



## 2024 South Dakota Legislature

# Senate Bill 112

Introduced by: **Senator Deibert**

1 **An Act to establish a non-resident title fee.**

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

3 **Section 1. That chapter 32-3 be amended with a NEW SECTION:**

4 Any owner who chooses to title a motor vehicle, off-road vehicle, or snowmobile in  
 5 South Dakota, but who does not have a South Dakota-issued driver license or identification  
 6 card, or a physical address in South Dakota, shall pay a one-hundred-dollar fee in addition  
 7 to the title application fee imposed by § 32-3-18. The additional fee does not apply to title  
 8 correction transactions or duplicate title transactions. Half of the fee must be deposited  
 9 into the state motor vehicle fund and half must be deposited into the county general fund.

10 **Section 2. That chapter 32-3A be amended with a NEW SECTION:**

11 Any owner who chooses to title a boat in South Dakota, but who does not have a  
 12 South Dakota-issued driver license or identification card, or a physical address in South  
 13 Dakota, shall pay a one-hundred-dollar fee in addition to the title application fee imposed  
 14 by § 32-3A-25. The additional fee does not apply to title correction transactions or  
 15 duplicate title transactions. Half of the fee must be deposited into the state motor vehicle  
 16 fund and half must be deposited into the county general fund.

17 **Section 3. That § 32-3-1 be AMENDED:**

18 **32-3-1.** Terms used in chapters 32-3 to 32-5B, inclusive, mean:

- 19 (1) "Commercial motor vehicle," any motor vehicle used or maintained for the  
 20 transportation of persons or property for hire, compensation, or profit; ~~;~~ or  
 21 designed, used, or maintained primarily for the transportation of property, and not  
 22 specifically excluded under § 32-9-3;
- 23 (2) "Component part," any part of a motor vehicle, trailer, or semitrailer other than a  
 24 tire, having a vehicle identification number;

- 1 (3) "Dealer," any person who, for commission or with intent to make a profit or gain,  
2 sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a  
3 sale or exchange of new, or new and used vehicles, or who is engaged wholly or  
4 in part in the business of selling new, or new and used vehicles, whether or not  
5 ~~such~~ the vehicles are owned by that person;
- 6 (4) "Department," Department of Revenue;
- 7 (4A) "Electric bicycle," as that term is defined in § 32-20B-9;
- 8 (4B) "Gross vehicle weight rating," the value specified by the manufacturer as the  
9 loaded weight of a single vehicle;
- 10 (5) "Junking certificate," a certificate of ownership, which may not be restored to a  
11 title document which allows highway use, issued by the department to the owner  
12 of a vehicle ~~which~~ that is going to be dismantled and sold for parts;
- 13 (5A) "Low-speed vehicle," a four-wheeled motor vehicle whose speed attainable in one  
14 mile is more than twenty miles per hour and not more than twenty-five miles per  
15 hour on a paved, level surface.
- 16 (6) "Manufactured home," a structure, transportable in one or more sections, ~~which~~  
17 that is eight body feet or more in width or forty body feet or more in length in the  
18 traveling mode, or is three hundred twenty ~~or more~~ square feet or more when  
19 erected on a site; ~~which~~ that is built on a permanent chassis and designed to be  
20 used as a dwelling, with or without a permanent foundation, when connected to  
21 the required utilities; and ~~which~~ that contains the plumbing, heating, air  
22 conditioning, and electrical systems therein. The term includes any structure ~~which~~  
23 that meets all the requirements of this subdivision and any other structure ~~which~~  
24 that has been certified by the secretary of housing and urban development. The  
25 term does not include a recreational park trailer;
- 26 (7) "Manufacturer," any person, firm, corporation, limited liability company, or  
27 association engaged in the manufacture of new motor vehicles as a regular  
28 business;
- 29 (8) "Mobile home," a movable or portable unit, designed and constructed to be towed  
30 on its own chassis (comprised of frame and wheels), and designed to be connected  
31 to utilities for year-round occupancy. The term includes:
- 32 (a) Units containing parts that may be folded, collapsed, or telescoped when  
33 being towed and that may be expanded to provide additional cubic capacity;  
34 and

- 1 (b) Units composed of two or more separately towable components designed  
 2 to be joined into one integral unit capable of being separated again into the  
 3 components for repeated towing.
- 4 The term does not include a recreational park trailer;
- 5 (9) "Moped," a motor-driven cycle equipped with two or three wheels. If a combustion  
 6 engine is used, the maximum piston or rotor displacement ~~shall be~~ is fifty cubic  
 7 centimeters regardless of the number of chambers in such power source. The  
 8 power source ~~shall~~ must be equipped with a power drive system that functions  
 9 directly or automatically only, not requiring clutching or shifting by the operator  
 10 after the drive system is engaged. The term does not include an electric bicycle;
- 11 (10) "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with motor  
 12 attached, and all motor-operated vehicles of the bicycle or tricycle type, whether  
 13 the motive power be a part thereof or attached thereto, and having a saddle or  
 14 seat with the driver sitting astride or upon it, or a platform on which the driver  
 15 stands, but excluding a tractor. The term does not include an electric bicycle;
- 16 (11) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers,  
 17 and all vehicles propelled by power other than muscular power, except traction  
 18 engines, road rollers, farm wagons, freight trailers, vehicles that run only on rails  
 19 or tracks, electric bicycles, and off-road vehicles as defined in § 32-20-1;
- 20 (12) "New motor vehicle," any motor vehicle to which a manufacturer's statement of  
 21 origin has not been transferred, or is a motor vehicle on which title was issued  
 22 from the manufacturer's statement of origin or manufacturer's certificate of origin  
 23 and is still in the name of the first person who took title to the vehicle;
- 24 (13) "Noncommercial motor vehicle," any motor vehicle not classified as a commercial  
 25 motor vehicle;
- 26 (14) "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or  
 27 maintained for the transportation of persons or property for hire, compensation, or  
 28 profit;
- 29 (14A) "Notation," a physical or electronic process of recording a lien on a certificate of  
 30 title, a manufacturer's statement of origin, or a manufacturer's certificate of origin;
- 31 (15) "Off-road vehicle," any self-propelled, two-or-more-wheeled vehicle designed  
 32 primarily to be operated on land other than a highway and includes all terrain  
 33 vehicles, dune buggies, and any vehicle whose manufacturer's statement of origin  
 34 (~~MSO~~) or manufacturer's certificate of origin (~~MCO~~) states that the vehicle is not

- 1 for highway use. The term does not include a farm vehicle or an electric bicycle as  
2 defined in this section;
- 3 (16) "Owner," any person, firm, association, trust, or corporation renting a motor  
4 vehicle or having the exclusive use thereof, under a lease or otherwise, for a period  
5 greater than thirty days; as between contract vendor and contract vendee, the  
6 term, owner, ~~shall refer~~ refers to the contract vendee, unless the contrary clearly  
7 appears from the context of chapters 32-3 to 32-5B, inclusive, or a person or trust  
8 having legal possession or title;
- 9 (17) "Rebuilt vehicle," any motor vehicle, trailer, or semitrailer that has been rebuilt by  
10 the addition or deletion of assemblies, subassemblies, parts, or component parts  
11 so that upon gross visual examination, it does not appear to be the vehicle  
12 described in the certificate of title last issued for the vehicle, or whose title has  
13 been marked as rebuilt by this state or another state or jurisdiction;
- 14 (17A) "Recreational park trailer," a vehicle that is primarily designed to provide  
15 temporary living quarters for recreational, camping, or seasonal use and ~~which~~:  
16 (a) Is built on a single chassis mounted on wheels;  
17 (b) Has a gross trailer area not exceeding four hundred square feet in the setup  
18 mode;  
19 (c) Is certified by the manufacturer as complying with American National  
20 Standards Institute Standard No. A119.5 in effect on January 1, 2008; and  
21 (d) Has at least a seventeen--digit identification number and the manufacturer  
22 has designated the vehicle as a recreational park model on the  
23 manufacturer statement of origin;
- 24 (18) "Recreational vehicle," a vehicular portable structure built on a chassis designed to  
25 be used as a temporary dwelling for travel, recreational, vacation, or seasonal uses,  
26 and that is permanently identified as a travel trailer or a recreational park trailer  
27 by the manufacturer of the trailer;
- 28 (19) "Road tractor," any motor vehicle designed and used for drawing other vehicles,  
29 except farm or logging tractors used exclusively for farming or logging, and not so  
30 constructed as to carry any load thereon either independently or any part of the  
31 weight of a vehicle or load so drawn;
- 32 (20) "Secretary," secretary of revenue;
- 33 (21) "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly,  
34 designed and used in conjunction with a fifth wheel connecting device on a motor

- 1 vehicle constructed so that some part of its weight and that of its load rests upon  
2 or is carried by another vehicle;
- 3 (22) "State," includes the territories and the federal districts of the United States;
- 4 (23) "Trailer," any vehicle without motive power designed for carrying property or  
5 passengers wholly on its own structure and for being drawn by a motor vehicle;
- 6 (24) "Truck tractor," any motor vehicle designed and used primarily for drawing other  
7 vehicles and not so constructed as to carry a load other than a part of the weight  
8 of the vehicle and load so drawn;
- 9 (25) "Used vehicle," any motor vehicle to which title has been issued to someone other  
10 than the first person who took title to the motor vehicle from the manufacturer's  
11 statement of origin or manufacturer's certificate of origin; and
- 12 (26) "Vehicle identification number," the number assigned by the manufacturer or by  
13 the department for the purpose of identifying the vehicle. The term includes any  
14 number or letters assigned by the manufacturer for the purpose of identifying a  
15 component part and any such number stamped on a vehicle or part according to  
16 law or the rules promulgated by the department for the purpose of identifying the  
17 vehicle or part.