

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

555B0800

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1298** - 2/10/98

Introduced by: Representative Napoli and Senator Rounds

1 FOR AN ACT ENTITLED, An Act to define a sell-it-yourself lot.

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

3 Section 1. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as
4 follows:

5 No sell-it-yourself lot operator may engage in the following business activities concerning
6 any vehicle on a sell-it-yourself lot premises, unless licensed in accordance with the provisions
7 of this chapter:

8 (1) Sell, offer to sell, or negotiate the sale of any vehicle;

9 (2) Buy, offer to buy, or negotiate the purchase of any vehicle;

10 (3) Make any comments about the appearance, condition, or reputation of any vehicle;

11 (4) Communicate the name, address, or phone number of the owner of any vehicle to a
12 potential customer. However, the vehicle and ownership information can be provided
13 to a potential customer by means of a sign or information sheet placed in or on the
14 vehicle by its owner;

15 (5) Advertise any of the following:

- 1 (a) The price, mileage, or the condition of a vehicle; or
- 2 (b) The name or the telephone number of a vehicle's owner;
- 3 (6) Authorize the test drive of any vehicle;
- 4 (7) Take possession of the keys of a vehicle for any purpose; or
- 5 (8) Sell, offer to sell, or facilitate the sale of any financing package or warranty package
- 6 for any vehicle on the sell-it-yourself lot.

7 A sell-it-yourself lot operator who engages in a business activity prohibited by this section
8 without being licensed in accordance with chapter 32-6B is guilty of a Class 1 misdemeanor. A
9 second or subsequent conviction for a violation by a sell-it-yourself lot operator who engages
10 in a business activity prohibited by this section without being licensed in accordance with chapter
11 32-6B is guilty of a Class 6 felony.

1 **BILL HISTORY**

2 1/26/98 First read in House and referred to Transportation. H.J. 228

3 1/28/98 Scheduled for Committee hearing on this date.

4 1/28/98 Transportation Deferred to another day.

5 2/4/98 Scheduled for Committee hearing on this date.

6 2/9/98 Transportation Do Pass Amended, Passed, AYES 10, NAYS 2. H.J. 471