.1. The veteran shall pay the regular license fees set out in §§ 32-5-
3 6.3 and 32-5-6.1 and may not be required to pay the ten dollars for the special plates and
4 renewal stickers. The special plates shall be displayed as set forth in § 32-5-98. The design of
5 the license plate shall consist of a white background bordered on the left by a blue field with
6 white stars and on the right by alternating red and white stripes. The words "Disabled Veteran"
7 shall be inscribed on the plate in blue, in at least ten point bold type. The license plate shall be
8 reflectorized and validated each year with a sticker in the same manner as a noncommercial
9 license plate. License fees for the special plates shall be ten dollars for the plates and the
10 renewal stickers. No license fee or sticker fee pursuant to § 32-5-6 or 32-5-9 may be charged
11 to the veteran. The fees shall be deposited in the license plate special revenue fund.

12 In order to qualify for a special license plate pursuant to this section, a veteran shall, in
13 addition to meeting the qualifications established in the first paragraph, have incurred disabling
14 injuries while serving the United States in active duty during a time of war or while participating
15 in a military mission involving armed conflict. If it is determined that the veteran owner does
16 not qualify for the special plates or if the veteran owner dies, the plates shall be surrendered to
17 the county treasurer of applicant's residence. The treasurer shall notify the secretary who shall
18 make the necessary changes in the registration file. Failure to surrender the special license plates
19 as required by this section is a Class 2 misdemeanor.

20 Section 2. That § 32-5-109 be amended to read as follows:

21 32-5-109. Any resident of this state who was a prisoner of war while serving in the United
22 States armed forces and who received an honorable discharge from the United States armed
23 forces is eligible to apply to the secretary for a maximum of two sets special motor vehicle
24 license plates if the resident has first complied with all laws of this state for any automobile,

1 pickup truck, or van licensed pursuant to § 32-5-5 or a motorcycle licensed pursuant to § 32-5-9.
2 The veteran may choose to use one of the two sets of plates on a noncommercial motor vehicle
3 that is a pickup truck and that weighs more than six thousand pounds licensed pursuant to § 32-
4 5-6.3 or a motor home licensed pursuant to § 32-5-6.1. The veteran shall pay the regular license
5 fees set out in §§ 32-5-6.3 and 32-5-6.1 and may not be required to pay the ten dollars for the
6 special plates and renewal stickers. Each application shall be on a form prescribed by the
7 secretary and shall include certification of the applicant's prisoner of war status from the United
8 States Veterans' Administration. The applicant shall pay a ten dollar fee and shall receive special
9 plates. The special plates shall be displayed as set forth in § 32-5-98. A fee of ten dollars shall
10 be paid for the renewal stickers. No registration fee or sticker fee may be charged to the
11 applicant pursuant to § 32-5-6 or 32-5-9. The fees shall be deposited into the license plate
12 special revenue fund. Upon approval of the application, the secretary shall issue the license
13 plates which shall be numbered consecutively, beginning with the number 1, and the number
14 shall be preceded by the letters POW. If it is determined that an applicant does not qualify for
15 the special plates or if the applicant dies, the plates shall be surrendered to the county treasurer
16 of the applicant's residence. The treasurer shall notify the secretary who shall make the
17 necessary changes in the registration file. Failure to surrender the special license plates as
18 required by this section is a Class 2 misdemeanor.

19 Section 3. That § 32-5-109.1 be amended to read as follows:

20 32-5-109.1. Any resident of this state who was serving in the United States armed forces
21 and survived the attack at Pearl Harbor, Hawaii, on December 7, 1941, and who received an
22 honorable discharge, may apply to the secretary for a maximum of two sets of special motor
23 vehicle license plates if the applicant has complied with all the laws of this state for any
24 automobile, pickup truck, or van licensed pursuant to § 32-5-5 or a motorcycle licensed pursuant

1 to § 32-5-9. The veteran may choose to use one of the two sets of plates on a noncommercial
2 motor vehicle that is a pickup truck and that weighs more than six thousand pounds licensed
3 pursuant to § 32-5-6.3 or a motor home licensed pursuant to § 32-5-6.1. The veteran shall pay
4 the regular license fees set out in §§ 32-5-6.3 and 32-5-6.1 and may not be required to pay the
5 ten dollars for the special plates and renewal stickers. Each application shall be on a form
6 prescribed by the secretary and shall include such information as the secretary may require. The
7 applicant shall pay a ten dollar fee and shall receive special plates. The special plates shall be
8 displayed as set forth in § 32-5-98. A fee of ten dollars shall be paid for the renewal stickers. No
9 registration fee or sticker fee may be charged to the applicant pursuant to § 32-5-6 or 32-5-9.
10 The fee shall be deposited into the license plate special revenue fund. Upon approval of the
11 application, the secretary shall issue the license plates. The license plates shall be numbered
12 consecutively beginning with number 1 and contain a symbol to be determined by the secretary
13 indicating that the owner of the vehicle is a Pearl Harbor survivor. If it is determined that an
14 applicant does not qualify for the special plates or if the applicant dies, the plates shall be
15 surrendered to the county treasurer of the applicant's residence. The treasurer shall notify the
16 secretary who shall make the necessary changes in the registration file.

17 Section 4. That § 32-5-109.2 be amended to read as follows:

18 32-5-109.2. Any resident veteran owner of a motor vehicle who has received the Purple
19 Heart Medal may apply to the secretary to receive a maximum of two sets of special license
20 plates for any automobile, pickup truck, or van licensed pursuant to § 32-5-5 or a motorcycle
21 licensed pursuant to § 32-5-9. The veteran may choose to use one of the two sets of plates on
22 a noncommercial motor vehicle that is a pickup truck and that weighs more than six thousand
23 pounds licensed pursuant to § 32-5-6.3 or a motor home licensed pursuant to § 32-5-6.1. The
24 veteran shall pay the regular license fees set out in §§ 32-5-6.3 and 32-5-6.1 and may not be

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