

GLOSSARY OF TERMS

32-3-1. DEFINITION OF TERMS. Terms used in chapters 32-3 to 32-5-B, inclusive, mean:

- A. "Commercial motor vehicle," any motor vehicle used or maintained for the transportation of persons or property for hire, compensation or profit, or designed, used or maintained primarily for the transportation of property, and not specifically excluded under § 32-9-3;
- B. "Component part," any part of a motor vehicle, trailer or semitrailer other than a tire, having a vehicle identification number;
- C. "Dealer," any person who for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new, or new and used vehicles/boats, or who is engaged wholly or in part in the business of selling new, or new and used vehicles, whether or not such vehicles/boats are owned by that person;
- D. "Department," department of Revenue;
- E. "Junking certificate," a certificate of ownership, which may not be restored to a title document, which allows highway use, issued by the department to the owner of a vehicle which is going to be dismantled and sold for parts;
- F. "Manufactured home," a structure, transportable in one or more sections, which is eight body feet or more in width or forty body feet or more in length in the traveling mode, or is three hundred twenty or more square feet when erected on a site; which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities; and which contains the plumbing, heating, air conditioning and electrical systems therein. The term includes any structure which meets all the requirements of this subdivision and any other structure which has been certified by the secretary of housing and urban development;
- G. "Manufacturer," shall include a person, firm, corporation, or association engaged in the manufacture of new motor vehicles as a regular business;
- H. "Mobile home," a movable or portable unit, designed and constructed to be towed on its own chassis (comprised of frame and wheels), and designed to be connected to utilities for year-round occupancy. The term includes:
 - 1. Units containing parts that may be folded, collapsed or telescoped when being towed and that may be expanded to provide additional cubic capacity; and
 - 2. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing;
- I. "Moped," a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall, be equipped with a power drive system that, functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged;
- J. "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor;

- K. "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailers, and all vehicles propelled by power other than muscular power, except traction engines, road rollers, farm wagons, freight trailers, vehicles that run only on rails or tracks and off-road vehicles as defined in § 32-20- 1;
- L. "New motor vehicle," any motor vehicle to which a manufacturer's statement of origin has not been transferred, or a motor vehicle on which title was issued from the manufacturer's statement of origin or manufacturer's certificate of origin and is still in the name of the first person who took title to the vehicle;
- M. "Noncommercial motor vehicle," any motor vehicle not classified as a commercial motor vehicle;
- N. "Noncommercial trailer or semitrailer," any trailer or semitrailer not used or maintained for the transportation of persons or property for hire, compensation or profit;
- O. "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all terrain vehicles, dune buggies and any vehicle whose manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not for highway use. Off-road vehicle does not include a farm vehicle as defined in § 32-3-1;
- P. "Owner," shall also include any person, firm, association, or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days; as between contract vendor and contract vendee, the term "owner" shall refer to the contract vendee, unless the contrary clearly appears from the context of chapters 32-3 to 32-5B, inclusive, or a person having legal possession or title;
- Q. "Rebuilt vehicle," any motor vehicle, trailer or semitrailer that has been rebuilt by the addition or deletion of assemblies, subassemblies, parts or component parts so that upon gross visual examination it does not appear to be the vehicle described in the certificate of title last issued for the vehicle; or whose title has been marked as "rebuilt" by this state or another state or jurisdiction;
- R. "Recreational vehicle," a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for travel, recreational, vacation or seasonal_uses, permanently identified as a travel trailer or a recreational park trailer by the manufacturer of the trailer;
- S. "Road tractor," any motor vehicle designed and used for drawing other vehicles, except farm or logging tractors used exclusively for farming or logging, and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn;
- T. "Secretary," secretary of Revenue;
- U. "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;
- V. "State," includes the territories and the federal districts of the United States;
- W. "Trailer," any vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle;
- X. "Truck tractor," any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;
- Y. "Used vehicle," any motor vehicle to which title has been issued to someone other than the first person who took title to the motor vehicle from the manufacturer's statement of origin or manufacturer's certificate of origin;

- Z. "Vehicle identification number," the number assigned by the manufacturer or by the department for the purpose of identifying the vehicle. The term includes any numbers or letters assigned by the manufacturer for the purpose of identifying a component part and any such number stamped on a vehicle or part according to law or the rules promulgated by the department for the purpose of identifying the vehicle or part; and
- AA. "Gross vehicle weight rating," the value specified by the manufacturer as the loaded weight of a single vehicle.
- BB. "Salvage vehicle," any vehicle that an insurer or self-insurer determines a total loss due to theft or to damage caused by fire, vandalism, collision, weather, submersion in water, or flood. Does not apply to vehicles more than 6 model years old or with a GVWR of more than 16,000 pounds.
- CC. "Notation," a physical or electronic process of recording a lien on a certificate of title, MSO, or MCO.
- DD. "Recreational park trailer," a vehicle that is primarily designed to provide temporary living quarters for recreational, camping or seasonal use and which:
 - 1. Is built on a single chassis mounted on wheels;
 - 2. Has a gross trailer area not exceeding 400 square feet in the set up mode;
 - 3. Is certified by the manufacturer as complying with American Standards Institute number A119.5, in effect on January 1, 2008; and
 - 4. Has at least a 17 digit identification number and the manufacturer has designated the vehicle as a recreational park model on the MSO.
- EE. "Low speed vehicle," a four-wheeled motor vehicle whose speed attainable, in one mile, is more than 20 MPH and not more than 25 MPH on a paved level surface.

32-6B-1. DEFINITIONS. Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

- A. "Administrator," the administrator of the dealer licensing and inspection program of the Department of Revenue;
- B. "Broker," a person who for a fee, commission, or other valuable consideration arranges or offers to arrange a transaction involving the sale or exchange of vehicles and who is not:
 - 1. A dealer or a bona fide agent or employee of a dealer;
 - 2. A representative or bona fide agent or employee of a manufacturer; or
 - 3. At any point in the transaction the bona fide owner of the vehicle involved in the transactions.
- C. "Community," the franchisee's area of responsibility as stipulated in the franchise. A community has a minimum radius of ten miles around an existing dealership;
- D. "Converter," a person who modifies or installs on previously assembled chassis special bodies or equipment which, when completed, form an integral part of the vehicle and which constitutes a major manufacturing alteration and who may issue a supplemental or secondary statement of origin;

- E. "Department," the Department of Revenue;
- F. "Franchise," a written agreement or contract between a franchiser and franchisee which fixes the legal rights and liabilities of the parties to such agreement or contract;
- G. "Franchisee," a person who receives vehicles from a franchiser under a franchise and who offers and sells the vehicles to the general public;
- H. "Franchiser," any person engaged in the manufacturing or distribution of vehicles including any person who acts for the franchiser;
- I. "Manufacturer," a person who manufactures or assembles vehicles including motor homes, and who issues the original or first manufacturer's statement of origin. The term "manufacturer" includes a central or principal sales corporation through which it distributes its products to franchised dealers;
- J. "Motor home," a motor vehicle designed as an integral unit to be used as a conveyance upon the public highways and for use as a temporary or recreational dwelling and having a least four of the following permanently installed systems:
 - 1. Cooking facilities;
 - 2. Ice box or mechanical refrigerator;
 - 3. Potable water supply including plumbing and a sink with faucet either self-contained or with connections for an external source, or both;
 - 4. Self-contained toilet connected to a plumbing system with connection for external water disposal;
 - 5. Heating or air conditioning system, or both, separate from the vehicle engine or the vehicle electrical system;
 - 6. A one hundred ten -- one hundred fifteen volt (110-115) alternating current electrical system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source, or both, or a liquefied petroleum system and supply.
- K. "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle and constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;
- L. "Supplemental lot" a physically separate location owned and maintained by a licensed dealer within the same county as the principal place of business;
- M. "Temporary supplemental lot," a location other than the principal place of business or supplemental lot, but within the same county as the principal place of business, or within the corporate limits of a municipality which overlaps boundaries of a county, or in an adjoining county, if the adjoining county has no licensed vehicle dealer selling automobiles, pick-ups, or passenger vans and the temporary lot is no more than ten miles from the principal place of business, where a licensed dealer may conduct business for a period of time not to exceed ten consecutive days for a specific purpose such as fairs, auto shows, auctions, shopping center promotions or tent sales. Such temporary supplemental lots shall meet all local zoning and building codes for the type of business being conducted. If a licensed vehicle dealer establishes a temporary supplemental lot in a county with a licensed used vehicle dealer, a licensed used vehicle dealer may establish a temporary supplemental lot in a county with a licensed vehicle dealer. A licensed vehicle dealer may establish, for manufacturer sponsored events, a temporary supplemental lot in an adjoining county that has no like franchised licensed dealers;

- N. "Trailer," any vehicle without motive power designed to be coupled to or drawn by a motor vehicle and constructed so that no part of its weight or that of its load rests upon the towing vehicle;
- O. "Trailer dealer," any person who for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new or used trailers, semitrailers, recreational park trailers or travel trailers or who is engaged in the business of selling new or used trailers, semitrailers or travel trailers whether or not such vehicles are owned by such person;
- P. "Travel trailer," any trailer or semitrailer which provides as its primary purpose adequate, comfortable, temporary living quarters while on pleasure excursions or while touring for business, professional, education or recreational purposes;
- Q. "Used vehicle dealer," any person who, for commission or with intent to make a profit or gain sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of used vehicles or who is engaged in the business of selling used vehicles; or any person who sells five or more used vehicles or offers for sale four or more used vehicles at the same address or telephone number in any one calendar year;
- R. "Vehicle," any new or used automobile, truck, truck tractor, motorcycle, motor home, trailer, semitrailer or travel trailer of the type and kind required to be titled and registered under chapters 32-3 and 32-5, except mobile homes, mopeds or snowmobiles;
- S. "Vehicle dealer," any person who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new or new and used vehicles, or who is engaged wholly or in part in the business of selling new, or new and used vehicles;
- T. "Boat dealer," any person who for commission or with intent to make a profit or gain, sells, exchanges, rents, or leases with option to purchase, offers or attempts to negotiate a sale or exchange of new or used boats, or who is engaged wholly or in part in the business of selling new or used boats;
- U. "Emergency vehicle dealer," any person who converts or manufacturers authorized emergency vehicles and who, for commission or with intent to make a profit or gain, sells, exchanges, rents with option to purchase, offers or attempts to negotiate a sale or exchange of new or new and used authorized emergency vehicles, or who is engaged wholly or in part in the business of selling new or new and used emergency vehicles; 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;
- V. "Authorized emergency vehicle," any vehicle of a fire department and any ambulance and emergency vehicle of a municipal department or public service corporation that are designed or authorized by the Department of Commerce and Regulation;
- W. "Sell-it-yourself lot," any space provided to a person for a fee to display that person's boat or vehicle for sale;
- X. "Auctioneer," a person who presides over a public auction where following an initial starting price, bids are taken from two or more people until a final bid or price is established for a motor vehicle;
- Y. "Public auction," a business that is open to the public where South Dakota titled motor vehicles are consigned, displayed, and auctioned to the highest bidder by an auctioneer;
- Z. "Temporary special events lot," a location other than the principal place of business, supplemental lot or temporary supplemental lot where a licensed trailer dealer, a licensed vehicle or licensed used car dealer selling only truck tractors, travel trailers or motor homes, or any combination thereof, may conduct business for a period of time not to exceed 10 consecutive days for a specific purpose such as fairs,

auctions, shopping center sales, or tent sales, A temporary special events lot shall meet all local zoning and building codes for the type of business being conducted;

- AA. "Auxiliary lot," a physically separate location, such as a mobile home park, manufactured housing rental community, manufactured housing subdivision, or any residential lot, where a licensed dealer displays manufactured homes or mobile homes.
- BB. "Temporary boat show lot," any location other than the principal place of business or supplemental lot where a licensed boat dealer may conduct business for a period of time not to exceed 10 consecutive days for a specific purpose such as fairs, shopping center sales, or boat shows. A temporary boat show lot must meet all local zoning and building codes.

32-9-1. DEFINITIONS. Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

- A. "Public highway," every street, alley, public road, public thoroughfare, or highway in this state;
- B. "Motor vehicle," all vehicles or machines propelled by any power other than muscular used upon the public highways for the transportation of persons or property, or both;
- C. "For hire," for remuneration of any kind, paid or promised either directly or indirectly, for the transportation of persons or property. An occasional accommodative transportation service by a person not in the transportation business while on an errand for himself, shall not be construed as a service for hire, even though the person transported shares in the cost or pays for the service;
- D. "Compensation," the charge imposed upon motor carriers in consideration of the unusual use of the public highways in this state by such motor carriers;
- E. "Compensation certificate," the certificate issued upon application by a motor carrier, as defined in §§ 32-9-2 and 32-9-3, showing authority to use and payment of compensation for the unusual use of the highways by the one to whom issued;
- F. "Trailer," every vehicle without motive power designed to carry property or persons wholly on its own structure and to be drawn by a motor vehicle;
- G. "Semitrailer," any vehicle of the trailer type, equipped with a kingpin assembly, designed and used in conjunction with a fifth wheel connecting device on a motor vehicle constructed so that some part of its weight and that of its load rests upon or is carried by another vehicle;
- H. "Gross weight," the total weight of the chassis, body, equipment, and maximum load of each motor vehicle, trailer, or semitrailer as fixed by the applicant for a compensation certificate;
- I. "Commercial motor vehicle," any motor vehicle used or maintained for the transportation of persons or property for hire, compensation or profit or designed, used or maintained primarily for the transportation of property, and not specifically excluded under § 32-9-3;
- J. "Private business use," the transportation of persons or property for hire, compensation, profit, or remuneration of any kind, or the transportation of any property of a business venture not specifically excluded under § 32-9-3.

32-10-1. DEFINITIONS. As used in this chapter:

- A. "Commercial vehicle," means any vehicle which is operated in interstate commerce in furtherance of any commercial enterprise;
- B. "Interstate commerce," means the movement of a vehicle between jurisdictions but shall not include the movement of any vehicle which transports or is being used to transport persons or property, the transportation of which originates in one jurisdiction and passes into or through another jurisdiction or jurisdictions, for the delivery in the jurisdiction in which the transportation originated;
- C. "Jurisdiction," means and includes a state, district, territory or possession of the United States, a foreign country and a state or province of a foreign country;
- D. "Owner," means the same as it is defined in subdivision (16) of § 32-3- 1, except that for the purposes of proportional registration of vehicles as authorized and provided in §§ 32-10-15 to 32-10-28, inclusive, "owner" shall mean a person who holds a legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event while a vehicle is subject to a lease with an immediate right of possession vested in the lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee or mortgagee shall be deemed to be the owner;
- E. "Preceding year," means a period of twelve consecutive months fixed by the administrator which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the administrator in funding such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles;
- F. "Properly registered," as applied to place of registration means:
 - 1. The jurisdiction where the person registering the vehicle has his legal residence; or
 - 2. In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled in or from such place of business, and, the owner has assigned the vehicle to such place of business; or
 - 3. In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction. In case of doubt or dispute as to the proper place of registration of a vehicle, the administrator shall make the final determination, but in making such determination, may confer with administrators of the other states or jurisdictions affected;
- G. The words "motor vehicle," "person" and "vehicle" shall each have the meaning ascribed to them by § 32-9-1.
- H. "Administrator," means the secretary of revenue.

32-20-1. DEFINITION OF TERMS. Terms used in this chapter, unless the context otherwise plainly requires, shall mean:

- A. "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all terrain vehicles, dune buggies and any vehicle whose Manufacturer's Statement of Origin (MSO) or Manufacturer's Certificate of Origin (MCO) states that the vehicle is not for highway use. Off-road vehicle does not include a farm vehicle.

- B. "Moped," a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters regardless of the number of chambers in such power source. The power source shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.
- C. "Motorcycle," includes motorcycles, motorbikes, mopeds, bicycles with motor attached and all motor operated vehicles of the bicycle or tricycle type, whether the motive power be a part thereof or attached thereto, and having a saddle or seat with the driver sitting astride or upon it, or a platform on which the driver stands, but excluding a tractor.

32-36-2. DEFINITION OF TERMS. Terms used in this chapter unless the context otherwise plainly requires, shall mean:

- A. "Abandoned motor vehicle," any motor vehicle left on a public street or highway or left on private property without permission of landowner or tenant;
- B. "Junk motor vehicle," any motor vehicle which has been placed on the property of a recognized junk dealer for the purposes of salvage;
- C. "Removal agency," any public body, private or non-profit organization authorized by this chapter to remove and salvage abandoned and junk motor vehicles and other scrap metals. The removal agency may be authorized by Chapter 32-30 to remove vehicles, may be hired or appointed by a public body or may be in the business of removing or salvaging vehicles;
- D. "Scrap metals," waste or refuse metals that have been in actual use and have been abandoned and are fit only to be remanufactured or recycled.
- E. "Impounded vehicle," any vehicle removed or caused to be removed from a public highway pursuant to § 32-30-19.
- F. "Salvage vehicle," any vehicle that an insurer or self-insurer determines a total loss due to theft or to damage caused by fire, vandalism, collision, weather, submersion in water, or flood. Does not apply to vehicles more than 6 model years old or with a GVWR of more than 16,000 pounds.

32-3A-2. DEFINITION OF TERMS. Terms used in this chapter, unless the context otherwise requires, shall mean:

- A. "Boat," every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water;
- B. "Commission," the game, fish, and parks commission of this state acting directly or through its authorized officers;
- C. "Motorboat," any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but does not include a vessel which has a valid marine document issued by the commissioner of customs of the United States government or any federal agency successor thereto;
- D. "Operate," to navigate or otherwise use a vessel;
- E. "Owner," a person other than a lienholder, having the property in or title to a boat. The term includes a person entitled to the use or possession of a boat subject to an interest in another person reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;

- F. "Racing boat," any boat designed and manufactured exclusively for racing;
- G. "Sailboard," any single-hulled boat equipped with an articulating mast and designed to be operated by a person standing on the board, maneuvering through the trim of the hand-held sail and distributing his body weight on the board;
- H. "Personal watercraft," any motor boat that has an inboard or outboard motor powering a water jet pump or caged propeller as its primary source of motive power and is designed to be operated by a person standing on, kneeling on, sitting astride, or being towed behind the watercraft, and has the probability that the operator and passengers may in the normal course of use, fall overboard;
- I. "Waters of this state," any public waters within the territorial limits of this state and all waters which form a common boundary between this state and Minnesota, North Dakota, Montana, Wyoming, Iowa, and Nebraska;
- J. "Boat dealer," any person who in the ordinary course of business sells new large boats or any person or business who in the ordinary course of business sells five or more used large boats in a year.

VEHICLE AGE EXEMPTION SCHEDULE

EXEMPTION # 14 (EFFECTIVE JULY 1, 2007, ANY MOTOR VEHICLE SOLD OR TRANSFERRED WHICH IS 11 OR MORE MODEL YEARS OLD AND WHICH IS SOLD OR TRANSFERRED FOR \$2,200 OR LESS BEFORE TRADE-IN) -- CURRENT YEAR (-) 11:

As of January, 2011-----2000 and older vehicles are exempt
As of January, 2012-----2001 and older vehicles are exempt
As of January, 2013-----2002 and older vehicles are exempt
As of January, 2014 -----2003 and older vehicles are exempt

SALVAGE TITLE (EXEMPTION GRANTED ON VEHICLES 7 OR MORE YEARS OLD) -- CURRENT YEAR (-) 7:

As of January, 2011-----2004 and older vehicles/boats are exempt
As of January, 2012-----2005 and older vehicles/boats are exempt
As of January, 2013-----2006 and older vehicles/boats are exempt
As of January, 2014 -----2007 and older vehicles/boats are exempt

DAMAGE DISCLOSURE STATEMENT (EFFECTIVE JULY 1, 2003, EXEMPTION GRANTED ON VEHICLES/BOATS 7 OR MORE YEARS OLD) -- CURRENT YEAR (-) 7:

As of January, 2011-----2004 and older vehicles/boats are exempt
As of January, 2012-----2005 and older vehicles/boats are exempt
As of January, 2013-----2006 and older vehicles/boats are exempt
As of January, 2014-----2007 and older vehicles/boats are exempt

ODOMETER STATEMENT/FEDERAL AND STATE REQUIREMENT (EXEMPTION GRANTED ON VEHICLES 10 OR MORE YEARS OLD -- CURRENT YEAR (-) 10:

As of January, 2011----- 2001 and older vehicles are exempt
As of January, 2012-----2001 and older vehicles are exempt
As of January, 2013-----2002 and older vehicles are exempt
As of January, 2014----- 2003 and older vehicles are exempt

(EFFECTIVE JULY 1, 2011) 10-YEAR-OLD VEHICLE LICENSE BREAK (NONCOMMERCIAL VEHICLES 10 YEARS OLD OR MORE RECEIVE A 30% FEE REDUCTION) – CURRENT YEAR (-) 10:

As of July, 2011-----2001 and older vehicles receive reduction
As of January, 2012-----2002 and older vehicles receive reduction
As of January, 2013-----2003 and older vehicles receive reduction
As of January, 2014-----2004 and older vehicles receive reduction

MOTOR VEHICLE FEE SCHEDULE

Certificate of title	\$5
Certificate of title with liens	\$5 + \$5 for each lien noted
Interest: All fees will be assessed from purchase date, regardless of when an applicant applies for title and registration.*	The system will automatically assess interest at the rate of 1 1/4 % on any application made after 30 days from the date of purchase.*
Penalty: All fees will be assessed from purchase date, regardless of when an applicant applies for title and registration.**	In addition to the interest, a 10% penalty or \$10 fee, whichever is greater, will automatically be applied against an application made 60 days from the purchase date.**
Written requests for damage disclosure information	\$5
Written requests for title histories	\$5
Duplicate title	\$10
Repossession title	\$5
Lien notation	\$5
Lien cancellation	No fee
Issuance and attachment of assigned serial number	\$25
Duplicate license plate renewal certificate	\$2
Duplicate lienholder's notice of filing	\$2
License plate mailing fee (per set)	\$5
Decal mailing fee (per set)	\$1.00
License plate reassignment fee	\$5.00
<u>Fee charged for dishonored check</u>	<u>\$30.00</u>

Interest and Penalty (applies to 3% motor vehicle excise tax and 4% initial registration fee). All fees are assessed from purchase date regardless of when an applicant applies for title and registration.

*The system automatically assesses interest on the tax owed for each month or part thereof for which the tax payment is late at the rate of 1-1/4% or \$5, whichever is greater, for the first month; and 1-1/4% per month thereafter on any application made after 30 days from the date of purchase. (Interest is not calculated on interest.)

**A one-time penalty equal to 10% of the tax or \$10, whichever is greater, is automatically applied against any application made after 60 days from the purchase date.

**SOUTH DAKOTA
THIRTY DAY PERMIT SCHEDULE**

2 Ton-----9.00	25 Ton-----135.00
3 Ton-----11.00	26 Ton-----142.00
4 Ton-----13.00	27 Ton-----149.00
5 Ton-----15.00	28 Ton-----156.00
6 Ton-----18.00	29 Ton-----163.00
7 Ton-----21.00	30 Ton-----170.00
8 Ton-----24.00	31 Ton-----177.00
9 Ton-----27.00	32 Ton-----184.00
10 Ton-----30.00	33 Ton-----191.00
11 Ton-----37.00	34 Ton-----198.00
12 Ton-----44.00	35 Ton-----205.00
13 Ton-----51.00	36 Ton-----212.00
14 Ton-----58.00	37 Ton-----219.00
15 Ton-----65.00	38 Ton-----226.00
16 Ton-----72.00	39 Ton-----233.00
17 Ton-----79.00	40 Ton-----240.00
18 Ton-----86.00	41 Ton-----247.00
19 Ton-----93.00	42 Ton-----254.00
20 Ton-----100.00	43 Ton-----261.00
21 Ton-----107.00	44 Ton-----268.00
22 Ton-----114.00	45 Ton-----275.00
23 Ton-----121.00	46 Ton-----282.00
24 Ton-----128.00	47 Ton-----289.00

A fee of \$7 is added for each additional ton.

BOAT FEE SCHEDULE

	Annual Fee
Nonmotorized Boats Over 12' and Boats Propelled Only by Electric Motors	\$12.50 Fee
Motorboats Under 19' (includes ski jets)	\$20 Fee
Motorboats 19' and Over	\$40 Fee

Temporary fishing tournament boat license (10 consecutive dates)-----\$50

(last fee change, May 1, 2009)

OTHER FEES

Certificate of Title (Boat Over 12' in Length and All Motorized Boats).....	\$5
Certificate of Title With Liens.....	\$5 + \$5 for Each Lien Noted Thereon
Duplicate Title.....	\$10
Transfer of Boat Ownership (Exempted Boats).....	\$2 (Fee is Submitted to Division of Motor Vehicles
Registration (CT administrative fee assessed on each boat licensed).....	\$1 (Fee is Retained)
Duplicate Registration.....	\$2 (Fee is Retained by the County)
Duplicate Boat Decals.....	\$3 (\$1 of This Fee is Retained by the County)
Written Requests for Damage Disclosure Information.....	\$5
Mailing Fees-----	\$1 per decal

Interest and Penalty (applies to 3% motor vehicle excise tax). All fees are assessed from purchase date regardless of when an applicant applies for title and registration.

The system automatically assesses interest on the tax owed for each month or part thereof for which the tax payment is late at the rate of 1-1/4% or \$5, whichever is greater, for the first month; and 1-1/4% per month thereafter on any application made after 30 days from the date of purchase. (Interest is not calculated on interest.)

A one-time penalty equal to 10% of the tax or \$10, whichever is greater, is automatically applied against any application made after 60 days from the purchase date.

DRIVER'S PRIVACY PROTECTION ACT

- A. The Driver's Privacy Protection Act (DPPA) is federal legislation passed in 1994. South Dakota began its implementation in June of 2000. Legislation, effective July 1, 2001, incorporated the federal regulations into state law. The DPPA restricts states from disclosing an individual's personal information that is contained in the records of state motor vehicle departments without the individual's consent. The type of information restricted from being released includes: a person's name, address, telephone number, social security number, driver's license number.

Disclosure of information is permitted under the following:

1. For use by any government agency or by any private person or entity acting on behalf of a federal, state or local agency in carrying out its functions.
 2. For any state-authorized purpose relating to the operation of a motor vehicle or public safety or for use in connection with car safety, prevention of car theft, and promotion of driver safety.
 3. For use by a business to verify the accuracy of personal information submitted to that business and to prevent fraud or pursue legal remedies if the information that the individual submitted to the business is revealed to have been inaccurate.
 4. In connection with court, agency, or self-regulatory body proceedings.
 5. For research purposes so long as the information is not further disclosed or used to contact the individuals to whom the data pertains.
 6. For use by insurers in connection with claims investigations, antifraud activities, rating or underwriting.
 7. To notify vehicle owners that their vehicle has been towed or impounded.
 8. For use by licensed private investigative agencies or security services for any purpose permitted by the DPPA.
 9. For use in connection with private toll transportation services.
- B. The DPPA's provisions do not apply solely to states. The Act also regulates the resale and redisclosure of personal information by private persons who have obtained the information from a state DMV. The DPPA establishes several penalties to be imposed on states and individuals that fail to comply with the provisions of the DPPA. The Act makes it unlawful for any person knowingly to obtain or disclose any record for a use that is not permitted under its provisions, or to make a false representation in order to obtain personal information for a motor vehicle record.

MOTOR VEHICLE 3% EXCISE TAX EXEMPTION CODES

CODE NUMBER

EXPLANATION

- 1 Vehicles and house trailers, which are the property of this state, of the United States, of counties, townships, municipalities, public or nonpublic schools, Indian tribes or schools, fire departments, vehicles purchased by the state under the Urban Mass Transportation Act, nonprofit community support providers, buses and vans owned by churches, and farm vehicles as defined in 32-5-1.3.
- 2 Vehicle acquired by inheritance from or bequest of a decedent.
- 3 Vehicle previously titled or licensed jointly in the names of two or more persons and subsequently transferred without consideration to one or more of such persons.
- 4 Vehicle transferred without consideration between spouses, between a parent and child, and between siblings.

EXEMPTION 5 THROUGH 11 MUST BE SOUTH DAKOTA TITLED VEHICLES TO QUALIFY

- 5 Vehicle transferred pursuant to any mergers or consolidation of corporations.
- 6 Vehicle transferred by a subsidiary corporation to its parent corporation.
- 7 Vehicle transferred between an individual and a corporation where the individual and the owner of the majority of the capital stock of the corporation are one and the same.
- 8 Vehicle transferred between a corporation and its stockholders or creditors when to effectuate a dissolution of the corporation.
- 9 Vehicle transferred between an individual and a limited or general partnership where the individual and the owner of the majority interest in the partnership are one and the same person.
- 10 Vehicle transferred to effect a sale of all or substantially all of the assets of the business entity.
- 11 Vehicle transferred between corporations, both subsidiary and nonsubsidiary, if the individuals who hold a majority of stock in the first corporation also hold a majority of stock in the second corporation; but these individuals need not hold the same ratio of stock in both corporations.
- 12 Vehicle acquired by a secured party or lienholder in satisfaction of a debt.
- 13 Vehicle first transferred to a person other than a licensed motor vehicle dealer when such vehicle was previously licensed and registered pursuant to 32-5-27 (exemption applies only if title previously coded "27").
- 14 Any motor vehicle sold or transferred which is eleven or more model years old, which is sold or transferred for \$2,200 or less before trade-in.
- 15 This exemption code is used when the first retail purchaser registers the vehicle that was exempt under exemption code #36.
- 16 Repealed.

- 17 Effective July 1, 1990, licensed motor vehicle dealer titles vehicle pursuant to 32-5-27, (vehicle brought in from out-of-state, not taken in on trade, for the purpose of resale) and does not pay 3% tax. Dealer has the option of licensing the vehicle. The first retail sale is taxable.
- 18 Any motor vehicle transferred by a trustor to his trustee or from a trustee to a beneficiary of a trust.
- 19 Vehicle rented for 28 days or less or a trailer that has an unladen weight of 9,000 pounds or more, rented for 6 months or less and not consecutively rented for more than one six-month period.
- 20 Cheyenne River Sioux Tribe member living on his/her own reservation.
- 21 Rosebud Sioux Tribe member living on his/her own reservation.
- 22 Standing Rock Sioux Tribe member living on his/her own reservation.
- 23 Crow Creek Sioux Tribe member living on his/her own reservation.
- 24 Flandreau Santee Sioux Tribe member living on his/her own reservation.
- 25 Lower Brule Sioux Tribe member living on his/her own reservation.
- 26 Oglala Sioux Tribe member living on his/her own reservation.
- 28 Sisseton Wahpeton Sioux Tribe member living on his/her own reservation.
- 29 Yankton Sioux Tribe member living on his/her own reservation.
- 27 Prior to July 1, 1990, licensed motor vehicle dealers paying tax pursuant to 32-5-27 (vehicles brought in from out-of-state, not taken in on trade, for the purpose of resale).
- 36 South Dakota new motor vehicle dealer chooses to tax, title, and license a new vehicle on his/her lot. Excise tax must be assessed on the manufacturer's suggested price. The first retail sale is exempt.
- 42 Dealer titles (option of licensing) used vehicles and does not pay 3% tax.
- 45 Closed lease (3% taxed on lease payments).
- 46 Open-end lease (3% taxed on purchase price).
- 48 Vehicle transferred without consideration to any South Dakota nonprofit corporation that will donate the vehicle to a needy family or individual.
- 55 Prorate
- 84 Insurance company titles vehicle and does not pay 3% tax.
- 88 Coast Guard documented boat used on South Dakota waterways.
- 90 Motor vehicle purchased prior to June, 1985.

- 91 Motor vehicle that is exempt because it was on the dealer's inventory prior to June, 1985, and was listed on a dealer inventory list that was provided to the county treasurer and the Division of Motor Vehicles.
- 92 House trailer (assessed tax under the 4% initial registration fee).
- 94 All-terrain vehicle (does not meet federal and state regulations for roadworthiness; and therefore, cannot be licensed).
- 95 Title only (no tax is paid because the vehicle will not be used on the streets or highways).
- 97 Tax previously paid by registered owner (for instance, previous interstate title, title submitted for removal of canceled lien).
- 98 Applies when an even trade takes place where both vehicles are of equal value, or trade-down takes place where the vehicle purchased has a lesser value than the vehicle traded. Prices must be substantiated with a bill of sale.
- 99 Applicant surrenders out-of-state title in applicant's name from a state that has an equal and similar tax for a South Dakota title reciprocity granted.

PLEASE NOTE: In the tax-amount section on titles issued prior to January 1, 1991, if an asterisk appears before the figure given, this indicates that it is an exemption code. If the asterisk does not appear, the figure is the amount of tax paid.

BOAT 3% EXCISE TAX EXEMPTION CODES

CODE NUMBER	EXPLANATION
1	Any large boat which is the property of the governmental units which are exempted from motor vehicle registration fees by §§ 32-5-42 and 32-5-42A.
2	Any large boat acquired by inheritance from or bequest of a decedent.
3	Any large boat previously titled or licensed jointly in the names of two or more persons and subsequently transferred without consideration to one or more of such persons.
4	Any large boat transferred without consideration between spouses, between a parent and child, and between siblings.

EXEMPTION 5 THROUGH 11 MUST BE SOUTH DAKOTA TITLED VEHICLES TO QUALIFY

5	Any large boat transferred pursuant to any mergers or consolidation of corporations.
6	Any large boat transferred by a subsidiary corporation to its parent corporation.
7	Any large boat transferred between an individual and a corporation if the individual and the owner of the majority of the capital stock of the corporation are one and the same.
8	Any large boat transferred between a corporation and its stockholders or creditors when to effectuate a dissolution of the corporation.
9	Any large boat transferred between an individual and a limited or general partnership if the individual and the owner of the majority interest in the partnership are one and the same person.
10	Any large boat transferred to effect a sale of all or substantially all of the assets of the business entity.
11	Any large boat transferred between corporations, both subsidiary and nonsubsidiary, if the individuals who hold a majority of stock in the first corporation also hold a majority of stock in the second corporation; but these individuals need not hold the same ratio of stock in both corporations.
12	Any large boat acquired by a secured party or lienholder in satisfaction of a debt.
14	Any large boat sold or transferred which is eleven or more model years old and which is sold or transferred for \$1,500 or less before trade-in.
18	Any large boat transferred by a trustor to his trustee or from a trustee to a beneficiary of a trust.
42	Dealer titles (optional licensing) a boat and does not pay 3% excise tax.
84	Any damaged large boat transferred to an insurance company in the settlement of an insurance claim.
95	Title only (large boat) in which no tax is being paid because the large boat will not be used on the waters of this state or any other state.

- 97 Any large boat owned by a former resident of this state who returns to the state and who had previously paid excise tax to this state on the large boat as evidenced within the department's records or by submission of other acceptable proof of payment of such tax.
- 98 Applies when an even trade takes place, or trade-down takes place. Prices must be substantiated with a bill of sale.
- 99 Applicant surrenders out-of-state title in applicant's name from a state that has an equal and similar tax for a South Dakota title; reciprocity granted.

PLEASE NOTE: *If an asterisk appears before the figure given in the tax amount section on titles, this indicates that it is an exemption code. If the asterisk does not appear, the figure is the amount of tax paid.*

DEFINITION OF 3% EXCISE TAX

A. Motor vehicles

1. In addition to all other license and registration fees for the use of the highways, a person shall pay an excise tax at the rate of 3% on the purchase price of any motor vehicle purchased or acquired for use on the streets and highways of South Dakota and required to be registered under the laws of this state.
 - a. This tax shall be in-lieu-of any tax levied on the sales of such vehicles.
 - b. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

B. Boats

1. In addition to all other fees, a person shall pay an excise tax at the rate of 3% on the purchase price of any large boat purchased or acquired for use on the waters of this state and required to be registered under the laws of this state.
 - a. This tax shall be in-lieu-of any tax levied by chapters 10-45 and 10-46 on the sales of such large boats.
 - b. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

C. For the purpose of this 3% excise tax, the purchase price is:

1. For a new motor vehicle/large boat, sale or lease, the total consideration whether received in money or otherwise. However, when a motor vehicle/large boat is taken in trade as a credit or part payment on a new vehicle/large boat, the credit or trade-in value allowed by the seller shall be deducted from the total consideration for the new motor vehicle/large boat to establish the purchase price. (Applies only to motor vehicles: The credit or trade-in value of any damaged motor vehicle may include the value of any check from an insurance company which is intended to cover the damages of the motor vehicle.)
2. For a used vehicle/large boat sold by a licensed motor vehicle/boat dealer, the total consideration whether received in money or otherwise. However, when a vehicle/large boat is taken in trade by the dealer as a credit or part payment, the amount allowed by the dealer shall be deducted so that the net consideration is established. (Applies only to motor vehicles: The credit or trade-in value of any damaged motor vehicle may include the value of any check from an insurance company which is intended to cover the damages of the motor vehicle.)
3. For a used motor vehicle/large boat sold or transferred by any person other than a licensed motor vehicle/boat dealer, 3% excise tax is due on the purchase price. (If a bill of sale is not available, tax is based on the retail value stated in a nationally recognized dealer's guide approved and furnished by the Secretary of Revenue. If a bill of sale cannot be obtained, a statement by the applicant indicating such must be provided, or an indication on the MV-608/MV-607 indicating a bill of sale is not available is acceptable.) However, when there is a trade-in indicated on the bill of sale, tax is due on the difference. For example: a 1970 Chevrolet plus \$2,000 is traded for a 1979 Chevrolet; 3% tax is assessed on the \$2,000. (If bill of sale is not available, tax is based on NADA book value of the vehicle/boat purchased minus NADA book value of the vehicle/boat traded in and taxed on the remainder.)
4. For a new or used motor vehicle/large boat acquired by gift or other transfer for no or nominal consideration, the manufacturer's suggested dealer list price for new vehicles/large boats and for

used motor vehicles/large boats the retail value stated in a nationally recognized dealer's guide approved and furnished by the Secretary of Revenue.

5. For a vehicle/large boat manufactured by a person who registers it under the laws of this state, the amount expended for materials, labor and other property allocable costs, or in the absence of actual expenditures, the reasonable value of the completed motor vehicle/large boat.
 6. For a rebuilt motor vehicle/large boat, upon its initial registration and titling, the total consideration for the salvage vehicle/large boat, whether received in money or otherwise. Total consideration includes cash down payments, rebates, money and other items that may be given in consideration of the vehicle.
 7. For either a new or used motor vehicle (that has a gross vehicle weight rating of less than 16,000 pounds, excluding motorcycles and motorized bicycles) or a fertilizer vehicle, which is a closed lease, the total consideration is all lease payments, including cash, rebates, the net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase price of the vehicle. Total consideration does not include title fees, registration fees, vehicle excise tax, federal excise taxes attributable to the sale of the vehicle to the owner, or to the lease of the vehicle by the owner, insurance, and refundable deposits. If the term of the lease is extended or if the vehicle is leased for an additional period of time, the excise tax is assessed on the additional lease payments and shall be paid by the lessor. If additional consideration is paid during the course of the lease or upon termination of the lease, tax is assessed upon such amount and shall be paid by the lessor.
 8. For either a new or used motor vehicle (that has a gross vehicle weight rating of less than 16,000 pounds, excluding motorcycles and motorized bicycles), or a fertilizer unit, which is leased and the terms of the lease are either not certain at the time the lease contract is executed or the lease is open-ended, the purchase price is the total consideration whether received in money or otherwise. Total consideration includes the purchase price, plus cash, rebates, the net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle. Total consideration does not include, title fees, registration fees, vehicle excise tax, federal excise tax attributable to the sale of the vehicle to the owner or to the lease of the vehicles by the owner, insurance, and refundable deposits.
- D. Motor vehicles/large boats exempted from the 3% excise tax were listed previously under "3% Excise Tax Exemption Codes".
- E. A motor vehicle/large boat license shall not be issued unless all requirements for registration are completed and the correct amount of the 3% excise tax has been collected by the county treasurer.
- F. No refunds or collections of the 3% excise tax will be made on amounts under \$5.
- G. If an applicant who was unable to obtain a bill of sale prior to making application, and thus was assessed 3% excise tax on the book value, later obtains the bill of sale, a refund for the overpayment of the excise tax will be authorized if the request is made within one year from the date of the original application. No refund will be granted on requests made after one year from the date of application. The title must be returned to the Division of Motor Vehicles for correction of the tax amount. A \$5 title correction fee is assessed.
- H. If any motor vehicle/large boat has been subjected previously to a sales tax, use tax, excise tax, or similar tax on the purchase of the vehicle by any other state or its political subdivision, and the percentage of tax paid in the other state is equal to or greater than the tax owed to this state, and if the tax has been paid by the applicant; then no additional tax is due.
1. Motor Vehicles

- a. States which assess less tax than South Dakota: Alabama-2%; Alaska-0%; Montana-0%; New Hampshire-0%; Oregon-0%; and South Carolina-5% or \$300 (whichever is less). In some states, tax rates vary. If proof of payment of a like or similar tax (equal or more amount) is furnished, reciprocity (or credit for tax paid) may be granted.
- b. If the amount of tax levied in such other state or its political subdivision is less than the amount of tax levied by this state, then an additional tax is due. The amount due is arrived at by subtracting the amount of tax previously paid by the applicant from the amount of tax due. For instance, an applicant previously paid tax in the amount of \$100 to the state of Delaware. The applicant is registering a vehicle that currently books for \$4,000. The amount of tax due our state is \$20.

$$\$4,000 \times 3\% = \$120 -- \$100 = \$20$$

If proof of the amount of tax previously paid by the applicant is not available, the following amount of excise tax would be assessed:

$$\$4,000 \times .25\% = \$10$$

- 3. A title in the applicant's name from a state that collects an equal or greater amount of tax, an affidavit of a licensed dealer, bill of sale, receipt or other tangible evidence that an amount of tax has been paid by the current applicant must be submitted. Unless the applicant submits a state tax receipt verifying tax payment, the applicant must complete an "Applicant's Tax Payment Verification" form (MV/2007), on any out-of-state title transaction in which the issue date on the out-of-state title is 6 months or less from the date of application. These may be subject to further verification by the Division of Motor Vehicles. On a vehicle purchased from an out-of-state dealer that collects tax, the dealer is required to complete a "Verification of Tax Assessment By Out-of-State Dealer" form (MV/2003). If sufficient proof is not furnished, the county treasurer shall collect the full amount of excise tax due.

SALVAGE TITLE

A. Salvage Title (Effective July 1, 2005)

1. A salvage vehicle is any vehicle that an insurer or self-insurer determines a total loss due to theft or to damage caused by fire, vandalism, collision, weather, submersion in water, or flood.
 - a. A salvage vehicle includes: automobile, motor truck, truck tractor, semi tractor, or motor home (vehicles more than 6 model years old or with a gross vehicle weight rating of more than 16,000 pounds are exempt).
 - b. Salvage titles are required on vehicles 16,000 pounds (GVWR) or less and vehicles that are 6 years old or less.
2. If any insurer, in settlement of a total loss insurance claim, or self-insurer acquires ownership of a salvage vehicle that does not have a salvage title, the insurer must, within 30 days following acquisition of the title of that vehicle, surrender the title to the department.
 - a. A title indicating salvage will be issued to the insurer or self insurer.
3. If any insurer or self insurer declares a vehicle to be a total loss but does not acquire ownership of the vehicle, the owner must obtain a salvage title.
 - a. The insurer or self insurer must notify the owner, in writing, of the obligation to obtain a salvage title before the owner sells or transfers the title.
 - b. If the owner sells or transfers the ownership of the vehicle without first obtaining a salvage title, the owner is guilty of a Class 1 misdemeanor.
4. On any motor vehicle, 16,000 pounds GVWR or less that is 6 model years old or less, whose title has been marked damage by another state or jurisdiction, shall receive a salvage title
5. Any motor vehicle 16,000 pounds GVWR or less, regardless of the vehicle's age, that has a title branded as salvage or with any other similar brand by another state or jurisdiction, the applicant shall receive a salvage title, or at the option of the owner, a junking certificate.
6. Out-of state-title brands are displayed on all titles in the previous state field.

RECOVERED THEFT

If a stolen vehicle is recovered, the insurer or self-insurer, within 30 days of recovery, must inspect the vehicle and apply for a title as follows:

- 1) If the vehicle has no damage or the damage is less than that defined in SDCL 32-3-51.8, the existing salvage title must be surrendered to the department. The department will issue a title marked as recovered theft with no damage disclosure notation pursuant to SDCL 32-3-51.8; or
- 2) If the vehicle is damaged equal to or greater than that defined in SDCL 32-3-51.8, the existing salvage title must be surrendered to the department. The department will issue a title marked as recovered theft with the damage disclosure notation pursuant to SDCL 32-3-51.8.
- 3) If the condition of the vehicle is such that it would have been determined a salvage vehicle as defined in SDCL 32-3-51.19 due to the damage to the vehicle, the salvage title is retained.

DAMAGE DISCLOSURE STATEMENT

- A. Effective July 1, 2004, damage disclosure is required on large boats that meet the established criteria. Upon the sale, transfer, or trade-in of a motor vehicle/large boat, or if licensing a motor vehicle/large boat in South Dakota which is titled in another state or jurisdiction, the seller, transferor, trader, or person wishing to license in South Dakota the motor vehicle/large boat which is titled in another state or jurisdiction shall submit an accurately completed Damage Disclosure Statement form when applying for a certificate of title. Certificates of title issued on most vehicles after January 1, 1991, contain an area for the disclosure of this information on the assignment of title. Only damage in excess of \$5,000 shall be disclosed on the title or Damage Disclosure Statement form. If the motor vehicle/large boat has incurred damages more than once, only those damages which occurred at one time would be considered in determining whether the damage exceeded \$5,000 (question #2 on Damage Disclosure Statement). Any unrepaired damage in excess of \$5,000 on the vehicle/large boat at the time applicant acquired the vehicle/large boat must be disclosed (question #3 on Damage Disclosure Statement).
1. No certificate of title may be issued unless the damage disclosure statement is completed on the assignment of title or a Damage Disclosure Statement form accompanies the application, unless otherwise exempted from the requirement.
 2. It is a Class 1 misdemeanor to intentionally falsify any information on the Damage Disclosure Statement.
 3. No person or dealer shall be liable to a subsequent owner of a vehicle/large boat because a prior owner of the vehicle/large boat failed to disclose that the vehicle had previously been damaged and repaired.
- B. Completion of Damage Disclosure Statement form:
1. South Dakota titled vehicles/large boats -- information on title assignment or form shall be completed by the seller or transferor.
 2. Abandoned vehicles/large boats -- information on title assignment or form shall be completed by the applicant
 3. Inherited vehicles/large boats -- information on title assignment or form shall be completed by the applicant.
 4. Out-of-state titled vehicles/large boats (with exception of those out-of-state vehicles taken in on trade by a South Dakota dealer) -- information on form shall be completed by the applicant.
 5. Out-of-state vehicles taken in on trade by a South Dakota dealer -- information on form shall be completed by the seller or transferor.
 6. Leased vehicles/large boats -- information on title assignment or form shall be completed by lessor.
- C. Exemptions:
1. Motor vehicles/large boats seven (7) or more years old.
 2. Motor vehicles weighing more than 16,000 pounds (shipping weight or gross vehicle weight rating).

3. Applications for rebuilt title, salvage title, or junking certificates.
 4. Applications for duplicate titles, corrections of title, South Dakota title transfer in which ownership of vehicle does not change, repossessions and operations-by-law.
 5. Motorcycles, trailers, and, snowmobiles.
- D. Definitions of "Damage": Damage to a motor vehicle caused by fire, vandalism, collision, weather, submersion in water, or flood.
1. The dollar amount of damage to a motor vehicle/large boat required to be disclosed shall include the costs necessary to return the damaged vehicle to its predamaged condition.
 - a. Costs shall include: parts, labor, paint, and framework done on the damaged vehicle/large boat.
 - b. If the retail value has not been determined by a purchase in the ordinary course of business (example, the labor is performed by the owner of the vehicle), the retail value of the labor is the product of the repair time, as provided in a generally accepted auto body repair flat rate manual, multiplied by \$35.
 2. Damage does not include normal wear and tear, glass damage, mechanical repairs or electrical repairs that have not been caused by fire, vandalism, collision, weather, submersion in water, or flood.
 3. Damage Disclosure Statement information is available to the public upon written request to the Division of Motor Vehicles and payment of the proper fee -- \$5.
- E. A dealer must place a notice on any vehicle/large boat sold or offered for sale, regardless of the vehicle's age, that has a damage disclosure, salvage title, recovered theft with damage, title or a brand that denotes damage to the vehicle on it. The notice must be printed on white NCR paper, measuring 4" x 6". The original is to be retained by the dealer and the copy is to be given to the purchaser. The information is to be printed in 12-point (minimum) Universe - bold - capital letters. **See a sample of the notice in the "Forms Section" for wording on the permit.** The notice must be posted on the inside of a side window with the front of the form facing the outside, or in the case of a large boat on the front window, so that it is clearly visible at all times on each vehicle/large boat that contains a damage disclosure, salvage title, or a brand denoting damage to the vehicle/large boat offered for sale to consumers. The dealer is responsible for keeping the notice posted at all times that a vehicle/large boat is available for sale to consumers. At the time of sale of the vehicle/large boat, the dealer shall remove the notice and shall have the purchaser sign and date it. The dealer shall retain the signed notice, along with copies of the title document, for 5 years from the date of sale.
1. If a dealer fails to display a damage disclosure notice (disclosure must be signed by the purchaser at the time of sale), the purchaser may return the motor vehicle/large boat to the dealer within 10 days after receiving the title and shall receive a full refund.
- F. Certificates of title issued on motor vehicles/large boats in which damage has been disclosed shall reflect this information on the front of the title.
1. Vehicles/large boats coming into the state in which a salvage title or similar brand, or a brand denoting damage was issued by another state, on a qualifying vehicle/large boat, shall be issued a South Dakota salvage title or a title reflecting damage information.

ODOMETER STATEMENT

- A. Odometer statements, complying with federal/state regulations, are required on motor vehicle transactions, unless otherwise exempted. On South Dakota certificates of title issued after January 1, 1991, the odometer disclosure statement, which complies with federal/state regulations, is contained on the assignment of the certificate of title. Required information to comply with federal/state odometer requirements:
1. Hand-printed name of buyer and seller.
 2. Hand-written signature of buyer and seller.
 3. Address of buyer and seller.
 4. Date of sale.
 5. Odometer reading.
 6. Odometer indicators.
 7. Complete description of vehicle.
- B. Leasing companies are required to follow the same criteria, however, they must complete a federal odometer disclosure form for leased vehicles (MV-001) which directly relates to the lessor and lessee. This form is retained by the lessor.
- C. Under law, the seller is required to retain a copy of the title assignment or the Odometer Statement for five years.
- D. If a certificate of title on a vehicle less than 10 years old is submitted without an odometer reading, the last transferor will be required to disclose the odometer reading to the last transferee (applicant for the new title) and the odometer reading will be entered on the new title.
- a. Titles and MSOs are not returned if the odometer or signature is missing. On a qualifying vehicle involving a dealer, a secure dealer reassignment form or a secure power of attorney form is required.
- E. Odometer readings are required on motorcycles (same exemptions).
- disclosure and on all new and out-of-state motorcycles.
- a. Since federal regulations require an odometer statement on motorcycles in which the state previously exempted from odometer disclosure, those motorcycles in which a South Dakota title has been previously issued showing no odometer reading will be required to comply. The reading will be shown on the title.
- F. Exemptions from federal/state odometer requirements:
1. Vehicle having a weight (shipping weight or gross vehicle weight rating) of more than 16,000 pounds.
 2. A vehicle that is not self-propelled (trailers or mobile homes).

3. A vehicle that is ten (10) or more years old [current year (-) 10].
 - a. Title applications for vehicles which are 10 years old or older and which include odometer information will be processed in the same manner as vehicles under 10 years of age unless one of the following occurs:
 - 1) There is a discrepancy between the odometer reading being disclosed and the previous odometer reading.
 - 2) The odometer reading was not previously disclosed (once there is a skip, the odometer cannot be shown on the title). In these instances, if the odometer is shown on the assignment, it will become a part of the vehicle history but will not be printed on the title.
 4. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.
 5. An MSO transfer between dealers. The federal odometer statement is not required until the first retail sale of the vehicle is made.
 6. Snowmobiles.
- G. Federal odometer statement forms are not provided by the Division of Motor Vehicles.