



# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

391S0125

HOUSE ENGROSSED NO. **HB 1061** - 2/9/2011

Introduced by: Representatives Hunt, Brunner, Dennert, Feickert, Haggar, Jensen, Liss, Miller, Munsterman, Nelson (Stace), Olson (Betty), Sly, Steele, and Verchio and Senators Rhoden, Begalka, Frerichs, Fryslie, Lederman, and Sutton

1 FOR AN ACT ENTITLED, An Act to provide for the practice and regulation of registered  
2 midwives.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Department," the Department of Health;

6 (2) "Registered midwife," any person who has been registered to practice midwifery  
7 pursuant to this Act.

8 Section 2. The department shall promulgate rules, pursuant to chapter 1-26, to establish  
9 practice guidelines for registered midwives that are substantially similar to the "Practice  
10 Guidelines for Out of Hospital Birth by Certified Nurse Midwives in South Dakota" established  
11 by the Board of Nursing and the Board of Medical and Osteopathic Examiners for certified  
12 nurse midwives. However, the practice guidelines for registered midwives may not include  
13 prescriptive authority but shall include a list of medications that a registered midwife may  
14 administer after completing a pharmacology course accredited by the Midwifery Education



1 Accreditation Council or approved by the department that covers any medication on the list and  
2 the use of the medication in the out-of-hospital setting. The practice guidelines shall also include  
3 the provision of care and services that is limited to the following:

- 4 (1) Monitoring the physical, psychological, and social well-being of the mother  
5 throughout the childbearing cycle;
- 6 (2) Providing the mother with individualized education, counseling and prenatal care,  
7 continuous hands-on assistance during labor and delivery, and postpartum support;
- 8 (3) Monitoring and supporting the baby during the pregnancy, labor, delivery and  
9 postpartum period; and
- 10 (4) Identifying and referring women and newborns who require medical attention.

11 Section 3. No person may practice as a registered midwife unless that person is registered  
12 with the department pursuant to this Act. No person may use the title, registered midwife, to  
13 describe or imply that he or she is a registered midwife, or represent himself or herself as a  
14 registered midwife unless the person is granted registration pursuant to this Act. A violation of  
15 this section is a Class 2 misdemeanor. The following persons are exempt from the registration  
16 requirements of this Act:

- 17 (1) Any certified nurse midwife, registered nurse, or licensed nurse practitioner  
18 authorized to practice in South Dakota;
- 19 (2) Any student midwife engaged in an internship, preceptorship, or other clinical  
20 training program, who is under the direction and supervision of a preceptor  
21 recognized by the North American Registry of Midwives; and
- 22 (3) Any person exempt pursuant to § 36-2-20.

23 Section 4. Any person seeking registration under this Act shall complete the application  
24 prescribed by the department and submit the application along with the registration fee to the

1 department. The registration shall be renewed annually by payment of the renewal fee and proof  
2 that the midwife has maintained his or her certification with the North American Registry of  
3 Midwives. A registration not renewed by December thirty-first of each year lapses. Any fee  
4 collected pursuant to this section shall be deposited in the general fund.

5 Section 5. The department shall register any midwife who has submitted a completed  
6 application form, paid the registration fee, and met the following requirements:

- 7 (1) Is at least twenty-one years of age at the time of application;
- 8 (2) Has earned a high school diploma or the equivalent;
- 9 (3) Has earned and maintains the Certified Professional Midwife credential issued by the  
10 North American Registry of Midwives accredited by the National Commission for  
11 Certifying Agencies;
- 12 (4) Has earned and maintains certification in neonatal resuscitation obtained through  
13 completion of American Heart Association approved cardiopulmonary resuscitation  
14 courses or American Academy of Pediatrics approved neonatal resuscitation courses;  
15 and
- 16 (5) Has successfully completed a course accredited by the Midwifery Education  
17 Accreditation Council or approved by the department in suturing, intravenous fluid  
18 resuscitation, and pharmacology that covers any medication on the list established by  
19 the department; and
- 20 (6) Has submitted to a state and federal criminal background investigation by means of  
21 fingerprint checks by the Division of Criminal Investigation and the Federal Bureau  
22 of Investigation. Upon application, the department shall submit completed fingerprint  
23 cards to the Division of Criminal Investigation. Upon completion of the criminal  
24 background check, the Division of Criminal Investigation shall forward to the

1 department all information obtained as a result of the criminal background check.  
2 This information shall be obtained prior to registration of the applicant. Failure to  
3 submit or cooperate with the criminal background investigation or a record of a  
4 felony conviction is grounds for denial of an application. The applicant shall pay for  
5 any fees charged for the cost of fingerprinting or the criminal background  
6 investigation.

7 Section 6. The department may adopt rules, pursuant to chapter 1-26, in the following areas:

- 8 (1) Content of applications;
- 9 (2) Fees for initial registration and renewal not to exceed one hundred dollars; and
- 10 (3) Renewal of registration.

11 Section 7. If the department deems it appropriate, the department may, in compliance with  
12 chapter 1-26:

- 13 (1) Issue a reprimand to the registered midwife;
- 14 (2) Place the registered midwife on probation and supervision;
- 15 (3) Suspend the registered midwife's registration until the registered midwife completes  
16 a course of therapy, treatment, training, or any combination thereof;
- 17 (4) Suspend the registered midwife's registration for a fixed period; or
- 18 (5) Revoke the registered midwife's certificate.

19 Section 8. A registered midwife shall report to the department any termination, revocation,  
20 or suspension of the registered midwife's certification within five days of being notified of such  
21 action.

22 Section 9. A registered midwife shall file birth certificates with the department in  
23 accordance with § 34-25-8. Filing a birth certificate known by the registered midwife to be  
24 fraudulent is a Class 2 misdemeanor.

1 Section 10. In addition to the plan of care agreement detailed in the practice guidelines a  
2 registered midwife shall, at an initial consultation with a client, provide a copy of an informed  
3 consent document to be signed by the registered midwife and the client, which document shall  
4 disclose to the client, in writing, all of the following:

- 5 (1) The registered midwife's experience, qualifications, and training;
- 6 (2) Whether or not the registered midwife has malpractice liability insurance;
- 7 (3) A plan for consultation, referral, and transport for medical emergencies specific to  
8 each client, including identification of the closest hospital with labor and delivery  
9 services, the closest hospital with an emergency department, and a physician who  
10 will be called for consultation.

11 The registered midwife shall provide the client's health records to the hospital identified in  
12 the transport plan at least one month prior to the expected delivery date. However, no client  
13 health records may be transmitted unless the client has provided specific consent permitting the  
14 midwife to share the client's health records with the hospital in compliance with this section and  
15 with relevant federal and state patient privacy laws. A copy of the signed consent shall be  
16 transmitted to the hospital with the health records. If consent is not granted by the client, the  
17 midwife shall notify the hospital that the hospital is included in a home birth transport plan and  
18 identify the estimated due date. In any event, if there is no transport, the registered midwife shall  
19 notify the hospital within one week after delivery.

20 Section 11. Nothing in this Act permits a registered midwife to provide services in a hospital  
21 licensed pursuant to chapter 34-12 unless the hospital has specifically granted such privileges.

22 Section 12. No registered midwife may use forceps or vacuum extraction or perform  
23 cesarean sections or abortions.

24 Section 13. No licensed health care provider or hospital or agent thereof is liable for any

1 injury which directly or indirectly arises out of, or is the result of, an act or omission by a  
2 registered midwife.

3 Section 14. That chapter 36-9 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 Nothing in this chapter may be construed as prohibiting the care and services described in  
6 section 2 of this Act, provided in the performance of his or her duties, by a registered midwife  
7 registered pursuant to this Act, so long as the registered midwife does not claim to be a  
8 registered nurse or licensed practical nurse.

9 Section 15. That chapter 36-9A be amended by adding thereto a NEW SECTION to read  
10 as follows:

11 Nothing in this chapter may be construed as prohibiting the care and services described in  
12 section 2 of this Act, provided in the performance of his or her duties, by a registered midwife  
13 registered pursuant to this Act, so long as the registered midwife does not claim to be a nurse  
14 practitioner or certified nurse midwife.

15 Section 16. That chapter 36-4 be amended by adding thereto a NEW SECTION to read as  
16 follows:

17 Nothing in this chapter may be construed as prohibiting the care and services described in  
18 section 2 of this Act, provided in the performance of his or her duties, by a registered midwife  
19 registered pursuant to this Act, so long as the registered midwife does not claim to be a  
20 physician or surgeon.

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

753S0469

HOUSE STATE AFFAIRS  
ENGROSSED NO. **HB 1094** - 2/7/2011

Introduced by: Representatives Munsterman, Haggar, Hoffman, Miller, Moser, Nelson (Stace), Olson (Betty), Russell, and Verchio and Senators Holien, Begalka, Kraus, Krebs, Lederman, Maher, and Schlekeway

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the filing of  
2 campaign finance disclosure statements.

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

4 Section 1. That § 12-27-22 be amended to read as follows:

5 12-27-22. A campaign finance disclosure statement shall be filed with the secretary of state  
6 by the treasurer of every:

7 (1) Candidate or candidate campaign committee for any statewide or legislative office;

8 (2) Political action committee;

9 (3) Political party; and

10 (4) Ballot question committee.

11 The statement shall be signed and filed by the treasurer of the political committee or  
12 political party. The statement shall be received by the secretary of state and filed by 5:00 p.m.  
13 each February first and shall cover the contributions and expenditures for the preceding calendar  
14 year. The statement shall also be received by the secretary of state and filed by 5:00 p.m. on the



1 second Friday prior to each primary and general election complete through the fifteenth day  
2 prior to that election. If a candidate is seeking nomination at the biennial state convention, the  
3 candidate or the candidate campaign committee shall file a campaign finance disclosure  
4 statement with the secretary of state by 5:00 p.m. on the second Friday prior to any biennial state  
5 convention. Any statement filed pursuant to this section shall be consecutive and shall cover  
6 contributions and expenditures since the last statement filed.

7 The following are not required to file a campaign finance disclosure statement:

- 8 (1) A candidate campaign committee for legislative or county office on February first  
9 following a year in which there is not an election for the office;
- 10 (2) A county, local, or auxiliary committee of any political party, qualified to participate  
11 in a primary or general election, prior to a statewide primary election;
- 12 (3) A legislative or county candidate campaign committee without opposition in a  
13 primary election, prior to a primary election;
- 14 (4) A ballot question committee prior to a primary election unless the committee is  
15 involved in a ballot question voted on at the primary;
- 16 (5) A candidate campaign committee whose name is not on the general election ballot,  
17 prior to the general election; and
- 18 (6) A political committee that regularly files a campaign finance disclosure statement  
19 with another state or the Federal Election Commission or a report of contributions  
20 and expenditures with the Internal Revenue Service.

21 A violation of this section is a Class 1 misdemeanor.

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

364S0287

## HOUSE STATE AFFAIRS ENGROSSED NO. **HB 1148** - 2/7/2011

Introduced by: Representatives Verchio, Boomgarden, Greenfield, Olson (Betty), Russell, Solum, and Turbiville and Senators Krebs, Brown, Gray, Maher, Nelson (Tom), and Rhoden

1 FOR AN ACT ENTITLED, An Act to revise the minimum wage law for certain seasonal  
2 employees and to declare an emergency.

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

4 Section 1. That § 60-11-3 be amended to read as follows:

5 60-11-3. Every employer shall pay to each employee wages at a rate of not less than seven  
6 dollars and twenty-five cents an hour. Violation of this section is a Class 2 misdemeanor.

7 The provisions of this section do not apply to certain employees being paid an opportunity  
8 wage pursuant to § 60-11-4.1, babysitters, or outside ~~salesmen~~ salespersons. The provisions of  
9 this section also do not apply to employees employed by an amusement or recreational  
10 establishment, an organized camp, or a religious or nonprofit educational conference center if  
11 one of the following apply:

12 (1) The establishment, camp, or center does not operate for more than seven months in  
13 any calendar year; or

14 (2) During the preceding calendar year, the average receipts of the establishment, camp,



1           or center for any six months of the calendar year were not more than thirty-three and  
2           one-third percent of its average receipts for the other six months of the year.

3           Section 2. That § 60-11-3.1 be amended to read as follows:

4           60-11-3.1. Any employer of a tipped employee shall pay a cash wage of not less than two  
5           dollars and thirteen cents an hour if the employer claims a tip credit against the employer's  
6           minimum wage obligation. If an employee's tips combined with the employer's cash wage of not  
7           less than two dollars and thirteen cents an hour do not equal the minimum hourly wage, the  
8           employer shall make up the difference as additional wages for each regular pay period of the  
9           employer.

10          A "tipped employee" is one engaged in an occupation in which the employee customarily  
11          and regularly receives more than thirty-five dollars a month in tips or other considerations.

12          This section does not apply to babysitters or outside ~~salesmen~~ salespersons. This section also  
13          does not apply to employees employed by an amusement or recreational establishment, an  
14          organized camp, or a religious or nonprofit educational conference center if one of the following  
15          apply:

16          (1)   The establishment, camp, or center does not operate for more than seven months in  
17          any calendar year; or

18          (2)   During the preceding calendar year, the average receipts of the establishment, camp,  
19          or center for any six months of the calendar year were not more than thirty-three and  
20          one-third percent of its average receipts for the other six months of the year.

21          Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,  
22          health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
23          effect from and after its passage and approval.

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

569S0332

## HOUSE EDUCATION ENGROSSED NO. **HB 1153** 2/7/2011

Introduced by: Representatives Bolin, Brunner, Deelstra, Gosch, Greenfield, Haggar, Hickey, Hoffman, Hubbel, Jensen, Kopp, Liss, Miller, Olson (Betty), Schaefer, Sly, Tornow, Tulson, Vanneman, Venner, and Verchio and Senators Begalka, Kraus, Lederman, and Schlekeway

1 FOR AN ACT ENTITLED, An Act to prohibit the Board of Education from adopting certain  
2 standards for the subject of history.

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

4 Section 1. That chapter 13-3 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The Board of Education may not adopt any standards for the subject of history that the  
7 Common Core State Standards Initiative, a state-led effort launched by state leaders through  
8 their membership in the National Governors Association Center for Best Practices and Council  
9 of Chief State School Officers, may propose.



# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

456S0648

HOUSE STATE AFFAIRS

ENGROSSED NO. **HB 1173** - 2/7/2011

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

Introduced by: Representative Tulson and Senator Holien

- 1 FOR AN ACT ENTITLED, An Act to require the person in charge of local elections to notify  
2 the secretary of state when the dates of elections have been set.
- 3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:
- 4 Section 1. If any political subdivision of the state sets a date and time for conducting a  
5 public election, within fifteen days the person in charge of an election shall notify the secretary  
6 of state.



# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

767S0475

## HOUSE EDUCATION ENGROSSED NO. **HB 1175** 2/7/2011

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

Introduced by: Representatives Perry, Brunner, Schaefer, Sly, Tulson, Venner, and White  
and Senator Gray

1 FOR AN ACT ENTITLED, An Act to establish the jump start scholarship program.

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

3 Section 1. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as  
4 follows:

5 There is hereby established the jump start scholarship program to be administered by the  
6 Board of Regents. The purpose of the program is to allow a student who graduates from a public  
7 high school in three years or less to receive a scholarship funded with a portion of the money  
8 saved by the state in state aid to education funding pursuant to chapter 13-13 as a result of the  
9 student's early graduation if the student enrolls at any college, university, or technical school  
10 accredited by the North Central Association of Colleges and Schools that provides instruction  
11 from a campus located in South Dakota.

12 Section 2. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as  
13 follows:

14 To be eligible for the jump start scholarship program, a student shall:



- 1 (1) Be a resident of South Dakota;
- 2 (2) Complete the requirements of the recommended high school program as established  
3 by the Board of Education pursuant to § 13-1-12.1, and be awarded a high school  
4 diploma by a public high school by the end of grade eleven, including any summer  
5 school courses completed before the end of that school fiscal year;
- 6 (3) Have attended a public high school in South Dakota on a full-time basis for at least  
7 two semesters prior to graduating;
- 8 (4) Apply to the Board of Regents for a jump start scholarship in the manner specified  
9 by the board; and
- 10 (5) Within one year of graduating from high school, excluding any time served on active  
11 duty in the armed forces of the United States, enroll in a college, university, or  
12 technical school accredited by the North Central Association of Colleges and Schools  
13 that provides instruction from a campus located in South Dakota.

14 No student who enrolls in a high school for all or any part of grade twelve is eligible for the  
15 jump start scholarship program.

16 Section 3. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 The amount of the scholarship award is three thousand five hundred dollars. One half of the  
19 award shall be paid to a public institution on behalf of any eligible student there enrolled or  
20 directly to an eligible student enrolled in a nonpublic institution at the beginning of the fall  
21 semester, and the other half shall be paid in the same manner at the beginning of the spring  
22 semester.

23 Section 4. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as  
24 follows:

1 Each school district shall annually report to the Department of Education the names of all  
2 enrolled students who meet the qualifications in subdivisions (1), (2), and (3) of section 2 of this  
3 Act, and the Department of Education shall subsequently report the information provided to the  
4 Board of Regents.

5 Section 5. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 Any student to whom a jump start scholarship is awarded may apply for enrollment at any  
8 approved postsecondary educational institution. However, the institution is not required to  
9 accept the applicant for enrollment, and the institution may require compliance with its own  
10 admissions requirements. If the institution admits the student, the institution shall give written  
11 notice to the Board of Regents, and the scholarship award shall be distributed pursuant to  
12 section 3 of this Act.

13 Section 6. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as  
14 follows:

15 In fiscal year 2013 and in each fiscal year thereafter, the amount of money saved by the state  
16 in state aid to general education funding due to the early graduation of students who meet the  
17 qualifications in section 2 of this Act and are awarded a jump start scholarship shall be  
18 appropriated to the Board of Regents through the General Appropriations Act for the purpose  
19 of providing jump start scholarships to eligible students.

20 Section 7. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as  
21 follows:

22 The Board of Regents may allocate funds appropriated by the Legislature for the purpose  
23 of providing jump start scholarships to eligible students.

24 Section 8. That chapter 13-55 be amended by adding thereto a NEW SECTION to read as

1 follows:

2       The Board of Regents shall promulgate rules pursuant to chapter 1-26 to establish timelines  
3 and procedures for the jump start scholarship program application process, and to establish  
4 timelines and procedures for the reporting of information required pursuant to this Act.

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

564S0688

## HOUSE COMMERCE AND ENERGY ENGROSSED NO. **HB 1207** - 2/7/2011

Introduced by: Representatives Kirkeby, Abdallah, Brunner, Dennert, Greenfield, and  
Turbiville and Senators Rhoden, Adelstein, and Brown

1 FOR AN ACT ENTITLED, An Act to allow the consignment or auction of certain out-of-state  
2 vehicles and motorcycles.

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

4 Section 1. That § 32-6B-3.4 be amended to read as follows:

5 32-6B-3.4. Notwithstanding the provisions of subdivision 32-6B-5(4), any titled vehicle,  
6 including a vehicle owned by a vehicle dealer who has obtained a permit under the provisions  
7 of section 3 of this Act but who is licensed in another state, except a motorcycle, which is not  
8 titled in South Dakota and which is at least twenty years old may be sold at a public auction on  
9 consignment if the title of the vehicle is issued in the name of the seller. All other provisions  
10 of this chapter pertaining to consignment sales or public auctions need be met.

11 Section 2. That § 32-6B-3.5 be amended to read as follows:

12 32-6B-3.5. Notwithstanding the provisions of subdivision 32-6B-5(4), any motorcycle,  
13 including a motorcycle owned by a dealer who has obtained a permit under the provisions of  
14 section 3 of this Act but who is licensed in another state, which is not titled in South Dakota and



1 which is at least thirty years old may be sold at a public auction on consignment if the title of  
2 the vehicle is issued in the name of the seller. All other provisions of this chapter pertaining to  
3 consignment sales or public auction need to be met.

4 Section 3. That § 32-6B-5 be amended to read as follows:

5 32-6B-5. The following persons are exempt from the provisions of this chapter:

- 6 (1) Any employee of any person licensed as a vehicle dealer if engaged in the specific  
7 performance of the employee's duties;
- 8 (2) Any financial institution chartered or licensed in any other jurisdiction that acquires  
9 vehicles as an incident to the financial institution's regular business and sells the  
10 vehicles to dealers licensed under this chapter;
- 11 (3) Any nonprofit automobile club if selling automobiles twenty years old or older under  
12 the provisions of chapter 32-3;
- 13 (4) Any person acting as an auctioneer if auctioning South Dakota titled vehicles for a  
14 licensed dealer or a person who is exempt from the provisions of this chapter;
- 15 (5) Any person engaged in the business of manufacturing or converting new vehicles if  
16 selling the vehicles to a licensed dealer holding a franchise from the original  
17 manufacturer of the vehicle;
- 18 (6) Any person engaged in the business of manufacturing or customizing motor vehicles  
19 may display but may not sell any motor vehicle at an event, if the event lasts three or  
20 more days and if the person registers with and purchases a permit from the  
21 Department of Revenue and Regulation. If purchased in advance of the event, the  
22 person shall pay a fee of two hundred fifty dollars for a ten-day temporary permit.  
23 However, if the permit is purchased at the event, the person shall pay a fee of five  
24 hundred dollars for the temporary permit. This subdivision does not apply to any

1 customized motorcycle being built for and displayed during a sponsored event where  
2 the participants had to qualify through competition. A permit is required if any  
3 customized motorcycle is being displayed outside the sponsored event. Any person  
4 found to be in violation of the provisions contained in this subdivision shall be  
5 denied a temporary permit for a period of one year from the date of violation;

6 (7) Any person engaged in the business of manufacturing trailers may display but may  
7 not sell any trailers at an event, if the event lasts three or more days and if the person  
8 registers with and purchases a permit from the Department of Revenue and  
9 Regulation. If purchased in advance of the event, the person shall pay a fee of two  
10 hundred fifty dollars for a ten-day temporary permit. However, if the permit is  
11 purchased at the event, the person shall pay a fee of five hundred dollars for the  
12 temporary permit. Any person found to be in violation of the provisions contained  
13 in this subdivision shall be denied a temporary permit for a period of one year from  
14 the date of violation;

15 (8) Any person may sell motorcycles at an event, if the event lasts three or more days and  
16 if the person registers and purchases a permit from the Department of Revenue and  
17 Regulation. Before issuance of a permit, the applicant shall provide proof the  
18 applicant is a licensed dealer in the applicant's own state and has no outstanding  
19 dealer violations. The permit shall only be issued if the new motorcycles being sold  
20 are not franchised in this state. If purchased in advance of the event, the person shall  
21 pay a fee of two hundred fifty dollars for a ten-day temporary permit. However, if the  
22 permit is purchased at the event, the person shall pay a fee of five hundred dollars for  
23 the temporary permit. Any person found to be in violation of the provisions contained  
24 in this subdivision shall be denied a temporary permit for a period of one year from

- 1 the date of violation;
- 2 (9) Any person may sell trailers at an event, if the event lasts three or more days and if  
3 the person registers and purchases a permit from the Department of Revenue and  
4 Regulation. Before issuance of a permit, the applicant shall provide proof the  
5 applicant is a licensed dealer in the applicant's own state and has no outstanding  
6 dealer violations. The permit will only be issued if the trailers being sold are not  
7 franchised in this state. If purchased in advance of the event, the person shall pay a  
8 fee of two hundred fifty dollars for a ten-day temporary permit. However, regardless  
9 of whether or not there is a franchise in this state, any person may display a trailer at  
10 such an event. However, if the permit is purchased ~~before~~ at the event, the person  
11 shall pay a fee of five hundred dollars for the temporary permit. Any person found  
12 to be in violation of the provisions contained in this subdivision shall be denied a  
13 temporary permit for a period of one year from the date of violation;
- 14 (10) Any person not engaged in the sale of vehicles as a business and is disposing of  
15 vehicles used solely for personal use if the vehicles were acquired and used in good  
16 faith and not for the purpose of avoiding the provisions of this chapter;
- 17 (11) Any person not engaged in the sale of vehicles as a business who operates fleets of  
18 vehicles and is disposing of vehicles used in the person's business if the same were  
19 acquired and used in good faith and not for the purpose of avoiding the provisions  
20 of this chapter;
- 21 (12) Any person who sells less than five vehicles in a twelve-month period, unless the  
22 person is licensed as a dealer in another state or holds himself or herself out as being  
23 in the business of selling vehicles. However, if the vehicles are travel trailers, any  
24 person who sells less than three travel trailers in a twelve-month period;

- 1 (13) Any public officer while performing the officer's official duties;
- 2 (14) Any receiver, trustee, personal representative, guardian, or other person appointed by  
3 or acting under the judgment or order of any court;
- 4 (15) Any regulated lenders as that term is defined in § 54-3-14, any insurance company  
5 authorized to do business in this state, or any financing institution as defined in and  
6 licensed pursuant to chapter 54-4 that acquires vehicles as an incident to its regular  
7 business;
- 8 (16) Any towing agency that acquires and sells a vehicle which has been towed at the  
9 request of a private landowner under the provision of chapter 32-36 or at the request  
10 of a law enforcement officer, if no vehicle is sold for an amount over two hundred  
11 dollars;
- 12 (17) Any vehicle rental and leasing company that sells its used vehicles to dealers licensed  
13 under this chapter; ~~and~~
- 14 (18) Any South Dakota nonprofit corporation which gives a donated motor vehicle to a  
15 needy family or individual; and
- 16 (19) Any dealer licensed in another state may sell any vehicle or motorcycle that is not  
17 titled in South Dakota if the vehicle is at least twenty years old and the motorcycle  
18 is at least thirty years old at a public auction on consignment if the title is issued in  
19 the name of the dealer and the dealer purchases a permit from the Department of  
20 Revenue. Before issuance of a permit, the applicant shall provide proof the applicant  
21 is a licensed dealer in the applicant's own state and has no outstanding dealer  
22 violations. If purchased in advance of the auction, the dealer shall pay a fee of two  
23 hundred fifty dollars for the permit. However, if the permit is purchased at or after  
24 the auction, the dealer shall pay a fee of five hundred dollars for the temporary

1 permit. Any dealer found to be in violation of the provisions contained in this  
2 subdivision shall be denied a temporary permit for a period of one year from the date  
3 of violation.