

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

400V0275

SENATE BILL NO. 61

Introduced by: The Committee on Transportation at the request of the Department of
Revenue

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding organization, first
2 responder, and organ donor emblem speciality plates for motor vehicles.

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 may apply for an emblem specialty plate if the owner meets
7 the requirements of this Act. The available emblem specialty plates are as follows:

- 8 (1) Organization;
- 9 (2) First responder; or
- 10 (3) Organ donor.

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

13 Any applicant for an emblem specialty plate listed in section 1 of this Act shall meet the
14 following general requirements:

- 15 (1) Be a resident of this state;



- 1 (2) Possess a valid South Dakota driver license;
- 2 (3) Comply with all state laws regarding registration and licensing; and
- 3 (4) Pay any applicable fee pursuant to section 4 of this Act.

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

6 All emblem specialty plates shall be reflectorized and validated with a sticker each year in
7 the same manner as a noncommercial license plate. Emblem specialty plates may only be used
8 on automobiles, pickup trucks, or vans licensed pursuant to § 32-5-6, motorcycles licensed
9 pursuant to § 32-5-9, or pickup trucks licensed pursuant to § 32-5-6.3. Emblem specialty plates
10 shall be displayed in accordance with § 32-5-98.

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

13 If the emblem specialty plates are requested at the time of initial application for title and
14 registration of the vehicle, no additional fees are charged for the plates above the costs involved
15 in registering the motor vehicle. If the emblem specialty plates are requested later or if the motor
16 vehicle has current South Dakota plates, the owner shall surrender the current plates and pay a
17 ten dollar fee for the emblem specialty plates. All fees collected under this section shall be
18 placed in the license plate revolving fund.

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

21 If the ownership of a motor vehicle with an emblem specialty plate is transferred or
22 assigned, the transferor shall remove the emblem specialty plates from the vehicle and shall
23 receive a credit for the unexpired time on the registration if the plates are attached to another
24 vehicle. The county treasurer shall process a new registration indicating the motor vehicle to

1 which the emblem specialty plates are to be transferred and send it to the department. The
2 secretary shall make the necessary changes in the registration system and the credit shall be
3 applied. The department shall notify the transferor of any corrections which need to be made.

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

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

10 If a motor vehicle with an emblem specialty plate is destroyed by collision or fire, disposed
11 of for salvage, or if rejected or condemned for use on the highways as the result of action by any
12 inspection authority of this state, the registered owner of the motor vehicle shall remove the
13 emblem specialty plates from the vehicle and shall receive a credit for the unexpired time on the
14 registration if the plates are attached to another vehicle. The county treasurer shall process a new
15 registration indicating the motor vehicle to which the emblem specialty plates are to be
16 transferred and send it to the department. The secretary shall make the necessary changes in the
17 registration system and the credit shall be applied. The department shall notify the transferor of
18 any corrections which need to be made. If the emblem specialty plates were destroyed, the
19 owner shall apply for a replacement set of plates pursuant to section 7 of this Act.

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

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

1 follows:

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

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

7 Each emblem specialty plate authorized by section 1 of this Act shall be retained for the
8 same period of time as plates referred to in § 32-5-83.

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

11 Any entity applying for an emblem to be used on the emblem specialty plate shall submit
12 an application, on a form prescribed by the secretary, to the department. Each application shall
13 include a completed emblem design with the entity's logo and the entity's name, or in the case
14 of a group organization emblem, an emblem design that clearly depicts the common purpose or
15 theme of the group. In addition to the application, each entity applying for an organization
16 emblem shall submit the following:

- 17 (1) A copy of the articles of incorporation for the entity;
18 (2) A copy of the charter or bylaws for the entity; and
19 (3) Any Internal Revenue Service ruling regarding the entity's nonprofit tax exemption
20 status.

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

23 Any entity applying for an emblem to be used on an emblem specialty plate listed in section
24 1 of this Act shall meet the following general requirements:

- 1 (1) The primary activity or interest of the entity serves the community, contributes to the
2 welfare of others, and is not offensive or discriminatory in its purpose, nature,
3 activity, or name;
- 4 (2) The name and purpose of the entity does not promote any specific product or brand
5 name that is provided for sale;
- 6 (3) The emblem of the entity does not promote a specific religion, faith, or anti-religious
7 belief; and
- 8 (4) The application pursuant to section 9 of this Act and the emblem design must be
9 approved by the department.

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

12 Any entity applying for an emblem to be used on the emblem specialty plate shall also meet
13 the following specific additional requirements for the respective emblem specialty plate:

- 14 (1) To qualify for an organization emblem, the entity shall be a nonprofit corporation,
15 or a group of nonprofit corporations with a common purpose, on file with the Office
16 of the Secretary of State and must have a minimum of two hundred members; and
- 17 (2) To qualify for a first responder emblem, the application and emblem design must be
18 approved by the Department of Public Safety.

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

21 Upon approval of an application and design for an emblem, the department may furnish the
22 emblems to the entity or authorize the entity to produce the entity's approved emblem. If the
23 department furnishes the emblem, the entity shall purchase no fewer than one hundred sets of
24 emblems and the entity shall reimburse the department for the cost of the emblems plus a fifteen

1 percent administration fee. The entity shall establish criteria for an emblem specialty plate
2 owner to qualify for the entity's emblem and the fee to be charged for the entity's emblem. The
3 entity is responsible for the administration of the entity's emblem.

4 No emblems other than those authorized and approved by the department are permitted on
5 emblem specialty license plates. Misuse of the emblems or use of unauthorized emblems is a
6 Class 1 misdemeanor.

7 Section 13. That § 32-5-136 be repealed.

8 ~~32-5-136. An owner of a motor vehicle, who is a resident of this state, who has a valid South
9 Dakota driver's license or South Dakota identification number as assigned by the Department
10 of Public Safety, may upon request receive a set of specialty license plates that allow for the
11 placement of an organization decal on the plates. The specialty plates are in lieu of regular
12 license plates issued by the county treasurer and may only be used on noncommercial vehicles
13 that are licensed according to §§ 32-5-6, 32-5-6.3, and 32-5-9. If the specialty plates are
14 requested at the time of initial application for title and registration of the vehicle, no additional
15 fees are charged for the plates above the costs involved in registering the vehicle. If the specialty
16 plates are requested later or if the vehicle has current South Dakota plates, the owner shall
17 surrender the current plates and pay a ten dollar fee for the specialty plates. This fee is in
18 addition to any applicable costs involved in the registration of the vehicle.~~

19 Section 14. That § 32-5-137 be repealed.

20 ~~32-5-137. To qualify for an organizational decal, an organization shall be a nonprofit
21 corporation, or a group of nonprofit corporations with a common purpose, on file with the
22 secretary of state's office and shall have a minimum of two hundred members and shall meet the
23 following requirements:~~

24 ~~(1) The primary activity or interest of the organization or group of organizations serves~~

1 ~~the community, contributes to the welfare of others, and is not offensive or~~
2 ~~discriminatory in its purpose, nature, activity, or name;~~

3 ~~—(2)—The name and purpose of the organization or group of organizations does not~~
4 ~~promote any specific product or brand name that is provided for sale; and~~

5 ~~—(3)—The decal of the organization or group of organizations does not promote a specific~~
6 ~~religion, faith, or anti-religious belief.~~

7 Section 15. That § 32-5-138 be repealed.

8 ~~—32-5-138. At the time of application, the organization or group of organizations shall furnish~~
9 ~~the department with the following:~~

10 ~~—(1)—A copy of its articles of incorporation for each organization;~~

11 ~~—(2)—A copy of its charter or by-laws for each organization;~~

12 ~~—(3)—Any Internal Revenue Service rulings of each organization's nonprofit tax~~
13 ~~exemptions status;~~

14 ~~—(4)—A completed decal design with the organizational logo and the organizational name,~~
15 ~~or in the case of a group of organizations, a decal design which clearly depicts the~~
16 ~~common purpose or theme of the group; and~~

17 ~~—(5)—A completed application for organization decals on a form provided by the~~
18 ~~department.~~

19 Section 16. That § 32-5-139 be repealed.

20 ~~—32-5-139. Upon approval of an application for organization decals and approval of the~~
21 ~~design of the organization decal, the department may furnish the decals to the organization or~~
22 ~~authorize the organization to use a decal produced by the organization. The organization shall~~
23 ~~reimburse the department for the cost of any decals furnished by the department, plus a fifteen~~
24 ~~percent administrative fee. The organization shall establish criteria for an applicant to qualify~~

1 ~~for the organization decals and the fee to be charged for the decals. The organization is~~
2 ~~responsible for the administration and issuance of the decals. Decals other than those authorized~~
3 ~~by the department are not permitted on license plates. Misuse of the decals or use of~~
4 ~~unauthorized decals is a Class 2 misdemeanor.~~

5 Section 17. That § 32-5-139.1 be repealed.

6 ~~—32-5-139.1. Any owner of a motor vehicle, who is a resident of this state, who has a valid~~
7 ~~South Dakota driver license or South Dakota identification number, may upon request receive~~
8 ~~a set of specialty license plates that allow for the placement of a first responder decal on the~~
9 ~~plates. The specialty plates are in lieu of regular license plates issued by the county treasurer and~~
10 ~~may only be used on noncommercial vehicles that are licensed according to §§ 32-5-6 and 32-5-~~
11 ~~6.3. If the specialty plates are requested at the time of initial application for title and registration~~
12 ~~of the vehicle, no fees may be charged for the plates in addition to the costs involved in~~
13 ~~registering the vehicle. If the specialty plates are requested after the time of initial application~~
14 ~~or if the vehicle has current South Dakota plates, the owner shall surrender the current plates~~
15 ~~and pay a ten dollar fee for the specialty plates. This fee is in addition to any applicable costs~~
16 ~~involved in the registration of the vehicle.~~

17 Section 18. That § 32-5-139.2 be repealed.

18 ~~—32-5-139.2. The department shall approve the application of any first responder organization~~
19 ~~that meets the following requirements:~~

20 ~~—(1)—The primary activity or interest of the first responder organization serves the~~
21 ~~community, contributes to the welfare of others, and is not offensive or~~
22 ~~discriminatory in its purpose, nature, activity, or name;~~

23 ~~—(2)—The name and purpose of the first responder organization does not promote any~~
24 ~~specific product or brand name that is provided for sale;~~

1 ~~—(3)— The decal of the first responder organization does not promote a specific religion,~~
2 ~~faith, or anti-religious belief; and~~

3 ~~—(4)— The application and decal design has been approved by the Department of Public~~
4 ~~Safety.~~

5 Section 19. That § 32-5-139.3 be repealed.

6 ~~—32-5-139.3. If the department approves an application for first responder decals and the~~
7 ~~design of the decal, the department shall furnish the decals to the organization. The first~~
8 ~~responder organization shall purchase no fewer than one hundred sets of the decals. The~~
9 ~~organization shall reimburse the department for the cost of the decals, plus a fifteen percent~~
10 ~~administrative fee. The first responder organization shall establish criteria for an applicant to~~
11 ~~qualify for the decals and the fee to be charged for the decals. The first responder organization~~
12 ~~is responsible for the administration and issuance of the decals. No decal other than those~~
13 ~~authorized and issued by the department are permitted on license plates. Misuse of the decals~~
14 ~~or use of unauthorized decals is a Class 2 misdemeanor.~~

15 Section 20. That § 32-5-139.4 be repealed.

16 ~~—32-5-139.4. Any owner of a motor vehicle, who is a resident of this state, who has a valid~~
17 ~~South Dakota driver license or South Dakota identification number, as assigned by the~~
18 ~~Department of Public Safety, may upon request receive a set of specialty license plates that~~
19 ~~allow for the placement of an organ donor decal on the plates. The specialty plates are in lieu~~
20 ~~of regular license plates issued by the county treasurer and may only be used on noncommercial~~
21 ~~vehicles that are licensed according to §§ 32-5-6 and 32-5-6.3. If the specialty plates are~~
22 ~~requested at the time of initial application for title and registration of the vehicle, no additional~~
23 ~~fees may be charged for the plates above the costs involved in registering the vehicle. If the~~
24 ~~specialty plates are requested after the time of initial application or if the vehicle has current~~

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

4 Section 21. That § 32-5-139.5 be repealed.

5 ~~— 32-5-139.5. The department shall approve the application of any organ donor program that~~
6 ~~meets the 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 22. That § 32-5-139.6 be repealed.

16 ~~— 32-5-139.6. If the department approves an application for organ donor decals and the design~~
17 ~~of the decal, the department shall furnish the decals to the program. The organ donor program~~
18 ~~shall purchase no fewer than one hundred sets of the decals. The program shall reimburse the~~
19 ~~department for the cost of the decals, plus a fifteen percent administrative fee. The organ donor~~
20 ~~program shall establish criteria for an applicant to qualify for the decals and the fee to be~~
21 ~~charged for the decals. The organ donor program is responsible for the administration and~~
22 ~~issuance of the decals. No decal other than those authorized and issued by the department are~~
23 ~~permitted on license plates. Misuse of the decals or use of unauthorized decals is a Class 2~~
24 ~~misdemeanor.~~