

# State of South Dakota

EIGHTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2013

364U0516

HOUSE TRANSPORTATION

ENGROSSED NO. **HB 1162** - 02/12/2013

Introduced by: Representatives Lust, Bartling, Cronin, Duvall, Hawley, Magstadt, Mickelson, Otten (Herman), and Wick and Senators Rave, Hunhoff (Jean), Lucas, Omdahl, Peters, and Tieszen

1 FOR AN ACT ENTITLED, An Act to provide for special organ donation decals for license  
2 plates.

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

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

6 Any owner of a motor vehicle, who is a resident of this state, who has a valid South Dakota  
7 driver license or South Dakota identification number, as assigned by the Department of Public  
8 Safety, may upon request receive a set of specialty license plates that allow for the placement  
9 of an organ donor decal on the plates. The specialty plates are in lieu of regular license plates  
10 issued by the county treasurer and may only be used on noncommercial vehicles that are  
11 licensed according to §§ 32-5-6 and 32-5-6.3. If the specialty plates are requested at the time of  
12 initial application for title and registration of the vehicle, no additional fees may be charged for  
13 the plates above the costs involved in registering the vehicle. If the specialty plates are requested  
14 after the time of initial application or if the vehicle has current South Dakota plates, the owner



1 shall surrender the current plates and pay a ten dollar fee for the specialty plates. This fee is in  
2 addition to any applicable costs involved in the registration of the vehicle.

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

5 The department shall approve the application of any organ donor program that meets the  
6 following requirements:

- 7 (1) The primary activity or interest of the organ donor program serves the community,  
8 contributes to the welfare of others, and is not offensive or discriminatory in its  
9 purpose, nature, activity, or name;
- 10 (2) The name and purpose of the organ donor program does not promote any specific  
11 product or brand name that is provided for sale;
- 12 (3) The decal of the organ donor program does not promote a specific religion, faith, or  
13 anti-religious belief; and
- 14 (4) The application and decal design has been approved by the Department of Revenue.

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

17 If the department approves an application for organ donor decals and the design of the decal,  
18 the department shall furnish the decals to the program. The organ donor program shall purchase  
19 no fewer than one hundred sets of the decals. The program shall reimburse the department for  
20 the cost of the decals, plus a fifteen percent administrative fee. The organ donor program shall  
21 establish criteria for an applicant to qualify for the decals and the fee to be charged for the  
22 decals. The organ donor program is responsible for the administration and issuance of the  
23 decals. No decal other than those authorized and issued by the department are permitted on  
24 license plates. Misuse of the decals or use of unauthorized decals is a Class 2 misdemeanor.