

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

960Y0392

HOUSE COMMERCE AND ENERGY

ENGROSSED NO. **HB 1066** - 2/1/2017

**This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.**

Introduced by: Representatives Rhoden, Brunner, Lesmeister, Marty, Qualm, and Rasmussen  
and Senators Cammack and Maher

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding permits for the sale  
2 of certain trailers, motorcycles, and other vehicles.

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

4 Section 1. That § 32-6B-5.1 be amended to read:

5 32-6B-5.1. ~~The following persons do not need to be licensed~~ A license issued pursuant to  
6 this chapter ~~if the person meets~~ is not necessary in the following conditions:

7 (1) Any person engaged in the business of manufacturing trailers may display but may  
8 not sell any trailers at an event, if the event lasts three or more days and if the person  
9 registers with and purchases a permit from the Department of Revenue. ~~If the permit~~  
10 is purchased in advance of the event, the person shall pay a fee of two hundred fifty  
11 dollars for a ~~ten-day~~ fifteen-day temporary permit. ~~However, if~~ If the permit is  
12 purchased at the event, the person shall pay a fee of five hundred dollars for the  
13 temporary permit. Any person found to be in violation of the provisions of this  
14 subdivision shall be denied a temporary permit for a period of one year from the date



1 of violation;

2 (2) Any person may sell motorcycles at an event, if the event lasts three or more days and  
3 if the person registers and purchases a permit from the Department of Revenue.  
4 Before issuance of a permit, the person shall provide proof the person is a licensed  
5 dealer in the person's own state and has no outstanding dealer violations. The permit  
6 may only be issued if the new motorcycles being sold are not franchised in this state.  
7 If the permit is purchased in advance of the event, the person shall pay a fee of two  
8 hundred fifty dollars for a ~~ten-day~~ fifteen-day temporary permit. ~~However, if~~ If the  
9 permit is purchased at the event, the person shall pay a fee of five hundred dollars for  
10 the temporary permit. Any person found to be in violation of the provisions of this  
11 subdivision shall be denied a temporary permit for a period of one year from the date  
12 of violation;

13 (3) Any person may sell trailers at an event, if the event lasts three or more days and if  
14 the person registers and purchases a permit from the Department of Revenue. Before  
15 issuance of a permit, the person shall provide proof the person is a licensed dealer in  
16 the person's own state and has no outstanding dealer violations. The permit may only  
17 be issued if the trailers being sold are not franchised in this state. If the permit is  
18 purchased in advance of the event, the person shall pay a fee of two hundred fifty  
19 dollars for a ~~ten-day~~ fifteen-day temporary permit. ~~However, regardless~~ Regardless  
20 of whether or not there is a franchise in this state, any person may display a trailer at  
21 such an event. ~~However, if~~ If the permit is purchased at the event, the person shall  
22 pay a fee of five hundred dollars for the temporary permit. Any person found to be  
23 in violation of the provisions of this subdivision shall be denied a temporary permit  
24 for a period of one year from the date of violation;

- 1       (4) Any dealer licensed in another state may sell any vehicle or motorcycle that is not  
2       titled in South Dakota if the vehicle is at least twenty years old and the motorcycle  
3       is at least thirty years old at a public auction on consignment if the title is issued in  
4       the name of the dealer and the dealer purchases a permit from the Department of  
5       Revenue. Before issuance of a permit, the dealer shall provide proof the dealer is a  
6       licensed dealer in the dealer's own state and has no outstanding dealer violations. If  
7       the permit is purchased in advance of the auction, the dealer shall pay a fee of two  
8       hundred fifty dollars for the permit. ~~However, if~~ If the permit is purchased at or after  
9       the auction, the dealer shall pay a fee of five hundred dollars for the temporary  
10      permit. Any dealer found to be in violation of the provisions of this subdivision shall  
11      be denied a temporary permit for a period of one year from the date of violation; and
- 12      (5) Any person engaged in the business of manufacturing or customizing motor vehicles  
13      may display and offer limited demonstration but may not sell any motor vehicle at  
14      an event, if the event lasts three or more days and if the person registers with and  
15      purchases a permit from the Department of Revenue. If the permit is purchased in  
16      advance of the event, the person shall pay a fee of two hundred fifty dollars for a ~~ten-~~  
17      ~~day~~ fifteen-day temporary permit. ~~However, if~~ If the permit is purchased at the event,  
18      the person shall pay a fee of five hundred dollars for the temporary permit. This  
19      subdivision does not apply to any customized motorcycle being built for and  
20      displayed during a sponsored event where the participants had to qualify through  
21      competition. A permit is required if any customized motorcycle is being displayed  
22      outside the sponsored event. Any person found to be in violation of the provisions  
23      of this subdivision shall be denied a temporary permit for a period of one year from  
24      the date of violation.