

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0283

SENATE COMMERCE

ENGROSSED NO. **HB 1037** - 2/11/2008

Introduced by: The Committee on Commerce at the request of the Department of Labor

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding action on medical
2 claims for workers' compensation and to establish an administrative fine for delays
3 regarding these medical claims.

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

5 Section 1. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Within thirty days after receiving a properly submitted bill for medical payments, the
8 employer shall:

- 9 (1) Pay the charge or any portion of the bill that is not denied;
- 10 (2) Deny all or a portion of the bill on the basis that the injury is not compensable, or the
11 service or charge is excessive or not medically necessary; or
- 12 (3) Request additional information to determine whether the charge or service is
13 excessive or not medically necessary or whether the injury is compensable.

14 Section 2. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as
15 follows:



1 An employer that fails, refuses, or neglects to comply with the provisions of section 1 of this
2 Act is subject to a administrative fine of five hundred dollars payable to the Department of
3 Labor for each act of noncompliance, unless the employer had good cause for noncompliance.
4 The department may promulgate rules pursuant to chapter 1-26 to establish standards for
5 medical bill submissions pursuant to section 1 of this Act.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

286P0294

SENATE JUDICIARY ENGROSSED NO. **HB 1097** - 2/11/2008

Introduced by: Representatives Vehle, Deadrick, Dennert, and Elliott and Senator Hansen (Tom) at the request of the Interim Committee on Education for Divorcing Parents, Visitation, and Custody Task Force

1 FOR AN ACT ENTITLED, An Act to provide for the imposition of certain sanctions against
2 parties who willfully do not comply with custody or visitation decrees.

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

4 Section 1. That § 25-4A-5 be amended to read as follows:

5 25-4A-5. ~~Each violation of the custody or visitation provisions of a court decree may be~~
6 ~~punished by imprisonment in jail not to exceed three days, by fine not to exceed one thousand~~
7 ~~dollars, or both.~~ If the court finds that any party has willfully violated or willfully failed to
8 comply with any provisions of a custody or visitation decree, the court shall impose appropriate
9 sanctions to punish the offender or to compel the offender to comply with the terms of the
10 custody or visitation decree.

11 Sanctions which the court may, in its discretion, order include:

12 (1) To require the offender to provide the other party with make up time with the child
13 equal to the time missed with the child, due to the offender's noncompliance;

14 (2) To require the offender to pay, to the other party, court costs and reasonable



1 attorney's fees incurred as a result of the noncompliance;

2 (3) To require the offender to pay a civil penalty of not more than the sum of one
3 thousand dollars;

4 (4) To require the offender to participate satisfactorily in counseling or parent education
5 classes;

6 (5) To require the offender to post bond or other security with the court conditional upon
7 future compliance with the terms of the custody or visitation decree or any ancillary
8 court order;

9 (6) To impose a jail sentence on the offender of not more than three days.

10 The provisions of this section do not prohibit the court from imposing any other sanction
11 appropriate to the facts and circumstances of the case.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0149

SENATE ENGROSSED NO. **SB 2** - 1/16/2008

Introduced by: The Committee on Local Government at the request of the Office of the
Secretary of State

1 FOR AN ACT ENTITLED, An Act to prohibit public access to birth dates of voters contained
2 in the master voter registration file.

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

4 Section 1. That § 12-4-9 be amended to read as follows:

5 12-4-9. The county auditor shall maintain and safeguard a file of voters in computer format
6 that contains each person registered in each voting precinct within the county. This file shall be
7 known as the master registration file and shall be, at all times during office hours, open to public
8 inspection. However, public access to social security numbers and driver license numbers
9 contained in the master registration file shall be ~~restricted~~ prohibited. Public access to each
10 voter's day and month of birth shall be restricted. Public access to the voter's year of birth is not
11 restricted. The master registration file shall contain all information from each voter's registration
12 card except the description of the location of the voter's residence. The master registration file
13 shall also include the date of the last election the voter has voted in and when the voter's
14 information was last updated. The master registration file may also contain additional voter
15 history information.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0143

SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 3** - 1/14/2008

Introduced by: The Committee on Local Government at the request of the Office of the
Secretary of State

1 FOR AN ACT ENTITLED, An Act to revise certain procedures concerning elections for special
2 districts and to declare an emergency.

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

4 Section 1. That § 6-16-4 be amended to read as follows:

5 6-16-4. The county auditor shall publish the notice of the voter registration deadline at least
6 once each week for two consecutive weeks, the last publication to be not less than ~~twenty-five~~
7 twenty-four nor more than thirty days prior to the election. The auditor shall publish notices of
8 election at least once each week for two consecutive weeks, the last publication to be not less
9 than four nor more than ten days before the election in at least one legal newspaper of general
10 circulation in the proposed district.

11 Section 2. That § 6-16-5 be amended to read as follows:

12 6-16-5. ~~The~~ If the proposed district contains less than one thousand eligible voters as defined
13 in § 6-16-6, the county auditor shall set a date, time, and location for a meeting to be held within
14 the district to conduct an election on the question of formation of the special district. The date



1 may not be more than sixty days after the appropriate board declares that the application for
2 incorporation is valid. The auditor shall appoint three judges of election, one of whom shall
3 serve as the superintendent, to conduct the election. The vote upon the question of incorporation
4 shall be by ballot which conforms to a ballot for a statewide question except that the statement
5 required to be printed on the ballot shall be prepared by the state's attorney. After the vote is cast
6 and counted, the judges shall prepare a certification showing the whole number of ballots cast,
7 together with the number voting for and the number voting against incorporation, and shall
8 return the certification to the county auditor. If a majority of the votes cast on the question of
9 formation is in favor, an election shall be conducted by those present at the same meeting to
10 elect the initial board of directors or trustees.

11 Section 3. That § 6-16-8 be amended to read as follows:

12 6-16-8. The State Board of Elections may promulgate rules pursuant to chapter 1-26
13 concerning:

- 14 (1) The petition form; ~~and~~ for the formation of a special district;
- 15 (2) The notice of election; and
- 16 (3) The nominating petition.

17 The petition form and notice of election shall include a description of the proposed district
18 boundaries.

19 Section 4. That chapter 6-16 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 If the proposed district contains one thousand or more eligible voters as defined in § 6-16-6,
22 the county auditor shall set a date for an election to be held within the district on the question
23 of formation of the special district. The date may not be more than sixty days after the
24 appropriate board declares that the application for incorporation is valid. The election shall be

1 conducted pursuant to Title 12. The vote upon the question of incorporation shall be by ballot
2 which conforms to a ballot for a statewide question except that the statement required to be
3 printed on the ballot shall be prepared by the state's attorney. The election shall be canvassed
4 by the county commission.

5 Section 5. That chapter 6-16 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 If a majority of the votes cast in an election conducted pursuant to section 4 of this Act is
8 in favor on the question of formation of the special district, an election shall be conducted by
9 the county auditor within sixty days after the official canvass to elect the initial board of
10 directors or trustees. The election shall be conducted pursuant to Title 12. The county auditor
11 shall publish a notice of vacancy no later than fifty days prior to the election. Circulation of
12 nominating petitions may begin upon completion of the official canvass of the election to form
13 the district. Nominating petitions shall be filed with the county auditor by 5:00 p.m. at least
14 thirty days before the election. The nominating petitions shall contain signatures of at least
15 twenty-five registered voters in the district. Absentee ballots shall be made available to the
16 voters no later than twenty days before the date of election. The election shall be canvassed by
17 the county commission.

18 Section 6. Whereas, this Act is necessary for the support of the state government and its
19 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
20 full force and effect from and after its passage and approval.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0323

SENATE ENGROSSED NO. **SB 21** - 1/22/2008

Introduced by: The Committee on Education at the request of the Department of Education

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the interstate
2 enrollment options program.

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

4 Section 1. That § 13-28A-1 be amended to read as follows:

5 13-28A-1. The secretary of the Department of Education may enter into agreements with the
6 appropriate parties from the ~~state of North Dakota~~ states bordering South Dakota to establish
7 an open enrollment options or tuition regulation program between South Dakota and ~~North~~
8 ~~Dakota~~ each neighboring state.

9 Section 2. That § 13-28A-2 be amended to read as follows:

10 13-28A-2. Any agreement to allow open enrollment between South Dakota school districts
11 and a bordering state's school districts entered into pursuant to this chapter shall specify the
12 following:

13 (1) If ~~North Dakota~~ the bordering state sends more students to South Dakota than South
14 Dakota sends to ~~North Dakota, North Dakota~~ the bordering state, the bordering state
15 will pay South Dakota an amount agreed upon for the excess number of students sent



1 to South Dakota; and

2 (2) If South Dakota sends more students to ~~North Dakota~~ the bordering state than ~~North~~
3 ~~Dakota~~ the bordering state sends to South Dakota, South Dakota will pay ~~North~~
4 ~~Dakota~~ the bordering state an amount agreed upon for the excess number of students
5 sent to ~~North Dakota~~ the bordering state.

6 Section 3. That chapter 13-28A be amended by adding thereto a NEW SECTION to read
7 as follows:

8 Any agreement to allow the regulation of tuition paid between South Dakota school districts
9 and a bordering state's school districts entered into pursuant to this chapter shall specify the
10 tuition rate to be paid by all local school districts on behalf of students enrolled in the school
11 district of a bordering state. However, no tuition regulation program agreement established
12 pursuant to section 1 of this Act may specify a rate of tuition that is greater than one hundred
13 ten percent of the per student allocation as defined in subdivision 13-13-10.1(4).

14 Section 4. That § 13-28A-3 be amended to read as follows:

15 13-28A-3. Any agreement entered into pursuant to this chapter shall specify the application
16 procedures for the enrollment options program between South Dakota and ~~North Dakota~~ the
17 bordering state.

18 Section 5. That § 13-28A-4 be amended to read as follows:

19 13-28A-4. Any agreement entered into pursuant to this chapter shall specify the reasons for
20 which an application for the enrollment options program between South Dakota and ~~North~~
21 ~~Dakota~~ the bordering state may be denied.

22 Section 6. That § 13-28A-5 be amended to read as follows:

23 13-28A-5. Any agreement entered into pursuant to this chapter shall specify that a South
24 Dakota school district is not responsible for transportation for any resident student attending

1 school in ~~North Dakota~~ a bordering state under the provisions of this chapter. However, a South
2 Dakota school district may, at its discretion, provide transportation services for such a student.

3 Section 7. That § 13-28A-7 be amended to read as follows:

4 13-28A-7. ~~For~~ If South Dakota enters into an open enrollment agreement with a bordering
5 state, for the purposes of state aid to education distributed pursuant to chapter 13-13, any student
6 ~~sent open enrolled to a~~ South Dakota district from ~~North Dakota~~ a bordering state is included
7 in the receiving school district's fall enrollment.

8 Section 8. That § 13-28A-8 be amended to read as follows:

9 13-28A-8. ~~For~~ If South Dakota enters into an open enrollment agreement with a border state
10 for the purposes of state aid to education distributed pursuant to chapter 13-13, any student sent
11 to ~~North Dakota~~ a bordering state from South Dakota may not be included in the resident school
12 district's fall enrollment.

13 Section 9. That § 13-28A-9 be amended to read as follows:

14 13-28A-9. Any student whose resident school district does not receive state aid to education
15 under the provisions of chapter 13-13 or 13-37 may not ~~attend school in North Dakota~~ open
16 enroll in the district of a bordering state unless the student's resident school district pays the
17 State of South Dakota an amount equal to the per student allocation as defined in chapter 13-13
18 or 13-37 for each student ~~sent to North Dakota~~ open enrolled to a bordering state.

19 Section 10. That chapter 13-28A be amended by adding thereto a NEW SECTION to read
20 as follows:

21 If South Dakota enters into a tuition regulation agreement with a bordering state, for
22 purposes of state aid to education distributed pursuant to chapter 13-13, any student for whom
23 tuition is paid to a South Dakota district from a bordering state is not included in the receiving
24 school district's fall enrollment.

1 If South Dakota enters into a tuition regulation agreement with a bordering state, for
2 purposes of state aid to education distributed pursuant to chapter 13-13, any student for whom
3 tuition is paid from a South Dakota district to a bordering state's district is included in the South
4 Dakota school district's fall enrollment.

5 Section 11. That chapter 13-28A be amended by adding thereto a NEW SECTION to read
6 as follows:

7 If the rate of tuition specified in a tuition regulation program agreement established pursuant
8 to section 1 of this Act is greater than the per student allocation as defined in subdivision 13-13-
9 10.1(4), any South Dakota school district that pays tuition to a bordering state school district in
10 accordance with that agreement is entitled to the difference between the rate of tuition and the
11 per student allocation for each student for whom tuition is paid.

12 If the rate of tuition specified in a tuition regulation program agreement established pursuant
13 to section 1 of this Act is less than the per student allocation, any South Dakota school district
14 that receives tuition from a bordering state school district in accordance with that agreement is
15 entitled to the difference between the per student allocation and the rate of tuition for each
16 student for whom tuition is received.

17 The entitlements created in this section shall be paid out of money appropriated in the
18 general appropriations act for state aid to education.

19 Section 12. That chapter 13-28A be amended by adding thereto a NEW SECTION to read
20 as follows:

21 Nothing in this Act may be construed to prevent a school district which has a contract with
22 a bordering state from continuing that contract.

23 Section 13. That § 13-28B-1 be repealed.

24 ~~13-28B-1. The secretary of the Department of Education may enter into agreements with the~~

1 appropriate parties from the state of Iowa to establish an enrollment options program between
2 South Dakota and Iowa.

3 Section 14. That §§ 13-28B-2 to 13-28B-11, inclusive, be repealed.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0222

SENATE AGRICULTURE AND NATURAL RESOURCES

ENGROSSED NO. **SB 45** - 1/17/2008

Introduced by: The Committee on Agriculture and Natural Resources at the request of the
Public Utilities Commission

1 FOR AN ACT ENTITLED, An Act to revise the requirements regarding the licensing and
2 regulation of public grain warehouses, to establish a grain warehouse fund, and to make a
3 continuous appropriation from that fund.

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

5 Section 1. That § 49-43-1 be amended to read as follows:

6 49-43-1. ~~If the operator of any public grain warehouse receives grain into such warehouse,~~
7 ~~he shall designate in writing whether the grain is to be sold or stored, such designation to be~~
8 ~~made in accord with any prior agreement with the owner, and settlement~~ Any grain delivered
9 to a public grain warehouse shall be considered stored at the time of delivery unless an
10 arrangement has been made with the public grain warehouse operator prior to or at the time of
11 delivery to apply the grain on contract, for shipment or consignment, or for cash sale. Grain may
12 be held in open storage, a grain bank account, or placed on a warehouse receipt. The warehouse
13 shall issue a scale ticket for any grain received by the warehouse. The warehouse shall keep
14 sufficient grain inventory to cover all stored grain. Settlement for all grain stored or sold shall



1 be made immediately on demand by the owner.

2 Section 2. That § 49-43-1.1 be amended to read as follows:

3 49-43-1.1. Terms used in this chapter mean:

4 (1) "Commission," the Public Utilities Commission of this state;

5 (1A) "Grain bank," grain which is received by a public grain warehouse from depositors
6 for storage and is to be withdrawn and processed into feed as needed;

7 (1B) "Open storage grain," grain received by a public grain warehouse from a depositor
8 for which a warehouse receipt has not been issued or a purchase made and is not
9 grain bank;

10 (2) "Public grain warehouse," any public warehouse where grain, as defined in
11 subdivision 49-45-1.1(2), is received for storage for hire. A public grain warehouse
12 may also purchase, receive or handle grain in accordance with the provisions of
13 chapter 49-45 relating to grain ~~dealers~~ buyers;

14 (3) "Receipt," a warehouse receipt which complies with the requirements of this chapter
15 and the rules of the commission promulgated pursuant thereto;

16 (4) "Scale ticket," a memorandum issued by a public grain ~~warehouseman~~ warehouse or
17 ~~grain dealer~~ buyer to a depositor at the time grain is initially delivered, showing the
18 weight of the load, kind of grain, date of delivery, and indicates whether the grain is
19 to be sold or stored or sold under a warehouse receipt, in open storage, or in a grain
20 bank account.

21 Section 3. That § 49-43-2 be amended to read as follows:

22 49-43-2. If any grain is delivered to any person doing a public grain warehouse business in
23 this state, ~~and a receipt is issued therefor providing for a delivery of a like kind, amount and~~
24 ~~grade to the holder of the receipt in return, such~~ and is held in open storage, in a grain bank

1 account, or placed on a warehouse receipt, the delivery is a bailment and not a sale of the grain
2 ~~so delivered.~~

3 Section 4. That § 49-43-2.1 be amended to read as follows:

4 49-43-2.1. The ~~lessee, owner or manager~~ operator of a public grain warehouse shall give a
5 receipt for the grain received by it for storage, except for grain held in open storage or a grain
6 bank account. No receipt ~~forms~~ form may be used except ~~those~~ any form requested and ordered
7 in accordance with the ~~Public Utilities Commission~~ commission's rules promulgated pursuant
8 to chapter 1-26.

9 The commission shall determine by rule or order the form and contents of ~~the~~ any receipt
10 ~~forms~~ form, which shall be uniform.

11 ~~All~~ Any receipt ~~forms~~ form may be recovered by the commission ~~or its agents or employees~~
12 if the ~~warehouseman's~~ public grain warehouse license is revoked, suspended, or otherwise
13 terminated.

14 A violation of this section is a ~~Class 2~~ Class 1 misdemeanor.

15 Section 5. That § 49-43-3 be amended to read as follows:

16 49-43-3. In no case ~~shall~~ is the grain stored under a receipt as required by § 49-43-2.1, ~~be~~
17 open storage grain, or grain bank liable to seizure upon process of any court in any action
18 against the bailee, except an action by the owner of open storage grain, owner of grain bank, or
19 owner or holder of ~~such~~ a warehouse receipt to enforce the terms of the same. In the event of
20 the failure or insolvency of ~~such~~ the bailee, grain on hand in the public grain warehouse shall
21 first be applied to the redemption and satisfaction of outstanding receipts issued ~~from such~~ by
22 the warehouse and to owners of open storage grain and grain bank.

23 Section 6. That § 49-43-4 be repealed.

24 ~~49-43-4. Any public grain warehouseman storing his own grain and seed is subject to the~~

1 ~~grain warehouse law of this state and to the rules made thereunder.~~

2 Section 7. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 The commission may promulgate rules pursuant to chapter 1-26 concerning:

- 5 (1) The procedure for filing grain reports;
- 6 (2) The form of a public grain warehouse's bond and application, and the information
7 required to be included for licensing;
- 8 (3) Requirements and procedures for releasing bonds;
- 9 (4) Requirements for posting public grain warehouse's licenses;
- 10 (5) Procedures and requirements for license suspension, revocation, transfer of
11 ownership, or insolvency by a public grain warehouse;
- 12 (6) Requirements for the form of, procedures for, and the issuance and control of grain
13 warehouse receipts and scale tickets;
- 14 (7) Specifications for the safe storage of grain;
- 15 (8) Requirements for filing financial statements with the commission and the financial
16 standards by which the statements are approved when considering whether to license
17 a public grain warehouse; and
- 18 (9) The rates for receiving, handling, redelivering, and storing grain.

19 Section 8. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 No owner, lessee, or manager of any public grain warehouse may transact any business as
22 a public grain warehouse until a license has been issued by the commission. Any person who
23 does business as a public grain warehouse without a license is guilty of a Class 1 misdemeanor.
24 Each day a person conducts the business of a public grain warehouse without a license is a

1 separate offense. The operation of a public grain warehouse without a license may be enjoined
2 by the commission. In addition, the commission may assess a civil fine against an unlicensed
3 warehouse operator in the amount of one thousand dollars a day up to a maximum of twenty
4 thousand dollars.

5 Section 9. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Before any license is granted to a public grain warehouse, the warehouse operator shall file
8 with the commission a bond conditioned to secure the faithful performance of the warehouse
9 operator's obligations as a public warehouse and full and unreserved compliance with the laws
10 of this state and the rules of the commission, relating to the storage of property for hire by the
11 public warehouse. The bond shall be in the amount specified by § 49-43-5.3. Operation as a
12 public grain warehouse without a bond is a Class 1 misdemeanor. Each day a person conducts
13 the business of a public grain warehouse without a bond is a separate offense.

14 Section 10. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 Upon receipt of an application and sufficient bond, the commission may grant the license
17 applied for or may, for good cause shown, deny the issuance of the license.

18 Section 11. That § 49-43-5.3 be amended to read as follows:

19 49-43-5.3. The bond required by ~~§ 49-42-5.1~~ section 9 of this Act for public grain
20 ~~warehousemen~~ warehouses is for the specific purpose of protecting persons storing grain with
21 the ~~warehousemen~~ warehouse.

22 The ~~warehouseman~~ warehouse operator shall furnish a single bond in an amount equal to
23 one-half of the local market value of the grain stored in ~~his~~ the warehouse, or if multiple
24 warehouses are operated by the ~~warehouseman~~ warehouse operator, the bond shall equal

1 one-half of the local market value of the grain stored at all warehouse locations. However, a
 2 ~~warehouseman~~ warehouse operator shall provide a minimum bond of twenty-five thousand
 3 dollars at any one municipality or location. ~~Such~~ The minimum bond amounts per municipality
 4 or location does not limit the bond coverage available to depositors at any one warehouse
 5 location. The entire bond, up to the amount on its face, shall provide coverage to a depositor
 6 conducting business at any of the ~~warehouseman's~~ warehouse operator's locations.

7 The bond shall describe with particularity the exact locations of the warehouses to be
 8 covered.

9 Section 12. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
 10 follows:

11 Each license issued pursuant to section 10 of this Act expires on the next June thirtieth
 12 following the issuance of the license. The commission may at any time for good cause shown
 13 revoke or suspend any grain warehouse license. However, the grain warehouse operator has the
 14 right of appeal from the decision provided by chapter 1-26 for the review of final decisions of
 15 the commission.

16 Section 13. That § 49-43-5.6 be amended to read as follows:

17 49-43-5.6. ~~If any warehouseman~~ The commission may immediately suspend the license of
 18 a warehouse operator and the warehouse operator shall surrender the license to the commission
 19 if:

20 (1) The warehouse operator, whether licensed or unlicensed, refuses, neglects, or is
 21 unable, upon proper demand, to redeem any warehouse receipt or scale ticket for
 22 grain in open storage or in grain bank issued by ~~him~~ the warehouse operator, through
 23 redelivery or cash payment; ~~or if any warehouseman;~~

24 (2) The warehouse operator refuses, neglects, or is unable to provide ~~the requisite~~ a bond

1 to procure a warehouseman's license, ~~the Public Utilities Commission shall in an~~
2 amount required by the commission; or

3 (3) The commission has knowledge of any act of insolvency, including the filing of a
4 petition in bankruptcy naming the warehouse as debtor.

5 Within fifteen days the warehouse operator may request a hearing pursuant to chapter 1-26
6 to determine if the license should be revoked. If no request is made within fifteen days, the
7 commission shall revoke the license. If the commission determines it is necessary, the
8 commission may apply to the circuit court in the county in which the ~~warehouseman~~ warehouse
9 operator operates for that court to appoint a receiver. The receiver shall have such powers and
10 duties as the court, ~~from time to time~~, may direct.

11 Section 14. That § 49-43-5.8 be amended to read as follows:

12 49-43-5.8. If the ~~Public Utilities Commission~~ commission becomes aware of any act by any
13 ~~warehouseman~~ warehouse operator as described in § 49-43-5.6, ~~or has knowledge of any act of~~
14 ~~insolvency, including but not limited to the filing of a petition in bankruptcy naming the~~
15 ~~warehouseman as debtor~~, the commission shall may:

16 (1) Take immediate possession of the warehouse facility, and undertake an immediate
17 audit and verify the names and addresses of all outstanding warehouse receipt holders
18 and scale ticket holders as revealed by the audit, and audit and certify the quantity
19 and class or classes of grain therein;

20 (2) Immediately notify the surety named in both the ~~warehouseman's~~ warehouse's and
21 ~~dealer's~~ grain buyer's bonds, if any, held by ~~such warehouseman~~ the warehouse.

22 Section 15. That § 49-43-9 be amended to read as follows:

23 49-43-9. The operator of ~~every~~ each public grain warehouse shall, on or before the tenth day
24 of each month and at such additional times as the commission requires, furnish the commission

1 on forms prepared by the commission, reports showing the facts and information required by
2 the commission. The reports are not for public inspection, but the commission may, upon
3 request, furnish the total of the figures shown on ~~such the reports when~~ if the figures requested
4 are for not less than four public grain warehouses. Nothing in this section prohibits the
5 commission from providing the reports to state or federal governmental agencies who may not
6 release information on individual reports to the public. A violation of this section by an operator
7 is a ~~Class 2~~ Class 1 misdemeanor.

8 Section 16. That § 49-43-10 be amended to read as follows:

9 49-43-10. Each public grain warehouse shall obtain a yearly measurement of all the grain
10 in its facility and shall provide the results of the measurement to the commission along with a
11 daily position report as of the time of the measurement. The measurement shall be performed
12 by a qualified person independent of the warehouse. If the commission finds the person
13 performing the measurement is not qualified or independent, the commission may require a
14 different person to perform the measurement.

15 The commission may also ~~call for, from time to time, and require~~ the operator of a public
16 grain warehouse ~~shall~~ to furnish under oath, a written report showing the condition and
17 management of the business, the total number of bushels of each kind and grade of grain
18 purchased and in store, the number delivered out, the number remaining in store at the date of
19 the report, and any other information regarding the business of the public grain warehouse
20 which the commission requires. A violation of this section is a ~~Class 2~~ Class 1 misdemeanor.

21 No ~~warehouseman~~ warehouse need weigh the grain on hand more than once in each year,
22 unless the commission requires an additional measurement as part of an investigation of the
23 warehouse. If required by the commission, a ~~warehouseman~~ warehouse shall measure ~~his~~ its
24 grain inventory at ~~his~~ its expense. The commission shall designate a person who is qualified to

1 perform the measurement, which may be an agent or employee of the ~~warehouseman~~ warehouse
2 or a third party as appropriate under the circumstances of the investigation.

3 Section 17. That § 49-43-11 be amended to read as follows:

4 49-43-11. The lessee, owner, or manager of a public grain warehouse which has furnished
5 a bond and received a public grain warehouse license, shall receive for storage all grain offered
6 for storage at the warehouse, which at the time of ~~such~~ the offer are in suitable condition for
7 storage, and which are tendered in the usual course of business. ~~However, if the capacity of the~~
8 ~~warehouse to receive the grain is exhausted and the owner, lessee or manager of the warehouse~~
9 ~~is prevented from shipping the grain to a terminal market by inability to obtain cars for shipment~~
10 ~~or some other valid cause rendering the receiving of such grain impossible and over which the~~
11 ~~owner, lessee, or manager has no control, the provisions of this section are waived. However,~~
12 a warehouse operator may refuse to store grain if the capacity of the warehouse is exhausted or
13 for other good cause. If requested, a warehouse operator that refuses to store grain shall provide
14 the person requesting storage with the reason for the refusal in writing. The written notice of
15 refusal shall state that the person being refused storage may file a complaint with the
16 commission contesting the refusal. A violation of this section is a ~~Class 2~~ Class 1 misdemeanor.

17 Section 18. That § 49-43-13 be amended to read as follows:

18 49-43-13. ~~The storage period for grain deposited in a public grain warehouse shall terminate~~
19 ~~on June thirtieth of each year. In the absence of a demand for delivery, order to sell, or request~~
20 ~~by the holder of an outstanding storage receipt, accompanied by the payment of all accrued~~
21 ~~storage and handling charges as prescribed by law, the warehouseman may, upon the expiration~~
22 ~~of the storage contract, sell such stored grain at the local market price, on the close of business~~
23 ~~of that day, deduct from the proceeds thereof all legal accrued charges and cash advances which~~
24 ~~may have been made upon such stored grain by the warehouseman and pay the balance of such~~

1 ~~proceeds to the owner upon surrender of the storage receipt. By June thirtieth of each year, each~~
2 ~~warehouse operator shall provide written notice to each current depositor of all outstanding~~
3 ~~warehouse receipts, grain in open storage, and grain in a grain bank account. The notice shall~~
4 ~~state the market value of the grain and any accrued storage charges. Copies of the notices shall~~
5 ~~be kept and made available for inspection by the commission.~~

6 Section 19. That § 49-43-15 be amended to read as follows:

7 49-43-15. No warehouse receipt may be issued by a public grain warehouse except upon
8 actual delivery of grain into the warehouse; nor may a receipt be issued for a greater quantity
9 of grain than was actually received; nor may more than one receipt be issued for the same lot
10 of grain, unless receipt for part of a lot is desired, and then the aggregate receipts for a particular
11 lot shall cover that lot and no more. A violation of this section is a ~~Class 2~~ Class 1
12 misdemeanor.

13 Section 20. That § 49-43-22 be amended to read as follows:

14 49-43-22. Upon the return of any storage receipt by a receipt holder, a scale ticket for open
15 storage grain, or a scale ticket for grain in a grain bank account, to the public grain warehouse
16 issuing the receipt or scale ticket, and the tender of all proper charges on the grain represented
17 by the receipt or scale ticket, ~~such~~ the grain or an equal quantity of the same grade, kind and
18 quality shall immediately be delivered to the holder of ~~such~~ the receipt or scale ticket as rapidly
19 as due diligence, care, and prudence justify.

20 Section 21. That § 49-43-23 be amended to read as follows:

21 49-43-23. Nothing in § 49-43-22 means the delivery of the identical grain specified in the
22 receipt or scale ticket. A ~~warehouseman~~ warehouse may instead deliver an equal amount of the
23 same grade, kind and quality. If the grain ~~so~~ delivered has not been cleaned by the
24 ~~warehouseman~~ warehouse, there shall be added to the amount ~~so~~ delivered the amount originally

1 deducted from the grain stored for ~~dirt~~. ~~When such dockage and foreign material~~. If the grain
2 is to be delivered from some terminal market point, the public grain ~~warehouseman~~ warehouse
3 issuing ~~such the~~ storage receipts or scale tickets shall guarantee weight, grade, and quality.

4 Section 22. That § 49-43-27 be repealed.

5 ~~— 49-43-27. A representative of the Division of Commercial Inspection and Licensing may at~~
6 ~~any time without notice enter any public warehouse in this state and test and seal any weighing~~
7 ~~scale and measure used in conducting the warehouse business. The division may acquire~~
8 ~~standard weights and measures and such additional facilities and equipment, including motor~~
9 ~~vehicles or such other means of conveyance it deems necessary and suitable in carrying on the~~
10 ~~work of inspecting, testing, and correcting scales in this state.~~

11 Section 23. That § 49-43-28 be repealed.

12 ~~— 49-43-28. If the person making an inspection pursuant to § 49-43-27 finds any scales in use~~
13 ~~in the public warehouse inaccurate, he shall condemn the scales and attach thereto a card, notice,~~
14 ~~or other device indicating that the scales are condemned. It is thereafter a Class 2 misdemeanor~~
15 ~~for any person to remove, deface or destroy such card, notice or other device placed upon the~~
16 ~~condemned scales, or to again use, or permit the use of such scales for any purpose, until they~~
17 ~~have been repaired, retested, and found to be correct, and until the Division of Commercial~~
18 ~~Inspection Licensing, or the person making the inspection, consents to the further use of such~~
19 ~~scales.~~

20 Section 24. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 Open storage grain is considered stored grain and is covered by the warehouse bond required
23 pursuant to § 49-43-5.3.

24 Section 25. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 A public grain warehouse shall keep all grain in the warehouse insured at current market
3 value against loss by fire, windstorm, and extended coverage risks. The warehouse operator
4 shall furnish the commission with proof of the insurance when the operator applies for a license.

5 A violation of this section is a Class 1 misdemeanor.

6 Section 26. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 A public grain warehouse shall keep all records of grain purchased and stored and all
9 receipts, scale tickets, and contracts issued and canceled in a safe place. The records shall be
10 kept current and open for inspection by the commission. Each record shall be retained for a
11 period of six years.

12 Section 27. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 The operator of a public grain warehouse shall notify the commission, within twenty-four
15 hours, if the public grain warehouse is destroyed or substantially damaged.

16 Section 28. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 The commission shall cause every public grain warehouse to be inspected at such times as
19 the commission considers necessary. The inspector shall report in writing to the commission the
20 result of the inspection. The inspector may at any time during ordinary business hours enter any
21 public grain warehouse or any office in which the books and accounts of any public warehouse
22 are kept, and may examine all the books relating to the transaction of business in such public
23 grain warehouse either within or without the state. The commission may in all matters arising
24 under chapters 49-43 to 49-44, inclusive, exercise the power of subpoena and examine witnesses

1 in accordance with chapter 1-26.

2 Section 29. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 Any public grain warehouse operator in the state who refuses access to the warehouse's
5 books and accounts or hinders and delays the commission or any of its employees or agents in
6 examining the books and accounts, may be punished by a civil fine not exceeding two thousand
7 dollars. In addition, the commission may revoke the license of the public warehouse.

8 Section 30. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
9 follows:

10 Upon completing an inspection an inspector may issue a memorandum of adjustments. The
11 commission may assess a civil fine in the amount of two hundred dollars for failure to comply
12 with the memorandum of adjustments within thirty days. After thirty days, each day that the
13 memorandum goes uncorrected may be considered a separate offense.

14 Section 31. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
15 follows:

16 Unless otherwise specifically provided by this chapter, the provisions regarding uniform
17 warehouse receipts in chapter 57A-7 apply to the receipts and contracts of public grain
18 warehouses operating within this state.

19 Section 32. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 Any public grain warehouse operator, or any officer, agent, or employee, who issues a
22 receipt knowing that the goods for which the receipt is issued have not been actually received
23 by the warehouse, or are not under the warehouse's actual control at the time of issuing the
24 receipt, is guilty of a Class 5 felony.

1 Section 33. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
2 follows:

3 Any grain warehouse operator, or any officer, agent, or employee who fraudulently issues
4 a receipt for goods knowing that it contains any false statement, is guilty of a Class 1
5 misdemeanor.

6 Section 34. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 Any grain warehouse operator, or any officer, agent or employee, who issues a duplicate or
9 additional negotiable receipt for goods knowing that a former negotiable receipt for the same
10 goods or any part of them is outstanding and uncanceled, without plainly placing upon the face
11 thereof the word, duplicate, except in the case of a lost or destroyed receipt after proceedings
12 as provided for in subdivision 57A-7-601(1), is guilty of a Class 5 felony.

13 Section 35. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 If there are deposited with or held by a warehouse goods of which the warehouse is owner,
16 either solely or jointly or in common with others, the warehouse operator, or any officer, agent,
17 or employee, who, knowing this ownership, issues or aids in issuing a negotiable receipt for
18 such goods which does not state the ownership, is guilty of a Class 1 misdemeanor.

19 Section 36. That chapter 49-33 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 Any grain warehouse operator, or any officer, agent, or employee, who delivers goods out
22 of the possession of the grain warehouse, knowing that a negotiable receipt, the negotiation of
23 which would transfer the right to the possession of such goods, is outstanding and uncanceled,
24 without obtaining the possession of the receipt at or before the time of the delivery, except in

1 the cases provided for in subdivisions 57A-7-206(1) to (3), inclusive, subdivisions
2 57A-7-210(1) and (2), and subdivision 57A-7-601(1), is guilty of a Class 1 misdemeanor.

3 Section 37. That chapter 49-33 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 Any person who deposits goods to which the person does not have title, or upon which there
6 is a lien or mortgage, and who takes for the goods a negotiable receipt which the person
7 afterwards negotiates for value with intent to deceive and without disclosing the person's lack
8 of title or the existence of the lien or mortgage is guilty of a Class 1 misdemeanor.

9 Section 38. That chapter 49-33 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 An aggrieved party may appeal any decision of the commission made in the course of
12 administration of this chapter in accordance with chapter 1-26.

13 Section 39. That chapter 49-33 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 It is a Class 1 misdemeanor for any person to falsely weigh any grain or any other
16 agricultural product.

17 Section 40. That chapter 49-43 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 Any money collected by the commission pursuant to chapters 49-43 and 49-45 shall be paid
20 into the state treasury and credited to the grain and warehouse fund which is hereby established
21 in the state treasury. Any money credited in the fund and any interest earned on the fund are
22 continuously appropriated to the commission for the implementation of the provisions of
23 chapters 49-43 and 49-45.

24 Section 41. The balance of funds in the grain and warehouse fund as established by § 49-42-

1 8 shall be transferred to the grain and warehouse fund established by this Act.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0369

SENATE ENGROSSED NO. **SB 51** - 1/28/2008

Introduced by: The Committee on Health and Human Services at the request of the
Department of Human Services

1 FOR AN ACT ENTITLED, An Act to revise certain terminology, licensing requirements, and
2 procedures regarding the Board of Examiners of Psychologists.

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

4 Section 1. That § 36-27A-1 be amended to read as follows:

5 36-27A-1. Terms used in this chapter, unless the context otherwise requires, mean:

6 (1) "Board," the Board of Examiners of Psychologists established under this chapter;

7 (2) "Program in psychology," a doctoral program, including a doctor of philosophy
8 degree (Ph. D.), a doctor of psychology degree (Psy. D.) and a doctor of education
9 degree (Ed. D.), for training in psychology that meets all of the following criteria:

10 (a) The program offers doctoral education and training in a regionally accredited
11 institution of higher education in the United States, or, in the case of Canadian
12 programs, the institution is recognized by the Association of Universities and
13 Colleges of Canada as a member in good standing;

14 (b) The program, wherever it may be administratively housed, is identified as a
15 psychology program ~~or primarily psychological in nature~~ as certified by the



- 1 educational institution. The board may review the institutional catalogs and
2 brochures to determine the psychological nature of the program;
- 3 (c) The program must be a recognizable, coherent organizational entity within the
4 institution;
- 5 (d) There must be a clear authority and primary responsibility for the core and
6 specialty areas whether or not the program cuts across administrative lines;
- 7 (e) The program must be an integrated, organized sequence of study;
- 8 (f) There must be an identifiable psychology faculty;
- 9 (g) The program must have an identifiable body of students who are matriculated
10 in that program for the purpose of receiving a degree;
- 11 (h) The program must include supervised practicum, ~~internship~~, field or laboratory
12 training ~~appropriate to the practice of in psychology, and a supervised~~
13 psychology internship pursuant to ARSD 20:60:08:01;
- 14 (i) The curriculum must encompass a minimum of three academic years of full
15 time graduate study and completion of a psychology internship prior to
16 awarding the doctoral degree. At least two of the three academic training years
17 must be with the institution from which the doctoral degree is granted, and at
18 least one year of which must be in full time residence at that same institution.
- 19 In addition to instruction in scientific and professional ethics and standards,
20 research design and methodology, statistics and psychometrics, the core
21 program shall require each student to demonstrate competence in each of the
22 four following substantive areas. This may be met by including a minimum of
23 three or more graduate semester hours (five or more graduate quarter hours)
24 in these four substantive content areas:

- 1 (i) Biological ~~bases~~ aspects of behavior: physiological psychology,
2 comparative psychology, neuro-psychology, ~~sensation and perception,~~
3 psychopharmacology, psychophysics;
- 4 (ii) Cognitive-affective ~~bases~~ aspects of behavior: learning, thinking,
5 motivation, emotion;
- 6 (iii) Social ~~bases~~ aspects of behavior: social psychology, ~~group processes~~
7 community psychology, organizational and systems theory, minority
8 group studies;
- 9 (iv) Individual differences: personality theory, human development,
10 ~~abnormal psychology~~ psychopathology, cultural diversity.

11 In addition to these criteria, the programs in ~~psychology~~ shall include course
12 requirements in specialty areas of psychology.

- 13 (3) "Psychological procedures," include but are not restricted to the application of
14 principles, methods or procedures of understanding, predicting or influencing
15 behavior, such as the principles pertaining to learning, conditioning, perception,
16 motivation, thinking, emotions or interpersonal relationships; the methods or
17 procedures of verbal interaction, interviewing, counseling, behavior modification,
18 environmental manipulation, group process, psychotherapy, biofeedback or hypnosis;
19 and the methods or procedures of administering or interpreting tests of mental
20 abilities, aptitudes, interests, attitudes, personality characteristics, emotions or
21 motivation;
- 22 (4) "Psychologist," a person licensed under this chapter in the practice of psychology
23 who holds himself or herself out to the public by any title or description of services
24 which uses the words psychological, psychology, psychologist, psychometrist, or any

1 derivations thereof;

2 (5) "The practice of psychology," the observation, description, evaluation, interpretation,

3 and modification of human behavior by the application of psychological principles,

4 methods, and procedures for the purpose of preventing or eliminating symptomatic,

5 maladaptive, or undesired behavior and of enhancing interpersonal relationships,

6 work and life adjustment, personal effectiveness, behavioral health, and mental

7 health. The term includes psychological testing and the evaluation or assessment of

8 personal characteristics, such as intelligence, personality, abilities, interests,

9 aptitudes, and neuropsychological functioning; individual, marital, family, or group

10 counseling; psychotherapy and other therapeutic techniques based on psychological

11 principles; diagnosis and treatment of mental and emotional disorders or disabilities,

12 compulsive disorders, disorders of habit or conduct as well as of the psychological

13 aspects of physical illness, accident, injury, or disability; and psychoeducational

14 evaluation, therapy, remediation, and consultation. The practice of psychology is the

15 rendering of psychological services to individuals, families, groups, and the public

16 and is without regard to whether payment is received for services rendered.

17 Section 2. That § 36-27A-2 be amended to read as follows:

18 36-27A-2. The provisions of this chapter do not apply to the following persons:

- 19 (1) Employees of a regionally accredited academic institution while performing their
- 20 teaching, training or research duties;
- 21 (2) Employees working in public or private nonprofit organizations or institutions if they
- 22 are being supervised by a licensed psychologist. The nature of an acceptable
- 23 supervisory relationship shall be specified by the Board of Examiners of
- 24 Psychologists in rules promulgated pursuant to chapter 1-26;

- 1 (3) Students of psychology, ~~psychological~~ psychology interns or persons preparing for
2 the practice of psychology ~~in a training institution or facility approved by the board,~~
3 if they are designated by the title ~~psychological~~ psychology trainee, psychology
4 intern, or similar title which clearly indicates their training status. Persons engaged
5 in obtaining their one year of supervised postdoctoral psychology practice are also
6 exempt;
- 7 (4) Persons who are not residents of this state, and who have not established offices in
8 this state, who render psychological services in this state for a period which does not
9 exceed an aggregate of more than twenty days during any one year, if they are
10 authorized under the laws of the state or country of their residence to perform these
11 activities and services. If a provider exceeds ten consecutive days of practice in this
12 state in any calendar year ~~he~~ the provider shall report to the board, in writing, the
13 nature and extent of ~~his~~ the provider's practice in this state;
- 14 (5) Persons consulting in the specialty areas of experimental psychology,
15 industrial/organizational psychology, developmental psychology, social psychology,
16 human factors psychology, and research design. ~~Individuals~~ Persons, who represent
17 themselves as consulting in these specialty areas, ~~must~~ shall notify the board of the
18 general nature of their activities, unless they are otherwise exempted by this section;
- 19 (6) School psychologists and school psychological examiners certified by the division
20 of education services and resources practicing and functioning within the scope of
21 their employment if they use the title certified school psychologist or school
22 psychological examiner;
- 23 (7) Qualified physicians, surgeons, dentists, osteopaths, optometrists, chiropractors,
24 podiatrists, registered nurses, attorneys, court employees, marriage counselors, family

1 counselors, members of the clergy, mental health counselors, school counselors,
 2 rehabilitation counselors, employment counselors, guidance counselors ~~or~~, social
 3 workers, or licensed professional counselors doing work within the standards and
 4 ethics of their respective professions if they do not hold themselves out to the public
 5 by any title incorporating the term psychology; or

6 (8) Employers in the normal course of evaluating and assessing the skills, aptitudes, and
 7 interests of employees and job applicants.

8 Section 3. That § 36-27A-8 be amended to read as follows:

9 36-27A-8. ~~The initial Board of Examiners of Psychologists shall meet at Pierre, South~~
 10 ~~Dakota, within one month after appointment and elect a president, vice president, and a~~
 11 ~~secretary from its members. Thereafter the~~ The board shall elect officers annually. The board
 12 shall meet at least once a year at a place and time determined by the president of the board. The
 13 board secretary ~~of the board shall be~~ is responsible for taking and keeping the minutes of all
 14 board meetings.

15 Section 4. That § 36-27A-11 be amended to read as follows:

16 36-27A-11. A psychologist licensed by another state, or by a province of Canada, may
 17 practice within this state for a maximum ~~period~~ of six months, during which time ~~his~~ the
 18 psychologist's credentials ~~must~~ shall be reviewed and ~~his~~ the psychologist's application for
 19 licensing accepted or denied. Within thirty calendar days after the commencement of ~~his~~ the
 20 psychologist's practice in this state, ~~he~~ the psychologist shall apply to the Board of Examiners
 21 of Psychologists for licensing. The board, upon application and payment of the license fee, shall
 22 license any ~~individual person~~ who is licensed by any other country, state, territory or possession
 23 of the United States, if the license was issued under the minimum requirements of this chapter
 24 and who has practiced at least five years in such jurisdiction, and who does not have a complaint

1 pending with such state or province, or any other jurisdiction. The application shall include a
2 consent by the applicant for the release of information by all prior jurisdictions where licensed
3 of all information relative to the applicant, including any disciplinary proceedings even if, by
4 agreement or otherwise, the proceedings are confidential.

5 Section 5. That § 36-27A-12 be amended to read as follows:

6 36-27A-12. The ~~Board of Examiners of Psychologists~~ board shall issue a license as a
7 psychologist to an applicant who:

8 (1) Has a doctoral degree from a regionally accredited university or ~~college in a program~~
9 in professional school of psychology, or is recognized by the Association of
10 Universities and Colleges of Canada as a member in good standing; and

11 (2) Has passed ~~an~~ any examination specified by the board for this purpose; ~~and~~

12 (3) Has had a supervised ~~psychological~~ psychology internship amounting to not less than
13 one thousand eight hundred hours in duration over a period of not more than two
14 consecutive calendar years ~~and one year of postdoctoral psychological experience.~~

15 ~~— The nature of an acceptable supervised psychological internship shall be specified by the~~
16 ~~board in rules promulgated pursuant to chapter 1-26. The board shall specify, by rules~~
17 promulgated pursuant to chapter 1-26, the nature of an acceptable supervised psychology
18 internship;

19 (4) Has had one year of supervised postdoctoral psychology practice. The board shall
20 specify, by rules promulgated pursuant to chapter 1-26, the nature of an acceptable
21 postdoctoral year of supervised psychology practice; and

22 (5) Has not been convicted of a felony or a misdemeanor involving moral turpitude as
23 defined in subdivision 22-1-2(25).

24 Section 6. That § 36-27A-12.1 be amended to read as follows:

1 36-27A-12.1. The ~~Board of Examiners of Psychologists~~ board may issue a provisional
2 license not to exceed twelve months in duration to an applicant who is completing the one-year
3 of supervised postdoctoral psychological experience psychology practice if the applicant has
4 satisfied the requirements of ~~subdivisions~~ subdivision 36-27A-12(1) and (2), passed a written
5 national standardized examination, and has completed the supervised ~~psychological~~ psychology
6 internship as specified in subdivision 36-27A-12(3).

7 Section 7. That § 36-27A-22 be amended to read as follows:

8 36-27A-22. The ~~Board of Examiners of Psychologists~~ board shall hold examinations at least
9 semiannually at a place designated by the board. The type of ~~examination~~ examinations,
10 including a national standardized examination, required shall be determined by the board.

11 Section 8. That § 36-27A-28 be amended to read as follows:

12 36-27A-28. The ~~license of a psychologist may be revoked or suspended or denied upon any~~
13 ~~of board may suspend or revoke the license of a psychologist or require remediation or impose~~
14 other sanctions on a psychologist, may deny licensure to any applicant, or require remediation
15 prior to the issuance of a license, upon the following grounds:

- 16 (1) The licensee is guilty of fraud or deceit in ~~his~~ the licensee's admission to practice or
17 in the practice of psychology, or an applicant for licensure is guilty of fraud or deceit
18 in the applicant's attempted admission to practice psychology;
- 19 (2) The licensee or applicant for licensure has been convicted of a felony or a serious
20 crime during the past five years. ~~"Felony"~~ The term, felony, means an offense which,
21 if committed in South Dakota, would be a felony under South Dakota law. The term,
22 serious crime, means a felony or a lesser crime involving moral turpitude as defined
23 in subdivision 22-1-2(25);
- 24 (3) The licensee or applicant for licensure is or has been engaged in the practice of

- 1 psychology under a false or assumed name and has not registered that name pursuant
2 to chapter 37-11, or is impersonating another practitioner of a like or different name;
- 3 (4) The licensee or applicant for licensure is using intoxicating liquors, narcotics or
4 stimulants to such an extent as to impede ~~him~~ the licensee or applicant from the
5 performance of ~~his~~ the licensee's or applicant's professional duties as a psychologist;
- 6 (5) The physical or mental condition of the licensee or applicant for licensure is
7 determined to be such as to jeopardize or endanger those who seek the professional
8 services of the licensee or applicant. By a majority vote of the entire ~~Board of~~
9 ~~Examiners of Psychologists~~ board, the board may demand a physical or mental
10 examination of a licensee or applicant for licensure. The failure to submit to the
11 examination is immediate grounds for the suspension of the licensee's license or
12 grounds for denial of a license to an applicant for licensure;
- 13 (6) The licensee or applicant for licensure has been found in violation of the code of
14 ethics adopted by the board;
- 15 (7) The licensee has obtained or attempted to obtain a license, certificate or renewal
16 thereof by bribery or fraudulent representation;
- 17 (8) The licensee knowingly made a false statement in connection with any application
18 required by this chapter;
- 19 (9) The licensee lacks required training or fails to meet the continuing education
20 requirements set by the board;
- 21 (10) The licensee knowingly made a false statement on any form promulgated pursuant
22 to this chapter; or
- 23 (11) The licensee has violated any provision of this chapter or the rules promulgated by
24 the board.

1 Section 9. That § 36-27A-30 be amended to read as follows:

2 36-27A-30. The decision of the ~~Board of Examiners of Psychologists~~ board to suspend or,

3 revoke, or deny a license requires a majority vote of all the board members.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

544P0250

SENATE TRANSPORTATION ENGROSSED NO. **SB**

63 - 1/17/2008

Introduced by: Senators McCracken, Abdallah, Albers, Garnos, Hauge, Knudson, Maher, Napoli, Olson (Ed), Peterson (Jim), and Turbak Berry and Representatives Vehle, Gillespie, Gosch, Halverson, Hargens, Krebs, and Lust

1 FOR AN ACT ENTITLED, An Act to require local law enforcement officers to provide certain
2 information to repossession businesses under certain circumstances.

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

4 Section 1. Any person in the business of repossessing motor vehicles may request any local
5 law enforcement officer to provide the license plate number and color of a motor vehicle
6 licensed in South Dakota. If a person in the business of repossessing motor vehicles provides
7 a copy of the contract for the repossession of the motor vehicle to a local law enforcement
8 officer, the officer shall provide the license plate number and color of the motor vehicle to the
9 person. Any law enforcement officer, who in good faith releases information pursuant to this
10 section, is immune from civil liability for such release.



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

644P0188

SENATE TRANSPORTATION ENGROSSED NO. **SB**

64 - 1/22/2008

Introduced by: Senators Napoli, Bartling, Duenwald, Heidepriem, Maher, McCracken, McNenny, Olson (Ed), Peterson (Jim), Schmidt (Dennis), and Sutton and Representatives Peters, Brunner, Hackl, Kirkeby, Lust, and Olson (Betty)

1 FOR AN ACT ENTITLED, An Act to provide certain provisions regarding the regulation of
2 recreational park trailers.

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

4 Section 1. That subdivision (2) of § 10-45D-1 be amended to read as follows:

5 (2) "Campground," any property or premise kept, used, maintained, advertised, or held
6 out to the public to be a place where sites are available for placing of tents, campers,
7 trailers, recreational park trailers, mobile homes, or other mobile accommodations
8 to transient guests. Campgrounds include city, county, and state-owned
9 campgrounds, as well as concessionaires or contractors who manage or operate
10 publicly owned campgrounds. The following constitute campgrounds: campgrounds,
11 camping cabins, camping resorts, commercial picnic grounds, organizational camps,
12 park units, recreational vehicle parks, trailer parks, and youth camps;

13 Section 2. That § 32-3-1 be amended to read as follows:



1 32-3-1. Terms used in chapters 32-3 to 32-5B, inclusive, mean:

2 (1) "Commercial motor vehicle," any motor vehicle used or maintained for the
3 transportation of persons or property for hire, compensation, or profit, or designed,
4 used, or maintained primarily for the transportation of property, and not specifically
5 excluded under § 32-9-3;

6 (2) "Component part," any part of a motor vehicle, trailer, or semitrailer other than a tire,
7 having a vehicle identification number;

8 (3) "Dealer," any person who, for commission or with intent to make a profit or gain,
9 sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale
10 or exchange of new, or new and used vehicles, or who is engaged wholly or in part
11 in the business of selling new, or new and used vehicles, whether or not such vehicles
12 are owned by that person;

13 (4) "Department," Department of Revenue and Regulation;

14 (4A) "Gross vehicle weight rating," the value specified by the manufacturer as the loaded
15 weight of a single vehicle;

16 (5) "Junking certificate," a certificate of ownership, which may not be restored to a title
17 document which allows highway use, issued by the department to the owner of a
18 vehicle which is going to be dismantled and sold for parts;

19 (6) "Manufactured home," a structure, transportable in one or more sections, which is
20 eight body feet or more in width or forty body feet or more in length in the traveling
21 mode, or is three hundred twenty or more square feet when erected on a site; which
22 is built on a permanent chassis and designed to be used as a dwelling, with or without
23 a permanent foundation, when connected to the required utilities; and which contains
24 the plumbing, heating, air conditioning, and electrical systems therein. The term

1 includes any structure which meets all the requirements of this subdivision and any
2 other structure which has been certified by the secretary of housing and urban
3 development. The term does not include a recreational park trailer;

4 (7) "Manufacturer," any person, firm, corporation, limited liability company, or
5 association engaged in the manufacture of new motor vehicles as a regular business;

6 (8) "Mobile home," a movable or portable unit, designed and constructed to be towed on
7 its own chassis (comprised of frame and wheels) , and designed to be connected to
8 utilities for year-round occupancy. The term includes:

9 (a) Units containing parts that may be folded, collapsed, or telescoped when being
10 towed and that may be expanded to provide additional cubic capacity; and

11 (b) Units composed of two or more separately towable components designed to
12 be joined into one integral unit capable of being separated again into the
13 components for repeated towing.

14 The term does not include a recreational park trailer;

15 (9) "Moped," a motor driven cycle equipped with two or three wheels. If a combustion
16 engine is used, the maximum piston or rotor displacement shall be fifty cubic
17 centimeters regardless of the number of chambers in such power source. The power
18 source shall be equipped with a power drive system that functions directly or
19 automatically only, not requiring clutching or shifting by the operator after the drive
20 system is engaged;

21 (10) "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with motor
22 attached, and all motor operated vehicles of the bicycle or tricycle type, whether the
23 motive power be a part thereof or attached thereto, and having a saddle or seat with
24 the driver sitting astride or upon it, or a platform on which the driver stands, but

- 1 excluding a tractor;
- 2 (11) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers, and
- 3 all vehicles propelled by power other than muscular power, except traction engines,
- 4 road rollers, farm wagons, freight trailers, vehicles that run only on rails or tracks,
- 5 and off-road vehicles as defined in § 32-20-1;
- 6 (12) "New motor vehicle," any motor vehicle to which a manufacturer's statement of
- 7 origin has not been transferred, or is a motor vehicle on which title was issued from
- 8 the manufacturer's statement of origin or manufacturer's certificate of origin and is
- 9 still in the name of the first person who took title to the vehicle;
- 10 (13) "Noncommercial motor vehicle," any motor vehicle not classified as a commercial
- 11 motor vehicle;
- 12 (14) "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or
- 13 maintained for the transportation of persons or property for hire, compensation, or
- 14 profit;
- 15 (14A) "Notation," a physical or electronic process of recording a lien on a certificate of title,
- 16 a manufacturer's statement of origin, or a manufacturer's certificate of origin;
- 17 (15) "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed
- 18 primarily to be operated on land other than a highway and includes, ~~but is not limited~~
- 19 ~~to,~~ all terrain vehicles, dune buggies, and any vehicle whose manufacturer's statement
- 20 of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle
- 21 is not for highway use. ~~Off-road vehicle~~ The term does not include a farm vehicle as
- 22 defined in this section;
- 23 (16) "Owner," any person, firm, association, or corporation renting a motor vehicle or
- 24 having the exclusive use thereof, under a lease or otherwise, for a period greater than

1 thirty days; as between contract vendor and contract vendee, the term "owner" shall
2 refer to the contract vendee, unless the contrary clearly appears from the context of
3 chapters 32-3 to 32-5B, inclusive, or a person having legal possession or title;

4 (17) "Rebuilt vehicle," any motor vehicle, trailer, or semitrailer that has been rebuilt by
5 the addition or deletion of assemblies, subassemblies, parts, or component parts so
6 that upon gross visual examination it does not appear to be the vehicle described in
7 the certificate of title last issued for the vehicle, or whose title has been marked as
8 "rebuilt" by this state or another state or jurisdiction;

9 (17A) "Recreational park trailer," a vehicle that is primarily designed to provide temporary
10 living quarters for recreational, camping, or seasonal use and which:

11 (a) Is built on a single chassis mounted on wheels;

12 (b) Has a gross trailer area not exceeding four hundred square feet in the setup
13 mode;

14 (c) Is certified by the manufacturer as complying with American National
15 Standards Institute Standard No. A119.5 in effect on January 1, 2008; and

16 (d) Has at least a seventeen digit identification number and the manufacturer has
17 designated the vehicle as a recreational park model on the manufacturer
18 statement of origin;

19 (18) "Recreational vehicle," a vehicular portable structure built on a chassis designed to
20 be used as a temporary dwelling for travel, recreational, ~~and~~ vacation, or seasonal
21 uses, permanently identified as "a travel trailer" or a recreational park trailer by the
22 manufacturer of the trailer;

23 (19) "Road tractor," any motor vehicle designed and used for drawing other vehicles,
24 except farm or logging tractors used exclusively for farming or logging, and not so

1 constructed as to carry any load thereon either independently or any part of the
2 weight of a vehicle or load so drawn;

3 (20) "Secretary," secretary of revenue and regulation;

4 (21) "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly,
5 designed and used in conjunction with a fifth wheel connecting device on a motor
6 vehicle constructed so that some part of its weight and that of its load rests upon or
7 is carried by another vehicle;

8 (22) "State," includes the territories and the federal districts of the United States;

9 (23) "Trailer," any vehicle without motive power designed for carrying property or
10 passengers wholly on its own structure and for being drawn by a motor vehicle;

11 (24) "Truck tractor," any motor vehicle designed and used primarily for drawing other
12 vehicles and not so constructed as to carry a load other than a part of the weight of
13 the vehicle and load so drawn;

14 (25) "Used vehicle," any motor vehicle to which title has been issued to someone other
15 than the first person who took title to the motor vehicle from the manufacturer's
16 statement of origin or manufacturer's certificate of origin; and

17 (26) "Vehicle identification number," the number assigned by the manufacturer or by the
18 department for the purpose of identifying the vehicle. The term includes any number
19 or letters assigned by the manufacturer for the purpose of identifying a component
20 part and any such number stamped on a vehicle or part according to law or the rules
21 promulgated by the department for the purpose of identifying the vehicle or part.

22 Section 3. That § 32-6B-1 be amended by adding thereto a NEW SUBDIVISION to read as
23 follows:

24 "Recreational park trailer," a vehicle that is primarily designed to provide temporary

1 living quarters for recreational, camping, or seasonal use and which:

- 2 (a) Is built on a single chassis mounted on wheels;
- 3 (b) Has a gross trailer area not exceeding four hundred square feet in the setup
4 mode;
- 5 (c) Is certified by the manufacturer as complying with American National
6 Standards Institute Standard No. A119.5 in effect on January 1, 2008; and
- 7 (d) Has at least a seventeen digit identification number and the manufacturer has
8 designated the vehicle as a recreational park model on the manufacturer
9 statement of origin.

10 Section 4. That § 32-6B-12 be amended to read as follows:

11 32-6B-12. Any dealer's license issued under this chapter shall be of the following classes:

- 12 (1) "Vehicle dealer's license," to permit the licensee to engage in the business of selling
13 or exchanging new, or new and used, vehicles;
- 14 (2) "Used vehicle dealer's license," to permit the licensee to engage in the business of
15 selling or exchanging used vehicles only;
- 16 (3) "Motorcycle dealer's license," to permit the licensee to engage in the business of
17 selling or exchanging new or used motorcycles only;
- 18 (4) "Trailer dealer's license," to permit the licensee to engage in the business of selling
19 or exchanging trailers, semitrailers, recreational park trailers, or travel trailers only,
20 new or used; or
- 21 (5) "Emergency vehicle dealer's license," to permit the licensee to engage in the business
22 of selling or exchanging new or used authorized emergency vehicles.

23 A license certificate identifying the class of dealership and containing a distinguishing
24 identification number of licensee shall be issued by the department if the application is in

1 compliance with the provisions of this chapter.

2 Section 5. That subdivision (1) of § 34-18-1 be amended to read as follows:

3 34-18-1. Terms used in this chapter mean:

4 (1) Campground, a plot of ground for public use upon which two or more campsites are
5 located, established, maintained, advertised, or held out to the public to be a place
6 where camping units can be located and occupied as temporary living quarters for
7 children or adults, or both. Camping units are considered to be trailers, tent campers,
8 campers, tents, recreational park trailers, or other equipment that may be used by the
9 ~~traveling~~ public at individual campsites located at campgrounds or areas used by the
10 public as campgrounds;

11

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

833P0414

HOUSE TRANSPORTATION ENGROSSED NO. **SB 87** - 2/5/2008

Introduced by: Senators Gant, Garnos, and Peterson (Jim) and Representatives Steele, Juhnke, and Weems

1 FOR AN ACT ENTITLED, An Act to reduce the period of effectiveness for cease and desist
2 orders issued to certain dealers.

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

4 Section 1. That § 32-6B-41.1 be amended to read as follows:

5 32-6B-41.1. In addition to any other remedy provided by law, the secretary of revenue and
6 regulation may issue an order directing a vehicle dealer to cease and desist from engaging in any
7 act or practice enumerated in § 32-6B-41. A cease and desist order issued pursuant to this
8 section ~~shall be~~ is effective for a period of ~~five~~ two years.

9 Section 2. That § 32-6C-14.1 be amended to read as follows:

10 32-6C-14.1. In addition to any other remedy provided by law, the secretary of revenue and
11 regulation may issue an order directing a snowmobile dealer to cease and desist from engaging
12 in any act or practice enumerated in § 32-6C-14. A cease and desist order issued pursuant to this
13 section is effective for a period of ~~five~~ two years.

14 Section 3. That § 32-7A-4.3 be amended to read as follows:



1 32-7A-4.3. In addition to any other remedy provided by law, the secretary of revenue and
2 regulation may issue an order directing a dealer to cease and desist from engaging in any act or
3 practice enumerated in § 32-7A-4.2. A cease and desist order issued pursuant to this section is
4 effective for a period of ~~five~~ two years.

5 Section 4. That § 32-7B-17.1 be amended to read as follows:

6 32-7B-17.1. In addition to any other remedy provided by law, the secretary of revenue and
7 regulation may issue an order directing a boat dealer to cease and desist from engaging in any
8 act or practice enumerated in § 32-7B-17. A cease and desist order issued pursuant to this
9 section is effective for a period of ~~five~~ two years.

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

708P0550

SENATE TRANSPORTATION ENGROSSED NO. **SB** **139** - 1/22/2008

Introduced by: Senators Turbak Berry, Albers, Hoerth, Koetzle, and Lintz and
Representatives Faehn, Koistinen, and Rave

1 FOR AN ACT ENTITLED, An Act to revise the definition for authorized emergency vehicles.

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

3 Section 1. That subdivision (2) of § 32-14-1 be amended to read as follows:

4 (2) "Authorized emergency vehicle," a vehicle of a fire department, a police vehicle, ~~and~~
5 an ambulance ~~and~~ or emergency vehicle of a municipal department or public service
6 corporation that is designated or authorized by the department, and an emergency
7 vehicle titled to a local organization for emergency management created pursuant to
8 chapter 33-15;

9



State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

635P0615

HOUSE TRANSPORTATION ENGROSSED NO. **SB 156** - 2/5/2008

Introduced by: Senators Apa, Abdallah, Hunhoff, Koetzle, Maher, and Napoli and
Representatives Pederson (Gordon), Dennert, Moore, and Turbiville

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding special motor vehicle
2 license plates for veterans with a disability, prisoners of war, Pearl Harbor survivors, and
3 Purple Heart recipients.

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

5 Section 1. That § 32-5-108 be amended to read as follows:

6 32-5-108. Any resident veteran owner of a motor vehicle who has received the United States
7 Veterans' Administration K Award, meets the qualifications established by Public Law 187 of
8 the Eighty-second Congress for a veteran to receive an automobile, or a veteran who has been
9 rated as in receipt of a statutory benefit for loss or loss of use of one or more extremities, or a
10 veteran who receives a veteran's allotment for total disability under compensation which is
11 considered a service-connected injury, upon application to the department shall receive a ~~set~~
12 maximum of two sets of special license plates for any automobile, pickup truck, or van licensed
13 pursuant to § 32-5-5 or a motorcycle licensed pursuant to § 32-5-9. The veteran may choose to
14 use one of the two sets of plates on a noncommercial motor vehicle that is a pickup truck and



1 that weighs more than six thousand pounds licensed pursuant to § 32-5-6.3 or a motor home
2 licensed pursuant to § 32-5-6.1. The veteran shall pay the regular license fees set out in §§ 32-5-
3 6.3 and 32-5-6.1 and may not be required to pay the ten dollars for the special plates and
4 renewal stickers. The special plates shall be displayed as set forth in § 32-5-98. The design of
5 the license plate shall consist of a white background bordered on the left by a blue field with
6 white stars and on the right by alternating red and white stripes. The words "Disabled Veteran"
7 shall be inscribed on the plate in blue, in at least ten point bold type. The license plate shall be
8 reflectorized and validated each year with a sticker in the same manner as a noncommercial
9 license plate. License fees for the special plates shall be ten dollars for the plates and the
10 renewal stickers. No license fee or sticker fee pursuant to § 32-5-6 or 32-5-9 may be charged
11 to the veteran. The fees shall be deposited in the license plate special revenue fund.

12 In order to qualify for a special license plate pursuant to this section, a veteran shall, in
13 addition to meeting the qualifications established in the first paragraph, have incurred disabling
14 injuries while serving the United States in active duty during a time of war or while participating
15 in a military mission involving armed conflict. If it is determined that the veteran owner does
16 not qualify for the special plates or if the veteran owner dies, the plates shall be surrendered to
17 the county treasurer of applicant's residence. The treasurer shall notify the secretary who shall
18 make the necessary changes in the registration file. Failure to surrender the special license plates
19 as required by this section is a Class 2 misdemeanor.

20 Section 2. That § 32-5-109 be amended to read as follows:

21 32-5-109. Any resident of this state who was a prisoner of war while serving in the United
22 States armed forces and who received an honorable discharge from the United States armed
23 forces is eligible to apply to the secretary for a maximum of two sets special motor vehicle
24 license plates if the resident has first complied with all laws of this state for any automobile,

1 pickup truck, or van licensed pursuant to § 32-5-5 or a motorcycle licensed pursuant to § 32-5-9.
2 The veteran may choose to use one of the two sets of plates on a noncommercial motor vehicle
3 that is a pickup truck and that weighs more than six thousand pounds licensed pursuant to § 32-
4 5-6.3 or a motor home licensed pursuant to § 32-5-6.1. The veteran shall pay the regular license
5 fees set out in §§ 32-5-6.3 and 32-5-6.1 and may not be required to pay the ten dollars for the
6 special plates and renewal stickers. Each application shall be on a form prescribed by the
7 secretary and shall include certification of the applicant's prisoner of war status from the United
8 States Veterans' Administration. The applicant shall pay a ten dollar fee and shall receive special
9 plates. The special plates shall be displayed as set forth in § 32-5-98. A fee of ten dollars shall
10 be paid for the renewal stickers. No registration fee or sticker fee may be charged to the
11 applicant pursuant to § 32-5-6 or 32-5-9. The fees shall be deposited into the license plate
12 special revenue fund. Upon approval of the application, the secretary shall issue the license
13 plates which shall be numbered consecutively, beginning with the number 1, and the number
14 shall be preceded by the letters POW. If it is determined that an applicant does not qualify for
15 the special plates or if the applicant dies, the plates shall be surrendered to the county treasurer
16 of the applicant's residence. The treasurer shall notify the secretary who shall make the
17 necessary changes in the registration file. Failure to surrender the special license plates as
18 required by this section is a Class 2 misdemeanor.

19 Section 3. That § 32-5-109.1 be amended to read as follows:

20 32-5-109.1. Any resident of this state who was serving in the United States armed forces
21 and survived the attack at Pearl Harbor, Hawaii, on December 7, 1941, and who received an
22 honorable discharge, may apply to the secretary for a maximum of two sets of special motor
23 vehicle license plates if the applicant has complied with all the laws of this state for any
24 automobile, pickup truck, or van licensed pursuant to § 32-5-5 or a motorcycle licensed pursuant

1 to § 32-5-9. The veteran may choose to use one of the two sets of plates on a noncommercial
2 motor vehicle that is a pickup truck and that weighs more than six thousand pounds licensed
3 pursuant to § 32-5-6.3 or a motor home licensed pursuant to § 32-5-6.1. The veteran shall pay
4 the regular license fees set out in §§ 32-5-6.3 and 32-5-6.1 and may not be required to pay the
5 ten dollars for the special plates and renewal stickers. Each application shall be on a form
6 prescribed by the secretary and shall include such information as the secretary may require. The
7 applicant shall pay a ten dollar fee and shall receive special plates. The special plates shall be
8 displayed as set forth in § 32-5-98. A fee of ten dollars shall be paid for the renewal stickers. No
9 registration fee or sticker fee may be charged to the applicant pursuant to § 32-5-6 or 32-5-9.
10 The fee shall be deposited into the license plate special revenue fund. Upon approval of the
11 application, the secretary shall issue the license plates. The license plates shall be numbered
12 consecutively beginning with number 1 and contain a symbol to be determined by the secretary
13 indicating that the owner of the vehicle is a Pearl Harbor survivor. If it is determined that an
14 applicant does not qualify for the special plates or if the applicant dies, the plates shall be
15 surrendered to the county treasurer of the applicant's residence. The treasurer shall notify the
16 secretary who shall make the necessary changes in the registration file.

17 Section 4. That § 32-5-109.2 be amended to read as follows:

18 32-5-109.2. Any resident veteran owner of a motor vehicle who has received the Purple
19 Heart Medal may apply to the secretary to receive a maximum of two sets of special license
20 plates for any automobile, pickup truck, or van licensed pursuant to § 32-5-5 or a motorcycle
21 licensed pursuant to § 32-5-9. The veteran may choose to use one of the two sets of plates on
22 a noncommercial motor vehicle that is a pickup truck and that weighs more than six thousand
23 pounds licensed pursuant to § 32-5-6.3 or a motor home licensed pursuant to § 32-5-6.1. The
24 veteran shall pay the regular license fees set out in §§ 32-5-6.3 and 32-5-6.1 and may not be

1 required to pay the ten dollars for the special plates and renewal stickers. The fee for the special
2 license plates and the renewal stickers for the plates shall be issued only upon proof of payment
3 of the current registration fees shall be ten dollars. The special plates shall be numbered
4 consecutively beginning with number 1 and contain a symbol to be determined by the secretary
5 indicating that the owner has received the Purple Heart Medal. The special plates shall be
6 displayed as set forth in § 32-5-98. The special license plate shall be reflectorized and validated
7 each year with a sticker in the same manner as a noncommercial license plate. No license fees
8 may be charged for the special plates and its or renewal stickers fees may be charged to the
9 applicant pursuant to § 32-5-6 or 32-5-9. If it is determined that the veteran owner does not
10 qualify for the special plates or if the veteran owner dies, the plates shall be surrendered to the
11 county treasurer of the applicant's residence. The treasurer shall notify the secretary who shall
12 make the necessary changes in the registration file. Failure to surrender the special license plates
13 as required by this section is a Class 2 misdemeanor.