

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

670D0657

HOUSE COMMERCE COMMITTEE ENGROSSED NO. **HB1188** - 2/2/00

Introduced by: Representatives Broderick and Earley and Senators Munson (David) and Whiting

1 FOR AN ACT ENTITLED, An Act to allow the payment of the motor vehicle excise tax by a
2 person on behalf of the owner.

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

4 Section 1. That § 32-5-27 be amended to read as follows:

5 32-5-27. Any dealer, person, firm, or corporation, which brings into the state or purchases
6 any used or secondhand out-of-state motor vehicles not currently licensed in this state for the
7 purpose of sale or resale, except as a trade-in on a new motor vehicle or another used motor
8 vehicle or vehicles receiving a junking certificate or motor vehicles with a gross vehicle weight
9 rating of over twenty-six thousand pounds or a semitrailer with a manufacturer's shipping weight
10 of nine thousand pounds or more, shall, within thirty days from the date of purchase or entry of
11 the motor vehicle into the limits of this state, or from the date of purchase at a dealer's car
12 auction agency, title the motor vehicle pursuant to chapter 32-3 and pay the excise tax pursuant
13 to chapter 32-5B but is not required to license the vehicle. Any licensed motor vehicle dealer
14 titling a motor vehicle pursuant to this section is exempt from paying the excise tax imposed by
15 § 32-5B-1 on such vehicle. A vehicle titled by a licensed motor vehicle dealer pursuant to this
16 section shall be issued a title indicating that no excise tax has been paid. Upon transfer of the title

1 to a subsequent purchaser of the motor vehicle, the excise tax shall be paid by the purchaser or
2 by any other person as defined by subdivision 2-14-2(18), on behalf of and as the agent for the
3 purchaser. A violation of this section is a Class 2 misdemeanor.

4 The provisions of this section do not apply to any motor vehicle titled and licensed in another
5 jurisdiction which is sold in this state through a dealer's car auction agency licensed under the
6 provisions of chapter 32-6B.

7 Section 2. That § 32-5B-9 be amended to read as follows:

8 32-5B-9. The new owner of a motor vehicle, or with written authorization, any other person
9 as defined by subdivision 2-14-2(18) on behalf of and as the agent for the new owner, shall
10 present to the county treasurer in the county of ~~his~~ the new owner's residence the manufacturer's
11 or importer's statement or certificate of origin or the assigned certificate of title and a properly
12 endorsed motor vehicle purchaser's certificate. The motor vehicle purchaser's certificate shall be
13 on a form to be furnished by the Department of Revenue through the county treasurer's office.
14 The certificate shall contain a complete description of the motor vehicle, the owner's name and
15 address, the previous owner's name and address, the full purchase price as defined by § 32-5B-4
16 and how computed, the trade-in allowance and description of the trade, if any, and any other
17 relevant information the Department of Revenue may require. However, for a motor vehicle
18 licensed and registered pursuant to chapter 32-10, the manufacturer's or importer's statement or
19 certificate of origin or an assigned certificate of title and a properly endorsed motor vehicle
20 purchaser's certificate shall be presented to the Department of Revenue. ~~If a~~ Any person who
21 intentionally falsifies information on the certificate, ~~he~~ is guilty of a Class 6 felony.

22 Section 3. That § 32-5-2 be amended to read as follows:

23 32-5-2. Every owner, or with written authorization, any other person as defined by
24 subdivision 2-14-2(18) on behalf of and as the agent for the owner, of a motor vehicle,
25 motorcycle, truck tractor, road tractor, trailer or semitrailer, or recreational vehicle or trailer,

1 which is operated or driven upon the public highways of this state, shall, except as otherwise
2 expressly provided, present to the county treasurer of ~~his~~ the owner's county, or, in case of a
3 nonresident of this state, the treasurer of any county, application for the registration of that
4 vehicle. The application form shall be furnished by the department and shall contain but not be
5 limited to the following information:

- 6 (1) The number of cylinders or the bore and stroke of each cylinder;
- 7 (2) The manufacturer's weight;
- 8 (3) Whether the vehicle operates on diesel fuel, liquified petroleum gas, gasoline, or any
9 other special fuel;
- 10 (4) The make, model, body, year, color, and vehicle identification number of the vehicle;
- 11 (5) The odometer reading; and
- 12 (6) The purchase price and the name and address of the seller, buyer, and lienholder, if
13 any.

14 Any person who fails to provide the above information to the county treasurer or the
15 department is guilty of a Class 2 misdemeanor. The department or the county treasurer may not
16 accept an incomplete application form or an application form which the department considers
17 erroneous.

1 **BILL HISTORY**

2 1/19/00 First read in House and referred to committee assignment waived. H.J. 139

3 1/20/00 Referred to Commerce.

4 2/1/00 Scheduled for Committee hearing on this date.

5 2/1/00 Commerce Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 344

6 2/1/00 Commerce Place on Consent Calendar.