

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

750C0861

SENATE ENGROSSED NO. **SB243** - 2/18/99

Introduced by: Senators Benson, Drake, Duxbury, Hainje, and Lawler and Representatives
Duenwald, Derby, and Juhnke

1 FOR AN ACT ENTITLED, An Act to provide for the issuance of specialty license plates and
2 organization decals.

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

4 Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 An owner of a motor vehicle, who is a resident of this state, who has a valid South Dakota
7 driver's license or South Dakota identification number as assigned by the Department of
8 Commerce and Regulation, may upon request receive a set of specialty license plates that allow
9 for the placement of an organization decal on the plates. The specialty plates are in lieu of regular
10 license plates issued by the county treasurer and may only be used on noncommercial vehicles
11 that are licensed according to §§ 32-5-6 and 32-5-6.3. If the specialty plates are requested at the
12 time of initial application for title and registration of the vehicle, no additional fees are charged
13 for the plates above the costs involved in registering the vehicle. If the specialty plates are
14 requested later or if the vehicle has current South Dakota plates, the owner shall surrender the
15 current plates and pay a ten dollar fee for the specialty plates. This fee is in addition to any
16 applicable costs involved in the registration of the vehicle.

1 Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 To qualify for an organizational decal, an organization shall be a nonprofit corporation, or
4 a group of nonprofit corporations with a common purpose, on file with the secretary of state's
5 office and shall have a minimum of two hundred members and shall meet the following
6 requirements:

- 7 (1) The primary activity or interest of the organization or group of organizations serves
8 the community, contributes to the welfare of others, and is not offensive or
9 discriminatory in its purpose, nature, activity, or name;
- 10 (2) The name and purpose of the organization or group of organizations does not
11 promote any specific product or brand name that is provided for sale; and
- 12 (3) The purpose of the organization or group of organizations does not promote a
13 specific religion, faith, or anti-religious belief.

14 Section 3. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 At the time of application, the organization or group of organizations shall furnish the
17 department with the following:

- 18 (1) A copy of its articles of incorporation for each organization;
- 19 (2) A copy of its charter or by-laws for each organization;
- 20 (3) Any Internal Revenue Service rulings of each organization's nonprofit tax exemptions
21 status;
- 22 (4) A completed decal design with the organizational logo and the organizational name,
23 or in the case of a group of organizations, a decal design which clearly depicts the
24 common purpose or theme of the group; and
- 25 (5) A completed application for organization decals on a form provided by the

1 department.

2 Section 4. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Upon approval of an application for organization decals and approval of the design of the
5 organization decal, the department shall furnish the decals to the organization. The organization
6 shall purchase at minimum one hundred sets of the organization decals. The organization shall
7 reimburse the department for the cost of the decals, plus a fifteen percent administrative fee. The
8 organization shall establish criteria for an applicant to qualify for the organization decals and the
9 fee to be charged for the decals. The organization is responsible for the administration and
10 issuance of the decals. Decals other than those authorized and issued by the department are not
11 permitted on license plates. Misuse of the decals or use of unauthorized decals is a Class 2
12 misdemeanor.

13 Section 5. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Upon the sale or transfer of a vehicle bearing specialty license plates that display an
16 organization decal, the plates shall remain with the owner and upon approval by the department
17 may be transferred to another vehicle. Anyone receiving organization license plates shall at the
18 time of obtaining the specialty plates purchase from the county treasurer a temporary permit. The
19 permit is valid for fifteen days and costs fifteen dollars. The permit shall be vehicle specific and
20 shall be affixed to the vehicle by the seller at the time of sale or transfer of the vehicle. The new
21 owner of the vehicle may use the permit in the interim of registering the vehicle. The permit may
22 not be used for any other purpose than stated. Misuse of the temporary permit is a Class 2
23 misdemeanor.

1 **BILL HISTORY**

2 2/1/99 First read in Senate and referred to Transportation. S.J. 279

3 2/9/99 Scheduled for Committee hearing on this date.

4 2/11/99 Scheduled for Committee hearing on this date.

5 2/11/99 Transportation Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 445

6 2/16/99 Senate Deferred to another day. S.J. 506

7 2/17/99 Motion to Amend, Passed. S.J. 528

8 2/17/99 Senate Do Pass Amended, Passed, AYES 33, NAYS 0. S.J. 528