

AN ACT

ENTITLED, An Act to establish an unladen motor vehicle permit for certain proportionally registered commercial motor vehicles.

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

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

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

Any vehicle operated under an unladen vehicle permit issued pursuant to this section may only be operated while empty and may only be operated for the purpose of securing a new lease to another carrier or until the owner of the vehicle registers the vehicle in the owner's name under which proper registration may be obtained. No vehicle may be operated on the highways of this state if the registration of the vehicle has been cancelled, unless the vehicle owner has been issued an unladen vehicle permit for that vehicle pursuant to this section.

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

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

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

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

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

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

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

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

An Act to establish an unladen motor vehicle permit for certain proportionally registered commercial motor vehicles.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1069

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1069  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State