

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

518S0302

SENATE BILL NO. 116

Introduced by: Senators Adelstein and Lederman and Representatives Kirkeby and Kopp

1 FOR AN ACT ENTITLED, An Act to provide for the confiscation of motor vehicle license
2 plates for certain driving under the influence violations.

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

4 Section 1. If a person is arrested for a violation of § 32-23-1 and the person has a prior
5 conviction for a violation of § 32-23-1, the arresting law enforcement officer shall confiscate
6 the license plates and issue temporary paper registration plates. The temporary paper registration
7 plates shall be designed and supplied by the Division of Motor Vehicles. The temporary paper
8 registration plates are valid until the violation is adjudicated. The officer shall destroy the
9 confiscated license plates and place the temporary paper registration plates on the vehicle in a
10 manner prescribed by the division. The officer shall notify the division that the license plates
11 were confiscated and destroyed and that temporary paper registration plates were issued.

12 Section 2. A person who surrendered license plates pursuant to section 1 of this Act may
13 apply to the Division of Motor Vehicles for new license plates to replace the temporary paper
14 registration plates, which shall bear a special series of numbers or letters so as to be readily
15 identified by traffic law enforcement officers. The director of the Division of Motor Vehicles



1 may authorize the issuance of special plates if a member of the violator's household has a valid
2 driver's license, or the owner is not the violator and the owner has a valid license or a member
3 of the owner's household has a valid driver's license. The director may issue the special plates
4 on payment of a twenty-five dollar fee for each vehicle for which special plates are requested.
5 The director may not authorize the issuance of special plates unless the court gives written
6 approval that the case has been adjudicated.

7 Section 3. No registered owner may sell a motor vehicle during the time its registration
8 plates have been confiscated or during the time its license plates bear a special series number,
9 unless the registered owner applies to the court for consent to transfer title to the motor vehicle.
10 If the court is satisfied that the proposed sale is in good faith and for a valid consideration, that
11 the registered owner will be deprived of the custody and control of the motor vehicle, and that
12 the sale is not for the purpose of circumventing the provisions of this Act, it may certify its
13 consent to the Division of Motor Vehicles. The director shall then transfer the certificate of title
14 to the new owner upon proper application and issue new registration plates. After the license
15 plates have been confiscated, if the title to the motor vehicle is transferred by the foreclosure of
16 a chattel mortgage, the cancellation of a conditional sales contract, a sale upon execution, or by
17 decree or order of a court of competent jurisdiction, the Division of Motor Vehicles shall
18 transfer the certificate of title and issue new registration plates to the new registered owner.