

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

770A0567

SENATE BILL NO. 191

Introduced by: Senators Paisley, Everist, Halverson, Shoener, and Thompson and
Representatives Wick, Brosz, and Brown (Richard)

1 FOR AN ACT ENTITLED, An Act to allow the payment of gross receipts tax on the rental of
2 certain trailers and to declare an emergency.

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

4 Section 1. That § 32-5B-19 be amended to read as follows:

5 32-5B-19. Terms used in this chapter mean:

6 (1) "Leased vehicle," a motor vehicle which is titled in the name of a leasing company or
7 the individual who is leasing the motor vehicle which is leased for a period of more
8 than twenty-eight days.

9 (2) "Rental vehicle," a motor vehicle which is titled in the name of a rental company
10 licensed under chapter 10-45 which is rented for twenty-eight days or less and is not
11 consecutively rented for more than one twenty-eight day period to the same person;
12 or a trailer which is titled in the name of a rental company licensed under chapter 10-
13 45 and that has an unladen weight of nine thousand pounds or more, that is rented for
14 six months or less, and that is not consecutively rented to the same person for more
15 than one six-month period.

1 Section 2. That § 32-5B-20 be amended to read as follows:

2 32-5B-20. There is hereby imposed a tax of four and one-half percent upon the gross receipts
3 of any person renting ~~motor vehicles for twenty-eight days or less~~ a rental vehicle as defined in
4 § 32-5B-19. This provision applies to all vehicles registered in accordance with § 32-5-6 or 32-5-
5 8.1. Any rental vehicle not licensed in accordance with § 32-5-6 or 32-5-8.1 is subject to the
6 motor vehicle excise tax in § 32-5B-1.

7 The tax imposed by this section is in addition to any tax levied pursuant to chapters 10-45
8 or 10-46 upon the rental of a rental vehicle. The provisions of chapter 10-45 apply to the
9 administration and enforcement of the tax imposed by this section. The tax imposed by this
10 section is in lieu of the tax levied by § 32-5B-1 on the sales of such motor vehicles. A violation
11 of this section is a Class 1 misdemeanor.

12 Section 3. Whereas, this Act is necessary for the support of the state government and its
13 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full
14 force and effect from and after its passage and approval.