

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

663B0535

HOUSE BILL NO. 1274

Introduced by: Representatives Peterson (Bill), Gabriel, and Schaunaman and Senators
Staggers, Dennert, and Lange

1 FOR AN ACT ENTITLED, An Act to repeal the wheel tax and delay the effective date.

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

3 Section 1. That § 32-5A-1 be repealed.

4 ~~— 32-5A-1. Any county may, by ordinance, impose a wheel tax on all motor vehicles, as defined~~
5 ~~in § 32-3-1, registered in the county at a rate not to exceed four dollars per vehicle wheel. The~~
6 ~~tax shall be administered and collected by the county. The total vehicle tax may not exceed~~
7 ~~sixteen dollars per vehicle.~~

8 Section 2. That § 32-5A-2 be repealed.

9 ~~— 32-5A-2. The proceeds from the tax created by this chapter shall be retained by the county,~~
10 ~~deposited in a special highway fund and the revenue may be used only for highway and bridge~~
11 ~~maintenance and construction. The board of county commissioners shall, by resolution, establish~~
12 ~~a means of distributing the revenue generated by this chapter among the county and the~~
13 ~~municipalities and townships located within the county.~~

14 Section 3. That § 32-5A-3 be repealed.

15 ~~— 32-5A-3. Upon purchasing a vehicle from a dealer, the purchaser shall pay the appropriate~~

1 tax at the time of title transfer. Nothing in this chapter shall prevent an automobile dealer from
2 licensing the vehicles on his lot without paying any taxes created by this chapter.

3 Section 4. That § 32-5A-4 be repealed.

4 ~~32-5A-4. The department of revenue shall include on any motor vehicle registration~~
5 ~~document mailed out to a vehicle owner prior to the annual registration of a motor vehicle, the~~
6 ~~amount of tax imposed pursuant to § 32-5A-1. A county in which such registration documents~~
7 ~~are mailed to motor vehicle owners shall reimburse the department of revenue for the cost of~~
8 ~~implementing this section for that county.~~

9 Section 5. That § 32-5A-5 be repealed.

10 ~~32-5A-5. The per vehicle wheel rate imposed pursuant to § 32-5A-1 may be imposed~~
11 ~~according to the manufacturer's shipping weight, including accessories, and may vary according~~
12 ~~to the following schedule:~~

13 ~~(1) Two thousand pounds or less, inclusive;~~

14 ~~(2) From 2001 to 4000 pounds, inclusive;~~

15 ~~(3) From 4001 to 6000 pounds, inclusive;~~

16 ~~(4) Over 6000 pounds.~~

17 Section 6. That § 32-5A-6 be repealed.

18 ~~32-5A-6. If a county imposes a wheel tax pursuant to § 32-5A-1 in excess of two dollars per~~
19 ~~wheel, all of the revenue from the tax that is in excess of two dollars per wheel shall be used to~~
20 ~~replace property taxes the county imposes for highway purposes.~~

21 Section 7. That § 32-5A-7 be repealed.

22 ~~32-5A-7. If a motor vehicle is licensed for a period of time of less than twelve months, any~~
23 ~~wheel tax imposed on such motor vehicle pursuant to this chapter shall be prorated on a monthly~~
24 ~~basis.~~

25 Section 8. That § 32-5-78 be amended to read as follows:

1 32-5-78. Except as otherwise specifically provided and except as to compensation for use
2 of the highways by motor carriers, the license fees and taxes imposed upon all of the classes of
3 motor vehicles as specified in §§ 32-5-5 to 32-5-46, inclusive, §§ 32-5-77, 32-5B-1, and
4 32-5B-20 are in lieu of all taxes, general or local, ~~except for the tax created in § 32-5A-1,~~ to
5 which such vehicle would otherwise be subject.

6 Section 9. That § 32-5-129 be amended to read as follows:

7 32-5-129. The secretary of revenue may license agents to perform the duties of county
8 treasurers, including collecting fees and taxes and registering and titling vehicles, pursuant to this
9 chapter, ~~chapter 32-5A,~~ and chapter 32-5B.

10 Section 10. That § 32-5-135 be amended to read as follows:

11 32-5-135. ~~Licensed agents shall submit all revenue collected pursuant to chapter 32-5A to~~
12 ~~the secretary of revenue for distribution to counties.~~ Licensed agents shall submit all revenue
13 collected pursuant to chapter 32-5B to the secretary of revenue for deposit in the state highway
14 fund.

15 Section 11. The effective date of sections 1 to 10, inclusive, of this Act is January 1, 2000.

16 Section 12. If a county was not levying a wheel tax pursuant to chapter 32-5A on January 1,
17 1998, the county may not impose a new wheel tax pursuant to chapter 32-5A.