

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

400Z0383

HOUSE BILL NO. 1069

Introduced by: The Committee on Transportation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to establish an unladen motor vehicle permit for certain
2 proportionally registered commercial motor vehicles.

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

4 Section 1. That chapter 32-10 be amended by adding a NEW SECTION to read:

5 If a motor vehicle is proportionally registered in South Dakota with the department and the
6 vehicle may not be operated on highways of this state because of a lease cancellation, the owner
7 of the vehicle, upon proof of ownership, may obtain an unladen vehicle permit from the
8 Department of Public Safety in lieu of the payment of other registration fees for the vehicle. The
9 permit authorizes the operation of the vehicle on the highways of this state and the highways
10 of all member jurisdictions of the international registration plan for a period not to exceed thirty
11 days.

12 Any vehicle operated under an unladen vehicle permit issued pursuant to this section may
13 only be operated while empty and may only be operated for the purpose of securing a new lease
14 to another carrier or until the owner of the vehicle registers the vehicle in the owner's name
15 under which proper registration may be obtained. No vehicle may be operated on the highways



1 of this state if the registration of the vehicle has been cancelled, unless the vehicle owner has
2 been issued an unladen vehicle permit for that vehicle pursuant to this section.

3 No owner operating a vehicle without proper registration or an unladen vehicle permit may
4 operate the vehicle until the owner has purchased an unladen vehicle permit or otherwise
5 obtained proper registration. Notwithstanding any provisions of law to the contrary, no vehicle
6 operated on an unladen vehicle permit is subject to the laws of this state relating to motor
7 vehicle titles during the time of operation on the unladen vehicle permit. The operation of any
8 vehicle on the highways of this state without proper registration or an unladen vehicle permit
9 is a Class 2 misdemeanor.

10 Section 2. That chapter 32-10 be amended by adding a NEW SECTION to read:

11 Application for an unladen vehicle permit shall be made on forms prescribed by the
12 administrator. The application shall be made to the Department of Public Safety. The
13 application shall provide an acceptable proof to the Department of Public Safety attesting that
14 the owner of the vehicle has surrendered all plates, cab cards, and other evidence of previous
15 registration to the previous registrant before an unladen vehicle permit may be issued. The fee
16 for an unladen vehicle permit shall be twenty-five dollars and shall be deposited in the state
17 highway fund. If the unladen vehicle permit fee is paid, no other registration fee is required for
18 any trailer or semitrailer being towed by the vehicle.

19 Section 3. That chapter 32-10 be amended by adding a NEW SECTION to read:

20 Nothing in sections 1 and 2 of this Act changes the vehicle owner's duty to timely file any
21 necessary fuel tax returns or reports and to timely pay any fuel taxes owed to any state.

22 Section 4. That chapter 32-10 be amended by adding a NEW SECTION to read:

23 The administrator may promulgate rules, pursuant to chapter 1-26, in the following areas
24 regarding unladen vehicle permits:

- 1 (1) Design and content of the permit;
- 2 (2) Revocation, denial, and suspension of the permit;
- 3 (3) Procedures; and
- 4 (4) Application requirements.