

## DMV UPDATE

### 2011 Legislation

Following is legislation that will go into effect July 1, 2011:

HB 1027 – revises the definition of a trailer for the purpose of titling a restored or rebuilt trailer

During the 2010 legislative session, the definition in the dealer statutes (32-6B) regarding trailers was changed from trailers weighing 2,000 pounds to 3,000 pounds (application of franchise laws do not apply). This legislation changes the definition of trailer from 2,000 pounds to 3,000 pounds for purposes of obtaining an assigned serial number rather than having to go through the rebuilt process.

HB 1192 – increases certain registration fees for the use of motor vehicles on the public highways. The first set of fees goes into effect July 1, 2011 and the second set goes into effect July 1, 2013:

Increases noncommercial (auto, truck or van) vehicle license fees: 2,000 pounds or less, \$30 (no change); 2001—4,000 goes from \$42 to \$51/\$60; 4001—6,000 goes from \$55 to \$72.50/\$90; over 6,000 goes from \$65 to \$92.50/\$120.

Increases noncommercial gross weight (not auto, truck, or van) license fees: 8,000 pounds or less goes from \$55 to \$82.50/\$100; for each additional 2,000 pounds or major fraction thereof from 8,001 to 20,000 (used to be 32,000 pounds), goes from \$3 to \$6/\$10; for vehicles in excess of 20,000 pounds, the total license fee is 45%/60% of the total license fee for commercial vehicles of equal weight.

Increases motor home license fees: 6,000 pounds or less goes from \$60 to \$75/\$90; 6,001—8,000 pounds goes from \$80 to \$100/\$120; 8,001—10,000 pounds goes from \$100 to \$125/\$150; for each additional 2,000 pounds or major fraction thereof in excess of 10,000 pounds goes from \$20 to \$25/\$30.

Increases recreational and trailer license fees: 1,000 pounds or less goes from \$10 to \$12.50/\$15; from 1,001—2,000 pounds goes from \$20 to \$25/\$30; 2001—3,000 pounds goes from \$35 to \$40/\$45; 3,001—4,000 pounds goes from \$45 to \$52.50/\$60; 4001—5,000 pounds goes from \$55 to \$65/\$75; 5001—6,000 goes from \$65 to \$77.50/\$90; 6,001—7,000 goes from \$75 to \$90/\$105; 7,001—8,000 goes from \$85 to \$102.50/\$120; 8,001—9,000 goes from \$95 to \$115/\$135; 9,001—10,000 goes from \$105 to \$127.50/\$150; for each additional 1,000

pounds or major fraction thereof in excess of 10,000 pounds goes from \$10 to \$12.50/\$15.

Increases motorcycle license fees: piston displacement of less than 350 ccs goes from \$9.50 to \$12/\$14.50; piston displacement of 350 ccs or more goes from \$12 to \$14.50/\$17.

Commercial were not increased, but the license fee reduction for vehicles over 10 years of age was changed effective July 1, 2011 to 10 years old or more. The fee break is 10%; so the owner pays 90% of the fee.)

dealer 77: \$42 to \$63 in July 2011 and \$63 to \$84 in July 2013; motorcycle and trailer dealer: \$10 to \$15 in July 2011 and \$15 to \$20 in July 2013; auction agency: \$42 to \$63 in July 2011 and from \$63 to \$84 in July 2013.

Also effective July 1, 2011, the 30% break in license fees for vehicles 5 years old or more goes to vehicles 10 years old or more. The owner pays 70% of the license fee.

HB 1207 – allows for the consignment or auction of certain out-of-state vehicles and motorcycles.

Allows an out-of-state dealer to sell a vehicle that is at least 20 years old or a motorcycle that is at least 30 years old that is titled in the dealer's name (out-of-state title) at public auction if the dealer purchases a permit from the Department of Revenue. The dealer must prove they are a dealer in good standing in dealer's own state and has no outstanding dealer violations. The permit is \$250 if purchased before the auction and \$500 if purchased at or after the auction. Any dealer in violation shall be denied a temporary permit for a period of 1 year from the date of violation.

HB 1256 – revises certain provisions regarding the sale of new or used vehicles and the sale of certain emergency vehicles.

In SDCL 32-6B-4 the prohibition on advertising without a license was removed. Further, it clarifies that – The term, offering to sell used in the section, does not mean traditional advertising. The term does include the physical presence in this state of a new or used vehicle offered for sale by a person not exempt under the dealer statute (SDCL 32-6B-5).

Provides that the provision for licensing an emergency vehicle dealer (defined in SDCL 32-6B-1) includes the submission of a bid proposal for the sale of a vehicle if the bid proposal is offered in response to a bid request originating in this state.