

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

822Z0464

HOUSE BILL NO. 1088

Introduced by: Representatives Beal, Ahlers, Barthel, Bartling, Brunner, Chase, Dennert, DiSanto, Glanzer, Gosch, Hawley, Heinemann, Holmes, Johns, Johnson, Kaiser, Latterell, Lust, May, Mills, Otten (Herman), Peterson (Sue), Pischke, Rhoden, Rounds, Rozum, Smith, Steinhauer, and Zikmund and Senators Wiik, Bolin, Cronin, Kolbeck, Nelson, and Otten (Ernie)

1 FOR AN ACT ENTITLED, An Act to revise the consignment sales requirements for dealers of
2 motorcycles, off-road vehicles, snowmobiles, and boats.

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

4 Section 1. That chapter 32-6B be amended by adding a NEW SECTION to read:

5 In addition to the consignment sales requirements provided in this chapter, any dealer or
6 public auction may sell, or offer to sell, used motorcycles and used off-road vehicles as defined
7 in § 32-3-1 on consignment if the dealer has in possession a South Dakota title for the vehicle
8 or a state title for the vehicle from a bordering state.

9 Section 2. That § 32-7B-26 be amended to read:

10 32-7B-26. Any boat dealer or public auction may sell, or offer to sell, new, or used boats on
11 consignment. For the purposes of this chapter, consignment means the delivery of a boat by the
12 owner into the possession of another without transfer of title for the purpose of sale or where
13 there is any condition that the purchaser does not have an absolute obligation to pay for the boat



1 or has a right to return the boat to the seller. Any boat dealer or public auction who sells, or
2 offers to sell, South Dakota titled boats or used boats titled in a bordering state on consignment
3 shall enter into a contract with the consignor. The department shall prescribe the form of the
4 contract.

5 Section 3. That § 32-7B-28 be amended to read:

6 32-7B-28. Before a South Dakota titled boat or a used boat titled in a bordering state may
7 be sold by a consignee or at a public auction pursuant to this chapter, the consignee or
8 auctioneer shall have in possession a South Dakota title or a state title from a bordering state for
9 the boat. A violation of this section is a Class 2 misdemeanor.

10 Section 4. That § 32-6C-5.1 be amended to read:

11 32-6C-5.1. Any snowmobile dealer or public auction may sell, or offer to sell, new or used
12 snowmobiles on consignment. For the purposes of this chapter, consignment means the delivery
13 of a snowmobile by the owner into the possession of another without transfer of title for the
14 purpose of sale or where there is any condition that the purchaser does not have an absolute
15 obligation to pay for the snowmobile or has a right to return the snowmobile to the seller. Any
16 snowmobile dealer or public auction who sells, or offers to sell, a South Dakota titled
17 snowmobile or a used snowmobile titled in a bordering state on consignment shall enter into a
18 contract with the consignor. The department shall prescribe the form of the contract.