



# *South Dakota Legislative Research Council*

## *Issue Memorandum 95-09*

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### **SPECIAL MOTOR VEHICLE LICENSE PLATES**

Special motor vehicle license plates may not seem like a topic worthy of much discussion, but over the years the Legislature has faced this subject on numerous occasions. While license plates were established to provide an easy means of vehicle identification for registration and law enforcement purposes, they have also been sought by many as a way to extend certain benefits or to honor and distinguish certain individuals or groups. Every year since 1979 at least one bill has been introduced which would have established a new special license plate or modified the procedures for obtaining an existing special plate or the fees for the plate. In the 1995 Legislature two bills were introduced which would have established two new types of special or distinctive motor vehicle license plates. Both of the bills failed, but they once again brought before the Legislature the debate of whether or not the state should be in the business of special license plates and where the state should draw the line regarding the issuance of these plates.

This issue memorandum will take a look at the evolution of special motor vehicle license plates in the state and provide some background information regarding the special plates that have been authorized by the Legislature.

#### **Amateur Radio License Plates**

One of the oldest special license plates is the amateur radio license plate. These plates were authorized in 1953. These distinctive plates bear an inscription of an amateur radio operator's radio call letters. Any person who holds an unrevoked and unexpired official amateur radio license may apply to the Division of Motor Vehicles (DMV) of the Department of Revenue for such a license. The operator must, however, purchase regular license plates for the vehicle and pay the appropriate noncommercial license fee. Prior to 1986 these plates simply replaced the regular plates on the motor vehicle and the applicant paid two dollars to cover the cost of the distinctive plates.

In 1986, legislation was passed which took a large step toward making uniform the various laws regarding special license plates. As a result the fee for the amateur radio license plates was increased to ten dollars, and the applicant was required to keep the regular number plates on or in the motor vehicle to be used if the motor vehicle was transferred to another person. The legislation also required the owner to surrender the distinctive plates to the department if the amateur radio license was terminated or revoked. Failure to surrender the distinctive plates as required was made a Class 2 misdemeanor.

In 1987 and 1990 legislation was introduced to reduce the license fee because of the public service provided by these persons in times of emergencies, but the fee was not changed and has remained at ten dollars.

New amateur radio plates are issued every five years when new regular license plates are issued. In the intervening years only validation stickers are issued. In 1994, two hundred seventy sets of amateur radio license plates were valid.

### **Commercial Radio Plates**

In 1955, at the legislative session following the adoption of amateur radio license plates, legislation was expanded to cover any commercial radio station or broadcasting company. Any such station or company which holds a valid Federal Communications Commission (FCC) license is eligible for distinctive license plates for its motor vehicles to display the radio call letters. The fee for such a set of license plates was two dollars and was raised to ten dollars in 1986. The applicant also has to pay regular license fees for each vehicle bearing the special plates. Requirements regarding the placement of the regular plates on or in the motor vehicle and provisions for the surrendering of the special plates upon termination of the applicant's FCC license were included in the 1986 legislation affecting many special license plates.

New commercial radio plates are issued every five years when new regular license plates are issued. In the intervening years only validation stickers are issued. In 1994, sixty-two sets of commercial radio plates were valid.

### **Historical Car and Motorcycle Plates**

Also in 1955, legislation was passed which established special license plates for motor vehicles which were more than thirty years old. This law was expanded in 1993 to include motorcycles over thirty years old. The one-time fee for such license plates has always been ten dollars. Vehicles which display such plates can only be used for special occasions such as displays, parades, exhibitions, and tours and may be driven to service stations or garages for fuel and repair. They cannot be used for general transportation purposes. In addition, a regular license plate issued by the state in the same year as the model year of the vehicle may be used on the historical vehicle in lieu of the historic license plates, upon registration with the DMV. Legislation was passed in 1983 which provided for a personalized historical car license plate for fifty dollars. That legislation, however, was repealed in 1986.

The historical license plates are good for the life of the motor vehicle. Currently, there are about two thousand three hundred sets of historical plates for cars in existence in the state and forty plates for historic motorcycles.

### **Special Plates for Disabled Persons**

Special license plates were established in 1966 for any person disabled by paraplegia. Vehicles which bear these plates are entitled to special parking privileges at designated places in the state and across the country. These special plates are commonly referred to as paraplegic license plates even though the law was expanded in 1974 to include any other medical disability which substantially impairs a person's mobility. In 1974, the law was also changed to provide that the

plates bear the international wheelchair symbol. Additional legislation was passed in 1979 which requires the applicant to submit a physician's certificate which states that the person is so substantially disabled by a physical disability that it is impossible or causes substantial hardship for the person to walk. In 1982, legislation was passed which allowed the plates to be validated annually by county treasurers rather than by the DMV. The initial application for the special plates still must be submitted to the DMV.

There has never been a fee for these distinctive plates, but the applicant has to purchase regular license plates for the vehicle and purchase annual renewal stickers for those plates. The provisions of the 1986 legislation regarding the placement of the regular plates in or on the vehicle and regarding the surrender of the plates if the applicant dies or no longer is disabled apply to these plates. This was a change for these plates, since applicants previously had to pay regular license fees but the special plates were in lieu of the ordinary plates. Since 1986 they now receive both sets.

These plates have not been reissued every five years. After the initial issuance of these special license plates, only validation stickers are issued. There is no cost for the validation stickers for the special plates. In 1994, almost four thousand of these plates were valid.

### **National Guard License Plates**

Special license plates for members of the South Dakota National Guard were approved by the 1967 Legislature and were issued beginning on January 1, 1968. Anyone who is regularly enlisted or a commissioned member of the SD National Guard is eligible for such plates. In 1985 the law was

expanded to allow retired members of the National Guard with at least twenty years of creditable service to also receive these distinctive plates. Application and distribution of the plates are handled by the National Guard. The Adjutant General notifies the DMV of the number of special plates that have been applied for and the names of the residents in each county who have applied for the distinctive plates. Guard members have to obtain a regular license plate and pay the regular license fees each year. While the statute calls for each person receiving a National Guard plate to pay a fee to reimburse the state for the cost of producing the special plates, this fee has not been charged since the National Guard administers the issuance of the plates.

About every five years new National Guard license plates are issued. The plate is designed by the National Guard and approved by the division. New National Guard plates will be issued in 1997. In the intervening years only validation stickers are issued. In 1994, nine hundred sixty of these plates were valid.

### **Personalized License Plates**

In 1977, after several failed attempts in previous years, legislation authorizing personalized license plates was finally passed. The law allowed for a special plate consisting of two to six letters to be placed on any noncommercial motor vehicle. No two sets of personalized plates may be the same. The plates are issued for a specific vehicle and are not interchangeable. They can be transferred to another vehicle, with the approval of the DMV, if the vehicle is sold or otherwise conveyed to another person. Application for these licenses and the fees for these special plates are sent directly to the DMV. The DMV was given

the authority to refuse to issue any letter combination which carries connotations offensive to good taste and decency. In addition, in 1989 the law was expanded to allow for the issuance of personalized plates for motorcycles.

The fees for personalized license plates was originally fifty dollars for the plates and thirty-five dollars each year for renewal stickers. Each year that the state issued a new plate design the fee of fifty dollars was charged. These fees were in addition to the regular license fees for the motor vehicle which are paid to the county treasurers. In 1984, legislation was passed which modified the fees to seventy-five dollars when plates were issued and to ten dollars for renewal stickers. The revised fees became effective on January 1, 1987, when new license plates were issued. The fees have not changed.

The fees for personalized motorcycle license plates began in 1989 at twenty-five dollars each year. Each year new personalized license plates for motorcycles were issued. In 1992 this was changed so that new personalized license plates for motorcycles are issued only when a new license plate design comes out; renewal stickers are issued in the intervening years. The fees were changed for these motorcycle plates to fifty dollars when plates are initially issued and to ten dollars for the annual renewal stickers.

In the beginning, the law required that the personalized plates be superimposed over the regular plates. This was officially changed in 1992 to require the regular plates to be kept in or on the vehicle, although many persons had been doing that for a number of years.

New editions of personalized license plates

are planned to be issued every five years when new regular license plates are issued. In 1994, a total of about three thousand sets of personalized license plates for noncommercial motor vehicles and motorcycles plates were valid.

### **Disabled American Veteran Plates**

In 1980, the first of a series of distinctive plates were approved to honor qualified veterans. The plate for Disabled American Veterans (DAV) was established for any veteran who had received the United States Veterans Administration K award for a service related disability, who receives a statutory benefit for the loss or loss of use of one or more extremities, or who receives a veteran's allotment for total disability under compensation which is considered a service-connected injury. In addition to honoring the veteran, in 1981 the law was amended to provide that the display of such plates also grants the applicant special parking privileges and exemptions from certain parking violations.

When initially enacted, the distinctive plates were in lieu of the regular license plates, but the applicant still had to pay the regular license fees. There was no extra charge for the issuance of the distinctive plates. In 1985 this was changed to provide that the veteran did not have to pay the regular license fee but must pay a fee to cover the actual cost of manufacture of metal plates. The law was again amended in 1986 when the laws regarding special license plates were made more uniform. As a result of that change an applicant receives both the distinctive and the regular license plates for a fee of ten dollars. The annual renewal fee is ten dollars. The regular plates have to be kept on or in the motor vehicle and, if the veteran dies or it is found the veteran owner

does not qualify for the plates, the plates have to be surrendered. Failure to surrender the plates is a Class 2 misdemeanor.

DAV plates are not reissued every five years. After the initial issuance the validation stickers are issued each year for ten dollars. In 1994, there were almost four hundred sets of these plates valid. There is no limit on the number of sets of these distinctive plates a veteran may have. In 1994, eighty-two veterans had two or more sets of DAV plates. One veteran had as many as seven sets of these distinctive plates.

### **Prisoner of War License Plates**

The next special license plates authorized for veterans were Prisoner of War (POW) license plates. These plates were established in 1982 to honor anyone who had been a prisoner of war while serving in the US armed forces and had received an honorable discharge. The fee for such plates was initially set at two dollars fifty cents, plus the applicant had to pay the regular license fees for the vehicle. This was changed in 1985 to two dollars fifty cents plus the actual cost of the manufacture of the POW license plate. The applicant no longer had to pay the regular license fees for the vehicle. This again changed in 1986 when the laws were made more uniform. The fees for the initial plates and the annual renewal stickers became ten dollars to be consistent with the cost of the DAV license plates. Requirements regarding the placement of the regular plates on or in the motor vehicle and provisions for the surrendering of the special plates were also made consistent.

Like DAV plates, these plates are not reissued every five years. After the initial issuance the validation stickers are issued each year for ten dollars. In 1994, there were

just over two hundred sets of these plates valid. There is no limit on the number of sets of POW plates a veteran may have. In 1994, forty-eight veterans had two or more sets of disabled veteran plates. One veteran had as many as six sets of POW plates.

### **Pearl Harbor Survivor License Plates**

In 1986, Pearl Harbor survivor license plates were authorized to honor anyone who served in the US armed forces and survived the attack at Pearl Harbor and who received an honorable discharge. The fee for such plates and the regular number license plate is ten dollars. Requirements regarding the placement of the regular plates on or in the motor vehicle and provisions for the surrendering of the special plates are consistent with DAV and POW plates.

Like DAV and POW plates, these plates are not reissued every five years. After the initial issuance the validation stickers are issued each year for ten dollars. In 1994, there were fifty-four sets of these plates valid. There is no limit on the number of sets of Pearl Harbor survivor plates a veteran may have. In 1994, nine veterans had two or more sets of these plates. Two veterans had as many as three sets.

### **Purple Heart License Plates**

The latest special license plate to be established for veterans is the Purple Heart license plate. This plate, which was established in 1993, honors any resident veteran owner of a motor vehicle who has received the Purple Heart. A copy of the proper discharge papers must be attached to the application to verify eligibility. The applicant is entitled to a maximum of two sets. Payment of the regular license fee is required and no fee is assessed for the

distinctive plates. Requirements regarding the placement of the regular plates on or in the motor vehicle and provisions for the surrendering of the special plates are consistent with the other special license plates for veterans.

Initial application for the distinctive plate is made to the DMV. Once issued, annual renewals are handled by the county treasurer. Upon payment of the regular license fees for the vehicle, the county treasurer will issue a validation sticker. In 1994, there were nearly three hundred sets of Purple Heart license plates valid.

### **Firefighter License Plates**

Legislation establishing a special license plate for firefighters was passed in 1989. Under this legislation any person certified and recognized by the Fire Marshal as a firefighter is eligible for this distinctive license. The Fire Marshal was given the authority to design these plates.

Applications for these license plates must be made directly to the DMV. The fee for such firefighter plates to cover the cost of producing the plates is ten dollars per set. The applicant must also obtain regular license plates for the vehicle and maintain those plates on or in the motor vehicle.

These plates have not been reissued every five years. After the initial issuance of these special license plates, only annual validation stickers are issued. There is a ten dollar fee for the validation stickers for the special plates. In 1994, almost eight hundred and fifty of these plates were valid.

### **Commemorative License Plates**

In 1983, legislation was passed which

authorized the Department of Revenue to establish and market a commemorative or souvenir license plate. The minimum fee for such plate was to be ten dollars. The legislation provided that the plates could only be used for commemorative or souvenir purposes. In 1988 this law was amended to allow these special plates to be used for general transportation purposes for up to thirty days. Any group applying for such plates must describe the purpose for the plate and the duration for which the plates would be valid. These plates have only been issued a couple of times since this legislation passed. A motor vehicle conference and a motor vehicle rally are examples of when these plates can be issued.

### **Indian Tribal Plates**

In 1991, special license plates identifying Indian tribes were authorized in an attempt to increase revenues for tribal highways and bridges. The plates bear a distinctive design identifying an Indian tribe located within the state. Any resident of the state may obtain these Indian tribal plates. Upon application for the special plates, the applicant must show proof that regular license plates have been obtained for the vehicle. The regular plates must be maintained on or in the motor vehicle. The fee for the tribal plates is a one-time fee of ten dollars. These fees are deposited with the designated tribe to be used for the maintenance, construction, and supervision of tribal highways and bridges. In 1994, over eleven hundred of these special tribal plates were issued.

### **Attempts to Create More Special Plates**

In the last ten years there have been attempts to create special license plates for physician

assistants (1985), widows of prisoners of war (1988), universities and colleges to raise revenue for alumni associations (1991, 1992, & 1993), sheriffs and sheriffs' personnel (1992), emergency medical technicians (1995), and veterans who served on active duty in the armed forces of the United States (1995). These attempts show the desire still existing among various groups for the creation of additional special motor vehicle license plates. Their failure shows the reluctance of the Legislature to diminish the distinction of special license plates and to cause administrative and law enforcement problems by having an even larger variety and number of license plates.

Over the last forty years the Legislature has authorized a number of special motor vehicle license plates. A summary of these special plates, including the fees currently charged and the number of sets of valid special plates for the past three years, is included in the attached table. Prior to 1986 there was a variety of fees and requirements for many of these special plates. The legislation that passed in 1986 regarding special license plates went a long way toward making the fees and requirements uniform. Based on past history, there is an excellent chance that special motor vehicle license plates will continue to be a topic of discussion for the Legislature in the future.

## Summary

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**This issue memorandum was written by David L. Ortbahn, Principal Research Analyst for the Legislative Research Council. It is designed to supply background information on the subject and is not a policy statement made by the Legislative Research Council.**

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<b>Summary of Special Motor Vehicle License Plates</b>					
<i>Special Plate</i>	<i>Year Enacted</i>	<i>Current Fees</i>	<i># Valid in 1992</i>	<i># Valid in 1993</i>	<i># Valid in 1994</i>
<b>Amateur Radio</b>	1953	\$10*	184	243	270
<b>Commercial Radio</b>	1955	\$10*	39	64	62
<b>Historic Vehicle</b>	1955	\$10			2300**
<b>Historic Motorcycles</b>	1993	\$10			40**
<b>Disabled Persons</b>	1966	No fee*	2825	3477	3962
<b>National Guard</b>	1967	No fee*	949	973	960
<b>Personalized Vehicle</b>	1977	\$75 initial* \$10 renewal	1743	2334	2787
<b>Personalized Motorcycle</b>	1989	\$50 initial* \$10 renewal	119	166	223
<b>Disabled Veteran</b>	1980	\$10	287	363	392
<b>Prisoner of War</b>	1982	\$10	174	206	205
<b>Pearl Harbor Survivor</b>	1986	\$10	53	57	54
<b>Purple Heart</b>	1993	No fee*		179	285
<b>Firefighter</b>	1989	\$10*	653	758	842
<b>Commemorative</b>	1983	\$10	Issued only a couple of times		
<b>Tribal</b>	1991	\$10*			
<b>Crow Creek</b>			49	65	70
<b>Lower Brule</b>			38	41	48
<b>Rosebud</b>			293	385	423
<b>Sisseton Wahpeton</b>			118	161	167
<b>Standing Rock</b>			110	156	162
<b>Yankton</b>			158	220	242



\* Applicant must also pay regular license fee for the vehicle  
\*\* Permanent license plates

Source: Division of Motor Vehicles