

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

374I0553

HOUSE BILL NO. 1126

Introduced by: Representatives Hennies, Adelstein, Burg, Elliott, Engels, Fryslie, Glenski, Haverly, Koistinen, Lange, Lintz, McLaughlin, O'Brien, Rhoden, and Sebert and Senators Ham, Abdallah, Dennert, and Duxbury

1 FOR AN ACT ENTITLED, An Act to require evidence of financial responsibility at the time of
2 motor vehicle registration and to provide for the suspension of vehicle registrations.

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 Before any motor vehicle may be registered as a noncommercial motor vehicle, the applicant
7 shall present evidence of financial responsibility as defined by §§ 32-35-115 and 32-35-119 to
8 the county treasurer showing that the motor vehicle is covered by one of the forms of financial
9 responsibility required by § 32-35-113. Any person who intentionally provides false information
10 of financial responsibility is guilty of a Class 1 misdemeanor.

11 Section 2. That chapter 32-9 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 Before any motor vehicle may be registered as a commercial motor vehicle, the applicant
14 shall present evidence of financial responsibility as defined by §§ 32-35-115 and 32-35-119 to
15 the county treasurer showing that the motor vehicle is covered by one of the forms of financial



1 responsibility required by § 32-35-113. Any person who intentionally provides false information
2 of financial responsibility is guilty of a Class 1 misdemeanor.

3 Section 3. That chapter 32-35 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 If any motor vehicle liability insurance policy is canceled or terminated, the insurance carrier
6 shall notify the Division of Motor Vehicles within thirty days after the effective date of the
7 cancellation or termination. If the owner of the motor vehicle, within the same thirty-day period,
8 has not presented the Division of Motor Vehicles with evidence of maintenance of financial
9 responsibility that meets the requirements of § 32-35-113, the owner or registrant shall
10 immediately surrender the registration certificate and vehicle license plates to the division and
11 may not operate or permit operation of the vehicle in this state until evidence of financial
12 responsibility is provided.

13 Section 4. That chapter 32-35 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 The Division of Motor Vehicles shall suspend, after due notice and an opportunity for a
16 hearing pursuant to chapter 1-26, the vehicle registration of any owner who has failed to present
17 evidence of financial responsibility as provided by section 3 of this Act.

18 Section 5. That chapter 32-35 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 Any operator or owner whose registration has been suspended pursuant to this Act may
21 reinstate a registration upon showing financial responsibility that meets the requirements of § 32-
22 35-113 and upon payment to the Division of Motor Vehicles of a nonrefundable reinstatement
23 fee of one hundred fifty dollars for the first reinstatement. The reinstatement fee is two hundred
24 fifty dollars for the second reinstatement and five hundred dollars for each subsequent

1 reinstatement during the three years following the first reinstatement. If a person does not have
2 a second reinstatement within three years after the person's first reinstatement, the reinstatement
3 fee is one hundred fifty dollars for the first reinstatement after that three-year period. The
4 division shall collect the fee at the time of reinstatement. All reinstatement fees shall be deposited
5 in the state motor vehicle fund.