

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

357X0520

SENATE BILL NO. 123

Introduced by: Senators Heinert, Bradford, Greenfield (Brock), Haggar (Jenna), Hunhoff (Bernie), Jensen (Phil), Monroe, Novstrup (David), Olson, Omdahl, Parsley, Peterson (Jim), and Sutton and Representatives Killer, Bordeaux, DiSanto, Gosch, Hawks, Langer, May, Schaefer, and Soli

1 FOR AN ACT ENTITLED, An Act to revise certain provisions limiting the issuance of certain
2 licenses and permits if a debt is being collected by the obligation recovery center.

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

4 Section 1. That § 1-55-11 be repealed.

5 ~~— 1-55-11. No person that owes a debt that is referred to the center may renew, obtain, or~~
6 ~~maintain:~~

7 ~~— (1) Any registration for any motor vehicle, motorcycle, or boat, in which the person's~~
8 ~~name appears on the title of the motor vehicle, motorcycle, or boat;~~

9 ~~— (2) Any driver license as defined by subdivision 32-12-1(1), or~~

10 ~~— (3) Any hunting license, fishing license, state park permit, or camping permit;~~

11 ~~unless the debt and cost recovery fee is either paid in full or the debtor has entered into a~~
12 ~~payment plan with the center and payment pursuant to the plan is current.~~

13 Section 2. That § 1-55-12 be repealed.

14 ~~— 1-55-12. No agency, board, or entity of the State of South Dakota may issue, renew, or allow~~



1 ~~an individual to maintain any motor vehicle, motorcycle, or boat registration, driver license,~~
2 ~~hunting license, fishing license, state park permit, or camping permit, after receiving notice from~~
3 ~~the center that the applicant, registrant, or licensee has a debt that is being collected by the~~
4 ~~center, unless the applicant, registrant, or licensee has paid the debt and cost recovery fee in full~~
5 ~~or the debtor has entered into a payment plan with the center and payment pursuant to the plan~~
6 ~~is current.~~

7 ~~—An applicant, registrant, or licensee who disputes a determination by the center that the~~
8 ~~applicant, registrant, or licensee has a debt that has been referred to the center for collection~~
9 ~~shall, upon request, be given a due process hearing by the center. Upon recommendation by the~~
10 ~~center, the agency or entity may issue a temporary license, registration, certification, or permit~~
11 ~~to the applicant, registrant, or licensee pending final resolution of the due process hearing.~~

12 Section 3. That § 1-55-15 be amended to read:

13 1-55-15. The Bureau of Administration may promulgate rules, pursuant to chapter 1-26, in
14 the following areas:

- 15 (1) Definitions;
- 16 (2) Procedure for remitting moneys collected to referring entities;
- 17 (3) Processes and procedures for entering into payment agreements with debtors;
- 18 (4) A process for the imposition of the cost recovery fee;
- 19 (5) The data collection system;
- 20 (6) The centralized electronic debt management system;
- 21 (7) The settlement authority process; and
- 22 (8) ~~The procedure for sending information to the Division of Motor Vehicles concerning~~
23 ~~the nonrenewal of registrations for motor vehicles, motorcycles, and boats;~~
- 24 ~~—(9) The procedure for sending information to the Department of Public Safety~~

1 concerning the nonrenewal of driver licenses;

2 ~~—(10)—The procedure for sending information to the Department of Game, Fish and Parks~~

3 concerning the nonissuance of hunting licenses, fishing licenses, state park permits,

4 and camping permits; and

5 ~~—(11)—The setoff of debt process.~~