

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

248P0556

SENATE TRANSPORTATION ENGROSSED NO. **HB 1241** - 2/12/2008

Introduced by: Representatives Olson (Russell), Faehn, and Lucas and Senators Hauge, Abdallah, and Gant

1 FOR AN ACT ENTITLED, An Act to provide licensed dealers additional time to deliver a title
2 under certain conditions and to authorize the establishment of a transaction fee for certain
3 online access to the title and registration system.

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

5 Section 1. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If a licensed dealer does not deliver title within thirty days as required by § 32-3-7, and the
8 dealer has satisfied any lien in compliance with chapter 32-6B, 32-6C, 32-7A, or 32-7B and the
9 delay in delivering title was caused because the lien holder failed to release the lien or deliver
10 the title document in accordance with § 32-3-44, the dealer may request additional time to
11 deliver title to the retail purchaser. The dealer's request for an extension shall be made within
12 forty days of the date of sale. Any request after the forty days shall be denied and the dealer is
13 in violation of § 32-3-7. The dealer shall provide to the department documentation to support
14 the steps taken to satisfy the lien in a timely manner and request the title. If the department finds



the request for additional time is substantiated, the department may authorize the issuance of another temporary license permit not to exceed thirty days.

Section 2. That § 32-3-57 be amended to read as follows:

32-3-57. The secretary of revenue and regulation may promulgate rules pursuant to chapter 1-26 and issue instructions as are necessary to ensure and obtain uniformity in the administration of the provisions of this chapter. ~~Such rules~~ Rules may be adopted in the following areas:

- (1) Application requirements for new vehicles, trailers, snowmobiles, and mobile homes;
- (2) Certificate of title for vehicles previously registered, time limits of making application, duplicate certificates, and transfer of certificate of title;
- (3) Assignment of certificate of title;
- (4) Corrections of titles and procedure when there is a body type change;
- (5) Lien recording, assignment of liens, execution of cancellation of liens, and delivery of certificate of title;
- (6) Transfer of ownership;
- (7) Registration tax dealers guides for used vehicles or mobile homes, older motor vehicles and government vehicles, title and license requirements, nonresident reciprocity, manufacturer's price sticker, wrecked motor vehicles, leased vehicles, and homemade vehicles; and
- (8) Establishment of a transaction fee for online access to the title and registration system that does not exceed fifty cents for each transaction.

All local officials charged with the administration of the provisions of this chapter are governed in their official acts by the rules promulgated by the secretary.