

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

347C0060

SENATE TRANSPORTATION COMMITTEE

ENGROSSED NO. **HB1004** - 2/26/99

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

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 § 10-47B-4 be amended to read as follows:

6 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 7 (1) Motor fuel (except ethanol blends, E85 and M85 blends, and aviation gasoline) ~~-\$18~~
8 \$.22 per gallon;
- 9 (2) Special fuel (except jet fuel) ~~-\$18~~ \$.22 per gallon;
- 10 (3) Ethanol blends ~~-\$16~~ \$.20 per gallon;
- 11 (4) Aviation gasoline ~~-\$06~~ per gallon;
- 12 (5) Jet fuel ~~-\$04~~ per gallon;
- 13 (6) E85 and M85 ~~-\$06~~ \$.10 per gallon;
- 14 (7) E85 and M85 used in aircraft ~~-\$04~~ per gallon;
- 15 (8) Liquid petroleum gas ~~-\$16~~ \$.20 per gallon;

1 (9) Compressed natural gas ~~-\$06~~ \$.10 per gallon.

2 Section 2. That § 32-5-6 be amended to read as follows:

3 32-5-6. License fees and compensation on a noncommercial motor vehicle which is an
4 automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the
5 manufacturer's shipping weight, including accessories, as follows:

6 (1) Two thousand pounds or less, inclusive, ~~twenty~~ thirty-two dollars;

7 (2) From 2,001 to 4,000 pounds, inclusive, ~~thirty~~ forty-two dollars;

8 (3) From 4,001 to 6,000 pounds, inclusive, ~~forty~~ fifty-two dollars;

9 (4) ~~to (11) Repealed by SL 1992, ch 26, § 7~~ From 6,001 to 8,000 pounds, inclusive,
10 sixty-two dollars;

11 (5) From 8,001 to 10,000 pounds, inclusive, seventy-two dollars.

12 Section 3. 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 and twelve dollars. For the
16 purposes of this section the term, recreational motor bus, means a motor bus which has been
17 converted for recreational purposes subsequent to the initial retail sale.

18 Section 4. That § 32-5-6.3 be amended to read as follows:

19 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup
20 truck, or van ~~as provided by~~ licensed pursuant to § 32-5-6 shall be determined by the gross
21 weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

22 (1) Eight thousand pounds or less, inclusive, ~~forty-eight~~ sixty dollars;

23 (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000
24 pounds, inclusive, three dollars;

25 (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000

1 pounds, inclusive, six dollars;

2 (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000
3 pounds, inclusive, eighteen dollars;

4 (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000
5 pounds, twenty-four dollars.

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

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

9 32-5-8. License fees and compensation for any recreational vehicle as defined in § 32-3-1 or
10 for any noncommercial trailer and semitrailer, for use of the highways payable under § 32-5-5
11 and pulled by a noncommercial motor vehicle on which the license fees were paid pursuant to
12 § 32-5-6, shall be determined upon the basis of their actual weight as follows:

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

25 Any trailer or semitrailer licensed pursuant to this section may be pulled by a noncommercial

1 motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor vehicle if the
2 motor vehicle is registered at a gross weight to cover the weight of the trailer and its load.

3 Section 6. That § 32-5-8.1 be amended to read as follows:

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

13 Section 7. That § 32-5-9 be amended to read as follows:

14 32-5-9. License fees and compensation for use of the highways payable under § 32-5-5 shall
15 be: ~~seven~~ nine dollars and fifty cents for motorcycles with a piston displacement of less than three
16 hundred fifty cubic centimeters and ~~ten~~ twelve dollars for motorcycles with a piston displacement
17 of three hundred fifty cubic centimeters or more.

18 Section 8. That § 32-6B-21 be amended to read as follows:

19 32-6B-21. The department shall issue metal numerical license plates to licensed dealers upon
20 application and payment of a ~~thirty~~ forty-two dollar yearly fee to be paid at the time of the annual
21 review date for each set desired. Such fees shall be distributed in the manner specified in
22 §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be numbered
23 consecutively and shall bear as a prefix the number "77". The plates may be issued for a multiple
24 year period. If a dealer's license is revoked or canceled or the dealer goes out of business the
25 "77" plates shall be returned to the department. If any person operates a motor vehicle with "77"

1 plates after the dealer license is revoked or canceled or after the dealer goes out of business, or
2 if the person refuses to return the plates, the person is guilty of a Class 2 misdemeanor.

3 Section 9. That § 32-10-35 be amended to read as follows:

4 32-10-35. Fees collected by the secretary of revenue and not otherwise provided for shall be
5 distributed as provided by this section. Fees collected under chapter 32-10 by the secretary of
6 revenue pursuant to § 32-5B-1 shall be deposited in the state highway fund. Fees collected under
7 chapter 32-10 by the secretary of revenue pursuant to chapter 32-9 shall be distributed with
8 ~~fifty-four~~ fifty-seven percent to the ~~state highway~~ local government highway and bridge fund,
9 forty-one and one-half percent to counties, ~~two~~ one-half percent to the state motor vehicle fund,
10 and ~~two and one-half~~ one percent to the state license plate special revenue fund. The counties'
11 portion shall be distributed among the counties, pro rata, twenty-five percent according to truck
12 registrations, twenty-five percent according to population, and fifty percent according to total
13 road mileage. Each county shall distribute fifty-four percent of its portion to the county general
14 fund, thirty-four percent of its portion to the special highway fund as provided by § 32-11-4.1,
15 and twelve percent of its portion to the municipalities of the county pursuant to § 32-11-4.1.

16 Section 10. There is hereby appropriated each fiscal year from the state highway fund the
17 sum of one million thirty-three thousand two hundred sixty-nine dollars and ten cents to the
18 Department of Revenue for distribution to the counties. The moneys shall be distributed to the
19 counties in the same amounts as funds were distributed to the counties by the Department of
20 Game, Fish and Parks for license fees in calendar year 1997, pursuant to § 41-6-70. The moneys
21 shall be deposited in the special highway fund of each county. The secretary of revenue shall
22 distribute the money prior to December thirty-first of each year.

23 Section 11. Whereas, section 1 of this Act is necessary for the support of the state
24 government and its existing public institutions, an emergency is hereby declared to exist, and
25 section 1 of this Act shall be in full force and effect from and after April 1, 1999.

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

6 2/16/99 House of Representatives Deferred to another day. H.J. 552

7 2/17/99 House of Representatives Do Pass Amended, Passed, AYES 48, NAYS 21. H.J. 579

8 2/18/99 First read in Senate and referred to Transportation. S.J. 565

9 2/23/99 Scheduled for Committee hearing on this date.

10 2/25/99 Transportation Hog Housed.

11 2/25/99 Transportation Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 675

12 2/25/99 Scheduled for Committee hearing on this date.