

AN ACT

ENTITLED, An Act to revise the consignment sales requirements for dealers of motorcycles, off-road vehicles, snowmobiles, boats, and boat trailers.

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

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

In addition to the consignment sales requirements provided in this chapter, any dealer or public auction may sell, or offer to sell, used motorcycles and used off-road vehicles as defined in § 32-3-1 on consignment if the dealer has in possession a South Dakota title for the vehicle or a state title for the vehicle from a bordering state. If the motorcycle or off-road vehicle owner's state does not issue titles for the consigned motorcycle or off-road vehicle, the owner must provide a current state registration and accompanying affidavit stating that their home state does not issue titles for the vehicle being consigned. A bill of sale, the registration, and affidavit of statement must be in the possession of the consignment selling dealer or public auction along with the proper consignment contract. The department shall prescribe the form of the contract.

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

32-7B-26. Any boat dealer or public auction may sell, or offer to sell, new, or used boats on consignment. For the purposes of this chapter, consignment means the delivery of a boat by the owner into the possession of another without transfer of title for the purpose of sale or where there is any condition that the purchaser does not have an absolute obligation to pay for the boat or has a right to return the boat to the seller. Any boat dealer or public auction who sells, or offers to sell, South Dakota titled boats or used boats titled in a bordering state including any accompanying titled boat trailers on consignment shall enter into a contract with the consignor. If the boat or boat trailer owner's state does not issue titles for the consigned boat or boat trailer, the owner must provide a current state registration and accompanying affidavit stating that their home state does not issue titles

for the boat or boat trailer being consigned. A bill of sale, the registration, and affidavit of statement must be in the possession of the consignment selling dealer or public auction along with the proper consignment contract. The department shall prescribe the form of the contract.

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

32-7B-28. Before a South Dakota titled boat or a used boat titled in a bordering state including any accompanying titled boat trailer may be sold by a consignee or at a public auction pursuant to this chapter, the consignee or auctioneer shall have in possession a South Dakota title or a state title from a bordering state including any accompanying titled boat trailer for the boat. If the boat or boat trailer owner's state does not issue titles for the consigned boat or boat trailer, the owner must provide a current state registration and accompanying affidavit stating that their home state does not issue titles for the boat or boat trailer being consigned. A bill of sale, the registration, and affidavit of statement must be in the possession of the consignment selling dealer or public auction along with the proper consignment contract. A violation of this section is a Class 2 misdemeanor.

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

32-6C-5.1. Any snowmobile dealer or public auction may sell, or offer to sell, new or used snowmobiles on consignment. For the purposes of this chapter, consignment means the delivery of a snowmobile by the owner into the possession of another without transfer of title for the purpose of sale or where there is any condition that the purchaser does not have an absolute obligation to pay for the snowmobile or has a right to return the snowmobile to the seller. Any snowmobile dealer or public auction who sells, or offers to sell, a South Dakota titled snowmobile or a used snowmobile titled in a bordering state on consignment shall enter into a contract with the consignor. If the snowmobile owner's state does not issue titles for the consigned snowmobile, the owner must provide a current state registration and accompanying affidavit stating that their home state does not issue titles for the snowmobile being consigned. A bill of sale, the registration, and affidavit of

statement must be in the possession of the consignment selling dealer or public auction along with the proper consignment contract. The department shall prescribe the form of the contract.

An Act to revise the consignment sales requirements for dealers of motorcycles, off-road vehicles, snowmobiles, boats, and boat trailers.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1088

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1088
File No. _____
Chapter No. _____

=====

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

=====

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