

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

347C0060

HOUSE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1004** - 2/12/99

Introduced by: Representatives Crisp, Derby, Fischer-Clemens, Konold, and Munson (Donald) and Senators Olson, Hutmacher, and Vitter at the request of the Interim Transportation Committee

1 FOR AN ACT ENTITLED, An Act to increase and revise license fees for certain noncommercial
2 vehicles, to revise the distribution of license fees, and to increase the excise tax on certain
3 motor fuels.

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

5 Section 1. That § 32-5-6 be amended to read as follows:

6 32-5-6. License fees and compensation on a noncommercial motor vehicle which is an
7 automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the
8 manufacturer's shipping weight, including accessories, as follows:

- 9 (1) Two thousand pounds or less, inclusive, ~~twenty~~ thirty dollars;
- 10 (2) From 2,001 to 4,000 pounds, inclusive, ~~thirty~~ forty-two dollars;
- 11 (3) From 4,001 to 6,000 pounds, inclusive, ~~forty~~ fifty-five dollars;
- 12 (4) ~~to (11) Repealed by SL 1992, ch 26, § 7~~ Over 6,000 pounds, sixty-five dollars.

13 Section 2. That § 32-5-6.3 be amended to read as follows:

14 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup
15 truck, or van as ~~provided by~~ licensed pursuant to § 32-5-6 shall be determined by the gross

1 weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

- 2 (1) Eight thousand pounds or less, inclusive, ~~forty-eight~~ fifty-five dollars;
- 3 (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000
4 pounds, inclusive, three dollars;
- 5 (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000
6 pounds, inclusive, six dollars;
- 7 (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000
8 pounds, inclusive, eighteen dollars;
- 9 (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000
10 pounds, twenty-four dollars.

11 It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this
12 section at a gross weight in excess of the gross weight for which it has been licensed.

13 Section 3. That § 32-5-5 be amended to read as follows:

14 32-5-5. ~~Subject to the provisions of §§ 32-5-17 to 32-5-45, inclusive, license fees and~~
15 ~~compensation for use of the highways, fees shall be~~ Vehicle license fees provided by this chapter
16 are based, except as otherwise specifically provided, upon manufacturers' weights, including
17 accessories. If a noncommercial motor vehicle is an automobile, pickup truck, or van with a
18 manufacturer's shipping weight, including accessories, of ~~six~~ ten thousand pounds or less, the
19 license fees for such a motor vehicle shall be as provided by § 32-5-6. However, if the
20 noncommercial motor vehicle is a pickup truck that weighs more than six thousand pounds, the
21 owner has the choice of paying the license fees pursuant to § 32-5-6 or paying the license fees
22 based on the gross weight of the motor vehicle as provided in § 32-5-6.3. The license fees for
23 a noncommercial motor home are as provided by § 32-5-6.1. The license fees for motorcycles
24 ~~shall be a motorcycle~~ are as provided by § 32-5-9. The license fees for ~~snowmobiles shall be a~~
25 snowmobile are as provided by § 32-5-9.1. The license fees for any other noncommercial motor

1 vehicle ~~shall be~~ are based on the gross weight of the motor vehicle and are as provided in
 2 § 32-5-6.3. If the department determines the actual dry weight of any model vehicle with
 3 accessories to be at variance with the manufacturers' shipping weight, the department shall certify
 4 the correct weight to be used in determining fees.

5 These fees shall be paid annually to the county treasurer, ~~and shall be as provided by this~~
 6 ~~chapter.~~

7 Section 4. That § 32-5-8 be amended to read as follows:

8 32-5-8. License fees and compensation for any recreational vehicle as defined in § 32-3-1 or
 9 for any noncommercial trailer and semitrailer, for use of the highways payable under § 32-5-5
 10 and pulled by a noncommercial motor vehicle on which the license fees were paid pursuant to
 11 § 32-5-6, shall be determined upon the basis of their actual weight as follows:

- 12 (1) One thousand pounds or less, inclusive, ~~five~~ ten dollars;
- 13 (2) From 1,001 to 2,000 pounds, inclusive, ~~fifteen~~ twenty dollars;
- 14 (3) From 2,001 to 3,000 pounds, inclusive, ~~twenty-five~~ thirty-five dollars;
- 15 (4) From 3,001 to 4,000 pounds, inclusive, ~~thirty-five~~ forty-five dollars;
- 16 (5) From 4,001 to 5,000 pounds, inclusive, ~~forty-five~~ fifty-five dollars;
- 17 (6) From 5,001 to 6,000 pounds, inclusive, ~~fifty-five~~ sixty-five dollars;
- 18 (7) From 6,001 to 7,000 pounds, inclusive, ~~sixty-five~~ seventy-five dollars;
- 19 (8) From 7,001 to 8,000 pounds, inclusive, ~~seventy-five~~ eighty-five dollars;
- 20 (9) From 8,001 to 9,000 pounds, inclusive, ~~eighty-five~~ ninety-five dollars;
- 21 (10) From 9,001 to 10,000 pounds, inclusive, ~~ninety-five~~ one hundred five dollars;
- 22 (11) For each additional 1,000 pounds or major fraction thereof, in excess of 10,000
 23 pounds, ten dollars.

24 Any trailer or semitrailer licensed pursuant to this section may be pulled by a noncommercial
 25 motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor vehicle if the

1 motor vehicle is registered at a gross weight to cover the weight of the trailer and its load.

2 Section 5. That § 32-5-8.1 be amended to read as follows:

3 32-5-8.1. Each trailer or semitrailer pulled by a noncommercial motor vehicle on which the
4 license fees were paid pursuant to § 32-5-6.3 shall have an identification plate displayed in a
5 conspicuous manner. The fee for the identification plate is ten dollars. The identification plate
6 is valid for the useful life of the trailer or semitrailer. However, if the title to the trailer or
7 semitrailer is transferred, the new owner shall within thirty days of the date of transfer make
8 application to the department for a new identification plate. All revenue raised by the fees shall
9 be placed in the license plate special revenue fund. However, no identification plate may be
10 displayed on a recreational vehicle as defined in § 32-3-1. Such a recreational vehicle shall be
11 licensed pursuant to § 32-5-8.

12 Section 6. That § 32-5-6.1 be amended to read as follows:

13 ~~32-5-6.1. License fees and compensation on recreational motor buses as defined by this~~
14 ~~section shall be determined pursuant to § 32-5-6.3. However, the maximum license fee and~~
15 ~~compensation for a recreational motor bus shall be one hundred dollars. For the purposes of this~~
16 ~~section the term, recreational motor bus, means a motor bus which has been converted for~~
17 ~~recreational purposes subsequent to the initial retail sale. License fees for any noncommercial~~
18 ~~motor home shall be determined by the manufacturer's shipping weight, including accessories,~~
19 as follows:

- 20 (1) Six thousand pounds or less, inclusive, sixty dollars;
21 (2) From 6,001 to 8,000 pounds, inclusive, eighty dollars;
22 (3) From 8,001 to 10,000 pounds, inclusive, one hundred dollars;
23 (4) For each additional 2,000 pounds or major fraction thereof, in excess of 10,000
24 pounds, twenty dollars.

25 For the purposes of this section, a motor home is a vehicle designed to provide temporary

1 living quarters for recreational, camping, or travel use, built on or permanently attached to a self-
2 propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the
3 completed vehicle.

4 Section 7. That § 32-6B-21 be amended to read as follows:

5 32-6B-21. The department shall issue metal numerical license plates to licensed dealers upon
6 application and payment of a ~~thirty~~ fifty-five dollar yearly fee to be paid at the time of the annual
7 review date for each set desired. Such fees shall be distributed in the manner specified in
8 §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be numbered
9 consecutively and shall bear as a prefix the number 77. The plates may be issued for a multiple
10 year period. If a dealer's license is revoked or canceled or the dealer goes out of business the 77
11 plates shall be returned to the department. If any person operates a motor vehicle with 77 plates
12 after the dealer license is revoked or canceled or after the dealer goes out of business, or if the
13 person refuses to return the plates, the person is guilty of a Class 2 misdemeanor.

14 Section 8. That § 32-11-4.1 be amended to read as follows:

15 32-11-4.1. All funds collected for motor vehicle licenses in each county shall be distributed
16 in the following manner:

17 (1) ~~Fifty-four~~ Fifty-seven percent of all funds collected shall be transmitted to the
18 secretary of revenue ~~and, from which one million thirty-three thousand two hundred~~
19 sixty-nine dollars and ten cents shall be forwarded to the counties for deposit in the
20 special highway fund of the county, in the same amount as funds were distributed to
21 the counties by the Department of Game, Fish and Parks for license fees in calendar
22 year 1997, pursuant to 41-6-70, and the balance shall be credited to the local
23 government highway and bridge fund;

24 (1A) Twenty-two and one-half percent shall be credited to the general fund of the county
25 in which they were collected;

1 (2) Fourteen percent shall be retained by the county and placed in a fund to be known as
 2 the special highway fund, which shall be used for the construction, reconstruction, and
 3 maintenance of roads and bridges in the county as provided by this section and
 4 §§ 32-11-5 to 32-11-9, inclusive. If the county in which funds are collected for motor
 5 vehicle licenses has completed the construction of the county highway system, the
 6 entire amount in the special highway fund shall be used for township roads, and the
 7 board of county commissioners may direct the county auditor to pay the collected
 8 amount directly to the townships pursuant to §§ 32-11-6 and 32-11-7;

9 (3) Five percent shall be forwarded to the municipalities within the counties in the
 10 following proportions: each municipality within each county shall receive funds in the
 11 proportion which the total street mileage of each municipality bears to the total street
 12 mileage of all the municipalities within the county. The apportionment shall be made
 13 quarterly by the county commissioners at the first meeting in January, April, July, and
 14 October. In any county having no municipalities, the five percent collection shall be
 15 placed in the county road and bridge fund of the county;

16 (4) ~~Two~~ One-half percent shall be credited to the state motor vehicle fund; and

17 (5) ~~Two and one-half~~ One percent shall be credited to the state license plate special
 18 revenue fund.

19 Section 9. That § 32-11-29 be amended to read as follows:

20 32-11-29. The following fees:

21 (1) Fees collected under §§ 32-3-57, 32-5-99, 32-5-111, and 32-7A-14.1;

22 (2) The ~~two percent of~~ motor vehicle license collections referred to in ~~§ 32-11-4.1~~
 23 subdivision 32-11-4.1(4);

24 (3) The title fees collected under §§ 32-3-18 and 32-3-27;

25 shall be credited to the state motor vehicle fund. All revenues not appropriated from the special

1 revenue fund established by § 32-5-10.2 shall remain in the fund for the next fiscal year and be
2 used solely for purposes of motorcycle safety courses and motorcycle safety education.

3 Section 10. That § 10-47B-4 be amended to read as follows:

4 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 5 (1) Motor fuel (except ethanol blends, E85 and M85 blends, and aviation gasoline) - ~~\$.18~~
6 \$.21 per gallon;
- 7 (2) Special fuel (except jet fuel) - ~~\$.18~~ \$.21 per gallon;
- 8 (3) Ethanol blends - ~~\$.16~~ \$.19 per gallon;
- 9 (4) Aviation gasoline - \$.06 per gallon;
- 10 (5) Jet fuel - \$.04 per gallon;
- 11 (6) E85 and M85 - ~~\$.06~~ \$.09 per gallon;
- 12 (7) E85 and M85 used in aircraft - \$.04 per gallon;
- 13 (8) Liquid petroleum gas - ~~\$.16~~ \$.19 per gallon;
- 14 (9) Compressed natural gas - ~~\$.06~~ \$.09 per gallon.

15 Section 11. That § 32-5-9 be amended to read as follows:

16 32-5-9. License fees and compensation for use of the highways payable under § 32-5-5 shall
17 be: ~~seven~~ nine dollars and fifty cents for motorcycles with a piston displacement of less than three
18 hundred fifty cubic centimeters and ~~ten~~ twelve dollars for motorcycles with a piston displacement
19 of three hundred fifty cubic centimeters or more.

20 Section 12. That § 32-5-30 be amended to read as follows:

21 32-5-30. If any noncommercial motor vehicle, according to the manufacturer's model year
22 designation, is ~~five~~ six years old or more on January first of the year for which a license fee is
23 required, such fee shall be seventy percent of the fee ordinarily prescribed.

1 **BILL HISTORY**

2 1/12/99 First read in House and referred to Transportation. H.J. 32

3 1/20/99 Scheduled for Committee hearing on this date.

4 2/10/99 Scheduled for Committee hearing on this date.

5 2/10/99 Transportation Do Pass Amended, Passed, AYES 8, NAYS 5. H.J. 478