

# State of South Dakota

## EIGHTY-FIFTH SESSION LEGISLATIVE ASSEMBLY, 2010

392R0094

HOUSE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to increase certain registration fees and taxes for the use of  
2 highways.

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

4 Section 1. That § 32-5-6 be amended to read as follows:

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

- 8 (1) Two thousand pounds or less, inclusive, ~~thirty~~ sixty dollars;
- 9 (2) From 2,001 to 4,000 pounds, inclusive, ~~forty-two~~ eighty-four dollars;
- 10 (3) From 4,001 to 6,000 pounds, inclusive, ~~fifty-five~~ one hundred ten dollars;
- 11 (4) Over 6,000 pounds, ~~sixty-five~~ one hundred thirty dollars.

12 Section 2. That § 32-5-6.3 be amended to read as follows:

13 32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile,  
14 pickup truck, or van licensed pursuant to § 32-5-6 shall be determined by the gross weight of  
15 the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

- 16 (1) Eight thousand pounds or less, inclusive, ~~fifty-five~~ one hundred ten dollars;



- 1       (2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000  
2           pounds, inclusive, three dollars;
- 3       (3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000  
4           pounds, inclusive, six dollars;
- 5       (4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000  
6           pounds, inclusive, eighteen dollars;
- 7       (5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000  
8           pounds, twenty-four dollars.

9       It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this  
10       section at a gross weight in excess of the gross weight for which it has been licensed. If the  
11       owner chooses to lower the registered weight, the plate shall be returned along with any  
12       validation decal and a new plate issued with the correct registered weight.

13       Section 3. That § 32-6B-21 be amended to read as follows:

14       32-6B-21. The department shall issue metal numerical license plates to licensed dealers  
15       upon application and payment of a ~~forty-two~~ eighty-four dollar yearly fee to be paid at the time  
16       of the annual review date for each set desired. ~~Such~~ The fees shall be distributed in the manner  
17       specified in §§ 32-11-2 and 32-11-4.1 to 32-11-9, inclusive. The license plates shall be  
18       numbered consecutively and shall bear as a prefix the number 77. The plates may be issued for  
19       a multiple year period. If a dealer's license is revoked or canceled or the dealer goes out of  
20       business the 77 plates shall be returned to the department. If any person operates a motor vehicle  
21       with 77 plates after the dealer license is revoked or canceled or after the dealer goes out of  
22       business, or if the person refuses to return the plates, the person is guilty of a Class 2  
23       misdemeanor.

24       Section 4. That § 32-5-30 be amended to read as follows:

1        32-5-30. If any noncommercial motor vehicle, according to the manufacturer's model year  
2 designation, is ~~five~~ ten years old or more on January first of the year for which a license fee is  
3 required, such fee shall be seventy percent of the fee ordinarily prescribed.

4        Section 5. That § 32-9-15 be amended to read as follows:

5        32-9-15. In consideration of the unusual use of the public highways, each person, except as  
6 otherwise provided in this chapter, desiring to operate a motor vehicle, trailer, or semitrailer,  
7 upon the public highways of this state as a motor carrier, shall annually pay the commercial  
8 motor vehicle fee as follows, to the county treasurer of the county of which ~~he~~ the person is a  
9 resident, if a carrier of property; or to the Department of Revenue and Regulation, if ~~he~~ the  
10 person is not a resident of this state:

- 11        (1)    Gross weight under 4000 pounds, eighty-five dollars;
- 12        (2)    Gross weight of 4001 to 6000 pounds, one hundred dollars;
- 13        (3)    Gross weight of 6001 to 8000 pounds, one hundred fifteen dollars;
- 14        (4)    Gross weight of 8001 to 10,000 pounds, one hundred thirty dollars;
- 15        (5)    Gross weight of 10,001 to 12,000 pounds, one hundred fifty dollars;
- 16        (6)    Gross weight of 12,001 to 14,000 pounds, one hundred seventy-five dollars;
- 17        (7)    Gross weight of 14,001 to 16,000 pounds, two hundred dollars;
- 18        (8)    Gross weight of 16,001 to 18,000 pounds, two hundred twenty-five dollars;
- 19        (9)    Gross weight of 18,001 to 20,000 pounds, two hundred fifty dollars;
- 20        (10)   For each additional 2000 pounds or major fraction thereof in excess of 20,000  
21            pounds, forty dollars;
- 22        (11)   For each vehicle or combination of vehicles as defined in § 32-22-10 with a gross  
23            weight in excess of 78,000 pounds, seven dollars in addition to the fee schedule  
24            above.

1 If any commercial motor vehicle, according to the manufacturer's model year designation,  
2 is ~~five~~ ten years old or more on January first of the year for which a license fee is required, that  
3 fee is ninety percent of the fee ordinarily prescribed.

4 Section 6. That § 10-47B-4 be amended to read as follows:

5 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 6 (1) Motor fuel (except ethyl alcohol, methyl alcohol, and aviation gasoline)--~~\$.22~~ \$.32  
7 per gallon;
- 8 (2) Special fuel (except jet fuel)--~~\$.22~~ \$.32 per gallon;
- 9 (3) Aviation gasoline--\$.06 per gallon;
- 10 (4) Jet fuel--\$.04 per gallon;
- 11 (5) Liquid petroleum gas--\$.20 per gallon;
- 12 (6) Compressed natural gas--\$.10 per gallon;
- 13 (7) Ethyl alcohol and methyl alcohol--\$.08 per gallon.

14 Section 7. That section 12 of chapter 55 of the 2009 Session Laws be amended to read as  
15 follows:

16 Section 12. That section 3 of chapter 54 of the 2008 Session Laws be amended to read as  
17 follows:

18 Section 3. That § 10-47B-4 be amended to read as follows:

19 10-47B-4. The fuel excise tax rates for the tax imposed by this chapter are as follows:

- 20 (1) Motor fuel (except ~~ethanol blends, biodiesel, biodiesel blends, E85 and M85 blends~~  
21 ethyl alcohol, methyl alcohol, and aviation gasoline)--~~\$.22~~ \$.32 per gallon;
- 22 (2) Special fuel (except jet fuel)--~~\$.22~~ \$.32 per gallon;
- 23 (3) ~~Ethanol blends--\$.20 per gallon;~~
- 24 ~~(4) Aviation gasoline--\$.06 per gallon;~~

- 1       ~~(5)~~(4) Jet fuel--\$.04 per gallon;
- 2       ~~(6)~~ E85 and M85--\$.10 per gallon;
- 3       ~~(7)~~ E85 and M85 used in aircraft--\$.04 per gallon;
- 4       ~~(8)~~(5) Liquid petroleum gas--\$.20 per gallon;
- 5       ~~(9)~~(6) Compressed natural gas--\$.10 per gallon;
- 6       (7)    Ethyl alcohol and methyl alcohol--\$.08 per gallon;
- 7       ~~(10)~~(8)       Biodiesel and biodiesel blends--\$.20 per gallon.

8       Section 8. That § 32-5B-1 be amended to read as follows:

9       32-5B-1. In addition to all other license and registration fees for the use of the highways, a  
10      person shall pay an excise tax at the rate of ~~three~~ four percent on the purchase price of any motor  
11      vehicle, as defined by § 32-3-1 or 32-5B-21, purchased or acquired for use on the streets and  
12      highways of this state and required to be registered under the laws of this state. This tax shall  
13      be in lieu of any tax levied by chapters 10-45 and 10-46 on the sales of such vehicles. Failure  
14      to pay the full amount of excise tax is a Class 1 misdemeanor.