

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0171

## HOUSE BILL NO. 1095

Introduced by: Representatives Duvall, Feickert, Hawks, Johns, Kirschman, Verchio, and Wiik and Senators Vehle, Parsley, Peterson (Jim), and White

1 FOR AN ACT ENTITLED, An Act to revise certain allowable time periods regarding the  
2 transfer of vehicle ownership.

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

4 Section 1. That § 32-5-2.5 be amended to read:

5 32-5-2.5. A person who acquires a motor vehicle required to be annually registered shall,  
6 at the time of application and no later than ~~thirty~~ forty-five days after the date of purchase apply  
7 for a certificate of title or transfer of title, register the vehicle until the appropriate month  
8 assigned to the person for renewal by § 32-5-2.2.

9 Section 2. That § 32-5-2.9 be amended to read:

10 32-5-2.9. If a vehicle is sold or transferred, the seller shall provide the purchaser with a  
11 seller's permit that ~~shall allow~~ allows for the movement of the vehicle until registered but no  
12 later than ~~thirty~~ forty-five days from the date of purchase. Failure to comply with this section  
13 is a Class 2 misdemeanor.

14 Section 3. That § 32-5-8.1 be amended to read:

15 32-5-8.1. Each trailer or semitrailer pulled by a noncommercial motor vehicle on which the



1 license fees were paid pursuant to § 32-5-6.3 shall have an identification plate displayed in a  
2 conspicuous manner. The fee for the identification plate is ten dollars. The identification plate  
3 is valid for the useful life of the trailer or semitrailer. However, if the title to the trailer or  
4 semitrailer is transferred, the new owner shall within ~~thirty~~ forty-five days of the date of transfer  
5 make application to the department for a new identification plate. All revenue raised by the fees  
6 shall be placed in the license plate special revenue fund. However, no identification plate may  
7 be displayed on a recreational vehicle as defined in § 32-3-1. ~~Such a~~ A recreational vehicle shall  
8 be licensed pursuant to § 32-5-8.

9 Section 4. That § 32-3-3.1 be amended to read:

10 32-3-3.1. Any new mobile home, new manufactured home, or mobile home or manufactured  
11 home which has not been registered in this state shall, upon its sale, be initially registered and  
12 titled pursuant to this chapter, and the initial registration fee provided in § 32-5-16.1 shall be  
13 collected. If the mobile home or manufactured home is sold by a dealer, the licensed dealer shall  
14 deliver to the county treasurer the manufacturer's statement of origin, the manufacturer's  
15 certificate of origin, or the title for the mobile home or manufactured home, together with the  
16 required fees and completed forms necessary to accomplish the initial registration within ~~thirty~~  
17 forty-five days of the sale. For mobile homes or manufactured homes not sold by a licensed  
18 dealer, the purchaser shall register and title the mobile home or manufactured home within ~~thirty~~  
19 forty-five days. Any dealer or purchaser who does not comply with this section is subject to a  
20 late penalty fee of one dollar for each week or fraction ~~thereof~~ of the week beyond the ~~thirty-day~~  
21 forty-five day limitation for twenty-five weeks and a late fee of fifty dollars for twenty-six  
22 weeks or more. Any person applying for title a year or more beyond the ~~thirty-day~~ forty-five day  
23 limitation is guilty of a Class 2 misdemeanor.

24 Section 5. That § 32-3A-29 be amended to read:

1        32-3A-29. If ownership of a large boat is transferred by operation of law, by inheritance,  
2 order in bankruptcy, insolvency, replevin, or execution sale, the transferee, within ~~thirty~~ forty-  
3 five days after acquiring the right to possession of the large boat, shall mail or deliver to the  
4 county treasurer satisfactory proof of ownership as the department requires, together with an  
5 application for a new certificate of title, and the required fee. If a lienholder repossesses a large  
6 boat and holds it for resale, the lienholder shall secure a new certificate of title and shall pay the  
7 required fee.

8        Section 6. That § 32-3-51.20 be amended to read:

9        32-3-51.20. If an insurer, in settlement of a total loss insurance claim, or self insurer  
10 acquires the ownership of any salvage vehicle as defined in § 32-3-51.19 that does not have a  
11 salvage vehicle title, the insurer shall within ~~thirty~~ forty-five days following acquisition of the  
12 certificate of title of that vehicle, surrender the certificate of title for ~~such~~ the vehicle to the  
13 department. The department shall promptly issue a title indicating it is a salvage vehicle to the  
14 insurer or self insurer. ~~Once~~ If a vehicle has been branded a salvage vehicle, nothing in this  
15 section prohibits a person from obtaining a rebuilt title pursuant to § 32-3-53.

16        Section 7. That § 32-3-51.22 be amended to read:

17        32-3-51.22. If a stolen vehicle is recovered, the insurer or self insurer shall, within ~~thirty~~  
18 forty-five days of recovery, inspect the vehicle and apply for a title ~~as follows:~~

19        ~~(1)~~ .

20        If the vehicle has no damage or the damage is less than that defined in § 32-3-51.19,  
21 surrender the existing salvage title to the department. The department shall promptly issue a title  
22 marked as a recovered theft with no salvage notation.

23        However, if the condition of the vehicle is such that it would have been determined a  
24 salvage vehicle as defined in § 32-3-51.19 due to the damage to the vehicle, the salvage title is

1 retained and the insurer or self insurer is not required to apply for a title pursuant to this section.

2 Section 8. That § 32-3A-40 be amended to read:

3 32-3A-40. If ownership of a large boat is being transferred, the application for certificate of  
4 title shall be filed within ~~thirty~~ forty-five days after the date of assignment or acquisition of the  
5 large boat. However, a boat dealer need not apply for a certificate of title on any large boat held  
6 in stock or acquired for stock purposes unless otherwise required under this chapter. Upon  
7 transfer of the large boat, the boat dealer shall give the transferee a reassignment of the  
8 certificate of title or the manufacturer's statement of origin.

9 Section 9. That § 32-7A-4.2 be amended to read:

10 32-7A-4.2. The department may deny any application or apply the provisions of §§ 32-7A-  
11 4.3 to 32-7A-4.8, inclusive, on any license issued under the provisions of this chapter, for any  
12 of the following:

- 13 (1) Commission of fraud or willful misrepresentation in the application for or in  
14 obtaining a license;
- 15 (2) A previous manufacturer or dealer license revocation in this or any other state;
- 16 (3) A violation of any law of this state which relates to dealing in manufactured homes  
17 or mobile homes;
- 18 (4) Failure to comply with any administrative rule promulgated by the department;
- 19 (5) Perpetration of a fraud upon any person as a result of dealing in manufactured homes  
20 or mobile homes;
- 21 (6) Failure to allow department inspections, including initial and annual inspections,  
22 complaint investigations and necessary follow-up inspections;
- 23 (7) Misrepresentation through false, deceptive, or misleading statements with regard to  
24 the sale or financing of manufactured homes or mobile homes which a dealer has, or

- 1 causes to have, advertised, printed, displayed, published, distributed, broadcast,  
2 televised, or made in any manner with regard to the sale or financing of manufactured  
3 homes or mobile homes;
- 4 (8) Refusal to comply with a licensee's responsibility under the terms of the new  
5 manufactured home or mobile home warranty issued by its respective manufacturer,  
6 unless such refusal is at the direction of the manufacturer;
- 7 (9) Failure to comply with the terms of any bona fide written, executed agreement  
8 pursuant to the sale of a manufactured home or mobile home;
- 9 (10) Violation by the dealer of any applicable manufactured home building or safety code;
- 10 (11) Failure to continuously occupy a principal place of business licensed under § 32-7A-  
11 2;
- 12 (12) Failure to deliver the manufacturer's statement of origin to the county treasurer or the  
13 certificate of title to a person entitled to it within ~~thirty~~ forty-five days after date of  
14 delivery;
- 15 (13) Conviction within the previous five years, of a crime that related directly to the  
16 business of the dealer or manufacturer involving fraud, misrepresentation or misuse  
17 of funds;
- 18 (14) Inability to obtain or renew a surety bond; or
- 19 (15) Misuse of the dealers' metal plates and lending for use on mobile homes or  
20 manufactured homes not owned by the manufacturer or dealer.