

AN ACT

ENTITLED, An Act to revise certain provisions regarding military speciality plates.

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

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

Terms used in this Act mean,

- (1) "Veteran," any person who meets the provisions of § 33A-2-1;
- (2) "Owner," any person who owns a motor vehicle that is operated or driven on the public highways of this state or any person with written authorization to act on behalf of and as an agent for the owner;
- (3) "Active duty," active duty in the United States armed forces; and
- (4) "Service," service in the United States armed forces.

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

Any owner may apply for a military specialty plate if the owner meets the requirements of this

Act. The available military specialty plates are as follows:

- (1) National Guard plate;
- (2) Disabled veteran plate;
- (3) Veteran plate;
- (4) Active duty plate;
- (5) Prisoner of War plate;
- (6) Pearl Harbor survivor plate;
- (7) Gold Star plate;
- (8) Purple Heart plate;
- (9) Medal of Honor plate;
- (10) Silver Star plate;

- (11) Distinguished Service Cross plate;
- (12) Navy Cross plate;
- (13) Air Force Cross plate;
- (14) Distinguished Flying Cross plate;
- (15) Bronze Star with Valor plate; and
- (16) Bronze Star plate.

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

Any owner applying for a military specialty plate listed in section 2 of this Act shall meet the following general requirements:

- (1) Be a resident of this state;
- (2) Possess a valid South Dakota driver license;
- (3) Comply with all state laws regarding registration and licensing; and
- (4) Pay all associated fees pursuant to sections 6 and 7 of this Act.

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

Any owner applying for a military specialty plate listed in section 2 of this Act shall meet the following specific additional requirements for the respective military specialty plate:

- (1) Any applicant for the National Guard plate must be an active enlisted member of the National Guard, an active commissioned member of the National Guard, or a retired member of the National Guard with twenty years or more of creditable service;
- (2) Any applicant for the disabled veteran plate must be a veteran who has been rated as in receipt of a statutory benefit for loss or loss of use of one or more extremities, a veteran who receives a veteran's allotment for a total service-connected disability, or a veteran who has received a United States Veterans Administration K Award. The disability must have been incurred while serving on active duty during a time of war or while

- participating in a military mission involving armed conflict;
- (3) Any applicant for the veteran plate must be an honorably discharged veteran who served on active duty;
 - (4) Any applicant for the active duty plate must currently be serving on active duty;
 - (5) Any applicant for the Prisoner of War plate must be a veteran who was a prisoner of war while serving on active duty;
 - (6) Any applicant for the Pearl Harbor survivor plate must have survived the attack at Pearl Harbor, Hawaii, on December 7, 1941, while serving on active duty, and have received an honorable discharge from the United States armed forces;
 - (7) Any applicant for the Gold Star plate must be a parent, spouse, sibling, or child of a member of the United States armed forces who died while serving this country on active duty or as a result of that service;
 - (8) Any applicant for the Purple Heart plate must be a veteran who received the Purple Heart as a result of the applicant's service;
 - (9) Any applicant for the Medal of Honor plate must be a veteran who received the Medal of Honor as a result of the applicant's service;
 - (10) Any applicant for the Silver Star plate must have received the Silver Star as a result of the applicant's service;
 - (11) Any applicant for the Distinguished Service Cross plate must have received the Distinguished Service Cross as a result of the applicant's service;
 - (12) Any applicant for the Navy Cross plate must have received the Navy Cross as a result of the applicant's service;
 - (13) Any applicant for the Air Force Cross plate must have received the Air Force Cross as a result of the applicant's service;

- (14) Any applicant for the Distinguished Flying Cross plate must have received the Distinguished Flying Cross as a result of the applicant's service;
- (15) Any applicant for the Bronze Star with Valor plate must have received the Bronze Star with Valor as a result of the applicant's service; and
- (16) Any applicant for the Bronze Star plate must have received the Bronze Star as a result of the applicant's service.

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

Any owner applying for a military specialty plate shall submit an application, on a form prescribed by the secretary, to the county treasurer of the applicant's county of residence. Any applicant who submits a falsified application is guilty of a Class 1 misdemeanor. The secretary may, at any time, require the applicant to provide additional information to determine if the applicant meets the military specialty plate requirements. The secretary may confer with the Department of Military, the Department of Veterans Affairs, and the United States Department of Veterans Affairs, to determine if the applicant meets the military specialty plate requirements.

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

In addition to the noncommercial annual registration and plate fees, each person receiving military specialty plates shall pay an additional ten dollar fee for the initial issuance of the military specialty plates. All fees collected under this section shall be placed in the license plate special revenue fund.

Section 7. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Notwithstanding section 6 of this Act or any other contrary provisions of this Act, each veteran receiving the disabled veteran, Prisoner of War, Pearl Harbor survivor, or Purple Heart military specialty plates shall pay a ten dollar fee for the initial issuance of the military specialty plate and an annual fee of ten dollars for renewal decals, but is not subject to the annual registration fees

assessed pursuant to § 32-5-6 or 32-5-9.

Notwithstanding section 6 of this Act or any other contrary provisions of this Act, each veteran receiving the Medal of Honor plate may not be assessed annual registration fees, pursuant to § 32-5-6 or 32-5-9, or any other fees associated with the military specialty plate or renewal decals.

Each veteran receiving a disabled veteran, Prisoner of War, Pearl Harbor survivor, Purple Heart, or Medal of Honor military specialty plate may get a maximum of two sets of the applied for military specialty plate. The plates may be placed on any automobile, pickup truck, or van licensed pursuant to § 32-5-6 or a motorcycle licensed pursuant to § 32-5-9. The veteran may choose to place one of the two sets of military specialty plates on a noncommercial pickup truck, which weighs more than six thousand pounds, licensed pursuant to § 32-5-6.3, or a motor home licensed pursuant to § 32-5-6.1, but shall pay the regular annual registration fees pursuant to those sections.

Section 8. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Each military specialty plate shall be reflectorized and validated with a decal each year in the same manner as a noncommercial license plate. Military specialty plates may only be used on automobiles, pickup trucks, or vans licensed pursuant to § 32-5-6, motorcycles licensed pursuant to § 32-5-9, pickup trucks licensed pursuant to § 32-5-6.3, or motor homes licensed pursuant to § 32-5-6.1. Military specialty plates shall be displayed in accordance with § 32-5-98.

Section 9. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Military specialty plates shall be numbered and designed by the secretary, with the exception of the National Guard plate which shall be designed by the adjutant general and approved by the secretary. The military specialty plates shall meet the following specific requirements:

- (1) The National Guard plate shall designate the owner as an active enlisted member of the National Guard, an active commissioned member of the National Guard, or a retired member of the National Guard;

- (2) The disabled veteran plate shall consist of a white background bordered on the left by a blue field with white stars and on the right by alternating red and white stripes. The words Disabled Veteran, shall be inscribed on the plate in blue, in at least ten point bold type;
- (3) The veteran plate shall designate the owner as a veteran. The plate may allow for additional indication of the conflict, rank, or status of the veteran;
- (4) The active duty plate shall designate the owner as currently serving on active duty. The plate may allow for additional indication of the conflict, rank, or status of the active duty member;
- (5) The Prisoner of War plate shall contain a symbol indicating that the owner was a prisoner of war;
- (6) The Pearl Harbor survivor plate shall contain a symbol indicating that the owner survived the attack at Pearl Harbor, Hawaii while serving on active duty;
- (7) The Gold Star plate shall contain a symbol indicating that the owner is a parent, spouse, sibling, or child of a member of the United States armed forces who died while serving this country on active duty or as a result of that service;
- (8) The Purple Heart plate shall contain a symbol indicating that the owner received the Purple Heart as a result of the owner's service;
- (9) The Medal of Honor plate shall contain a symbol indicating that the owner received the Medal of Honor, including a facsimile of the medallion portion corresponding to the branch of the United States armed forces for which the owner served when the medal was received, as a result of the owner's service;
- (10) The Silver Star plate shall contain a symbol indicating that the owner received the Silver Star as a result of the owner's service;
- (11) The Distinguished Service Cross plate shall contain a symbol indicating that the owner

received the Distinguished Service Cross as a result of the owner's service;

- (12) The Navy Cross plate shall contain a symbol indicating that the owner received the Navy Cross as a result of the owner's service;
- (13) The Air Force Cross plate shall contain a symbol indicating that the owner received the Air Force Cross as a result of the owner's service;
- (14) The Distinguished Flying Cross plate shall contain a symbol indicating that the owner received the Distinguished Flying Cross as a result of the owner's service;
- (15) The Bronze Star with Valor plate shall contain a symbol indicating that the owner received the Bronze Star with Valor as a result of the owner's service; and
- (16) The Bronze Star plate shall contain a symbol indicating that the owner received the Bronze Star as a result of the owner's service.

Section 10. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

Military specialty plates shall be surrendered to the county treasurer of the owner's residence if the owner no longer qualifies for the plate. The county treasurer shall notify the secretary who shall make the necessary changes in the registration system. The military specialty plates may be retained by the owner's family upon the owner's death, but may not be displayed on any vehicle beyond the expiration of the military specialty plates or renewal decals. Failure to surrender the military specialty plates as required by this section is a Class 2 misdemeanor.

Section 11. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

If the ownership of a motor vehicle with a military specialty plate is transferred or assigned, the transferor shall remove the military specialty plates from the vehicle and shall receive a credit for the unexpired time on the registration when the plates are attached to another vehicle. The county

treasurer shall process a new registration indicating the motor vehicle to which the military specialty plates are to be transferred and send it to the department. The secretary shall make the necessary changes in the registration system and the credit shall be applied. The department shall notify the transferor of any corrections which need to be made.

No credit may be issued if the military specialty plate is detached and not reattached to another motor vehicle. If the transferor fails to remove the military specialty plates pursuant to this section, the transferor is not entitled to any credit and the plates are no longer valid. A violation of this section is a Class 2 misdemeanor.

Section 12. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

If a motor vehicle with a military specialty plate is destroyed by collision or fire, disposed of for salvage, or if rejected or condemned for use on the highways as the result of action by any inspection authority of this state, the registered owner of the motor vehicle shall remove the military specialty plates from the vehicle and shall receive a credit for the unexpired time on the registration when the plates are attached to another vehicle. The county treasurer shall process a new registration indicating the motor vehicle to which the military specialty plates are to be transferred and send it to the department. The secretary shall make the necessary changes in the registration system and the credit shall be applied. The department shall notify the transferor of any corrections which need to be made. If the military specialty plates were destroyed, the owner shall apply for a replacement set of plates pursuant to section 14 of this Act.

No credit may be issued if the military specialty plate is detached and not reattached to another motor vehicle. If the owner fails to remove the military specialty plates pursuant to this section, the owner is not entitled to any credit and the plates are no longer valid. A violation of this section is a Class 2 misdemeanor.

Section 13. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as follows:

If any military specialty plate is lost, mutilated, or destroyed, the owner of the registered vehicle may obtain a duplicate upon filing an affidavit showing such facts and after paying a ten dollar fee to the department. The fee shall be credited to the license plate special revenue fund.

Section 14. That § 32-5-67 be amended to read as follows:

32-5-67. All fees received pursuant to §§ 32-5-65, 32-5-65.1, section 6, and section 7 of this Act shall be credited to a fund to be known as the license plate special revenue fund. The special revenue fund shall be expended for the purchase of special plates required pursuant to this chapter and the expenses of the office incident to the issuance thereof. Disbursements from this fund shall be made by warrants drawn by the state auditor on vouchers duly approved by the secretary.

Section 15. That § 32-30-11.1 be amended to read as follows:

32-30-11.1. Any person with a physical disability, who displays special license plates issued under § 32-5-76 or subdivision (2) of section 4 of this Act, a serially numbered certificate issued under § 32-5-76.1 or 32-5-76.2, or a similar license plate or certificate issued in another state on a motor vehicle used in transporting that person, shall be entitled to park without limitation in areas where parking is normally restricted by time factors and to park in any space reserved for a person with a disability. However, a municipality may, by ordinance, prohibit parking on any street or highway for the purpose of creating a fire lane, or to provide for the accommodation of heavy traffic during morning and afternoon rush hours. The privileges extended to persons with disabilities do not apply on streets or highways where and during any time parking is prohibited.

Section 16. That § 32-5-55 be repealed.

Section 17. That § 32-5-55.1 be repealed.

Section 18. That § 32-5-56 be repealed.

Section 19. That § 32-5-56.1 be repealed.

Section 20. That § 32-5-59 be repealed.

Section 21. That § 32-5-61 be repealed.

Section 22. That § 32-5-62 be repealed.

Section 23. That § 32-5-63 be repealed.

Section 24. That § 32-5-64 be repealed.

Section 25. That § 32-5-108 be repealed.

Section 26. That § 32-5-109 be repealed.

Section 27. That § 32-5-109.1 be repealed.

Section 28. That § 32-5-109.2 be repealed.

Section 29. That § 32-5-109.3 be repealed.

Section 30. That § 32-5-109.4 be repealed.

Section 31. That § 32-5-109.5 be repealed.

Section 32. That § 32-5-109.6 be repealed.

Section 33. That § 32-5-109.7 be repealed.

Section 34. That § 32-30-8 be repealed.

Section 35. That § 32-30-9 be amended to read as follows:

32-30-9. Any license issued as provided in subdivision (2) of section 4 of this Act, shall be displayed prominently upon the motor vehicle while being parked by or under the direction of the veteran pursuant to § 32-30-11.1.

Section 36. That § 32-30-10 be amended to read as follows:

32-30-10. Upon conviction of any offense involving a violation of the special privilege conferred by § 32-30-11.1 upon holders of the distinctive license plates issued under subdivision (2) of this section 4 of this Act, a magistrate or judge trying the case may, as a part of any penalty imposed,

confiscate the distinctive license plates provided in subdivision (2) of section 4 of this Act, and to return the license plates to the Department of Revenue together with a certified copy of the imposed sentence.

Section 37. That § 32-30-11 be amended to read as follows:

32-30-11. Any person, other than the veteran to whom it was issued, who uses a disabled veteran's license of identification issued pursuant to subdivision (2) of section 4 of this Act for the purpose of parking a motor vehicle as permitted by § 32-30-11.1, commits a Class 2 misdemeanor. The court shall assess a fine of not less than one hundred dollars if the parking space is marked in accordance with the Americans With Disabilities Act accessibility guidelines as of January 1, 2002.

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I certify that the attached Act
originated in the
HOUSE as Bill No. 1060

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1060
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

=====
STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State