

## **DESTROYED VEHICLES**

- A. When a vehicle is permanently destroyed, crushed, or compacted so that it can no longer be used on the public highways or used for parts, the owner should remove the plates. As long as the plates are valid (not expired), they may be assigned to a newly acquired vehicle, upon proper registration of the vehicle with the county treasurer.
  - 1. Once unattached, expired plates are no longer valid and should be destroyed.
- B. The title certificate should be submitted within 15 days to the Division of Motor Vehicles or the county treasurer. An affidavit from the owner, stating that the vehicle has been completely destroyed, is required.
- C. The division shall cancel the title on its records, but shall keep an appropriate record of all vehicles destroyed, crushed or compacted and denoting the name and address of the last owner.
- D. If the title shows any lien, the lienholder's consent to the cancellation, shall be endorsed on the certificate of title.
- E. It is a Class 6 felony for the owner to remove the vehicle's identification number or other identification numbers.

## **SOUTH DAKOTA MOTOR VEHICLES TRANSFERRED BY AN INSURANCE COMPANY**

- A. An insurance company authorized to do business in this state may not reassign a South Dakota title on a vehicle acquired as the result of an insurance claim settlement (change effective July 1, 2005). Refer to salvage title law procedures.
- B. On an out-of-state title, if that state permits an insurance company to reassign a title, the assignment will be honored.

## JUNKING CERTIFICATE/PARTS ONLY VEHICLE RECORD

Any owner of a motor vehicle that is being dismantled for the purpose of selling its parts shall apply for a junking certificate or shall have the record converted to a junking certificate/parts only record.

A junking certificate is not issued on a manufactured home or a snowmobile.

A. If an owner prefers that a vehicle be permanently removed from the roads and highways, a junking certificate may be applied for.

1. If a junking certificate is issued for a motor vehicle, it may never be issued a regular title.

2. Application for Junking Certificate:

a. The certificate of title must accompany an application for junking certificate (MV-608).

b. If the title shows any liens, the lienholder's consent to the issuance of the junking certificate shall be endorsed on the title.

c. A title fee is required.

d. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.

B. In the event the vehicle displays valid plates, the owner should remove the plates. As long as the plates are valid (not expired), they may be assigned to a newly acquired vehicle, upon proper registration of the vehicle with the county treasurer.

1. Once unattached, expired plates are no longer valid and should be destroyed.

C. Procedure for "Parts Only Vehicle" record conversion.

1. This procedure applies to South Dakota titled and out-of-state titled vehicles.

When a vehicle is being dismantled for the purpose of selling its parts, a recycler/salvage dealer may request that the Division of Motor Vehicles convert the vehicle's record to a "Junking Certificate/Parts Only" record. This shall be accomplished by stamping the front and back of the South Dakota or out-of-state title as "parts only vehicle." Care should be taken to assure that pertinent title information is not covered by the stamp. The stamp must also contain the name and address of the dealer. The original stamped title must be submitted to the division, with a copy of the front and back of the title (after stamping) being retained by the dealer (retention shall be for 5 years after the vehicle is dismantled). The division will cancel the title by using a code that designates the vehicle as a part's only vehicle (the condition field on the computer system will display a "P"). In this situation, a certificate of title is not issued.

When a stamped South Dakota or out-of-state title that has not been issued in the name of the dealer is submitted for conversion of the record to a "parts only vehicle," a \$5 fee is assessed (fee must be submitted with title). The fee covers the cost of adding and/or updating a record to reflect current ownership information. A fee is not assessed when a South Dakota title that is already in the name of the dealer is submitted for conversion to a "parts only vehicle" record.

At the option of the dealer and in place of the above “parts only vehicle” record conversion procedure, when a vehicle is being dismantled for the purpose of selling its parts, application for a junk certificate of title shall be made. In this situation, a certificate of title (\$5 fee) is issued.

SAMPLE OF STAMP:

**PARTS ONLY VEHICLE  
SMITH RECYCLING  
000 MAIN  
ANYTOWN USA**

**TITLE ON MOTOR VEHICLE MANUFACTURED BY A PERSON  
(HOMEMADE TRAILERS)**

- A. Application for a title on a motor vehicle manufactured by a person who registers it under the laws of this state.
  - 1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence.
  - 2. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.
  - 3. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.
  - 4. The division will not accept an incomplete application form or an application form, which the division considers erroneous.
  - 5. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.
- B. No excise tax is assessed on first application for homemade trailer, as sales tax has been assessed on the materials purchased to construct the trailer. Tax Code 97 should be used on the initial application.
  - 1. Excise tax is assessed on the purchase price on all future transactions.
- C. Payment of a title fee and any license fees as may be required must be collected.
- D. All the above-indicated forms, properly completed, must be submitted to the applicant's county treasurer.

## TITLE ON A REBUILT VEHICLE

- A. To license a rebuilt vehicle, the owner must apply to the Division of Motor Vehicles for a rebuilt title. Vehicle must be in running order before the original forms are submitted to our office. [A snowmobile is subject to the rebuilt process, but a title branded rebuilt is not issued on a snowmobile.]
1. Application for title (MV-608) and title fee.
    - a. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or driver's license number may be used.
  2. Complete the Affidavit for Rebuilt Vehicle (MV-950) form, which may be obtained from the county treasurer.
  3. Titles or bills of sale establishing ownership must be attached.
  4. Receipts for parts must be attached.
  5. \$25 special serial number fee (check is to be made out to applicant's county treasurer).
- B. All of the above-indicated forms, properly completed, and fees must be submitted through the county treasurers' offices.
- C. Rebuilt vehicles are subject to inspection by the Highway Patrol or an employee of the Department of Revenue.
- D. The year on the rebuilt title shall be the year indicated in the identification number. If the identification number is missing, the year shall be the year of the body. If the year of the body is indistinguishable, then the year on the title shall be the year the vehicle was rebuilt.
- E. Each new certificate of title shall have noted thereon that the vehicle has been rebuilt.
- F. When a vehicle that has been rebuilt is eligible for registering and licensing in South Dakota, the 3% excise tax will be based on the actual cost of the vehicle.
- G. A temporary permit may be used when the vehicle is enroute to a place of inspection.
- H. After the motor vehicle is inspected, the owner may take his copy of the certificate of inspection to the county treasurer, purchase his license plates (or request attachment of license plates) and pay any tax owed. Once the Division of Motor Vehicles is notified that the inspection is complete and has verified that the correct amount of tax has been paid, a rebuilt title will be issued.
- I. A vehicle whose title has been stamped as non-rebuildable, parts-only, junk, or a similar notation by another state can only be issued a South Dakota junking certificate. A rebuilt title cannot be issued on the vehicle. The vehicle may be used as parts to rebuild another vehicle.
- J. A motorcycle that is built with all new parts; has a 17-digit serial number on the frame; and has a MSO (Manufactures Statement of Origin) on the major parts (frame, engine and transmission), does not require the \$25 special serial number fee. The motorcycle may be inspected. The make of the motorcycle will be "Kit" and the model will be "Custom".

## FERTILIZER VEHICLES

- A. Any self-propelled fertilizer applicator must be titled and licensed.
1. A self-propelled sprayer/spreader/fertilizer applicator owned and operated by a farmer is exempt from licensing and titling. However, a sprayer/spreader/fertilizer applicator that is mounted on a truck chassis must be licensed and titled, if driven on the roads or highways (farmer not exempt);
  2. A self-propelled sprayer/spreader/fertilizer applicator used commercially must be licensed;
  3. A sprayer/spreader/fertilizer applicator requiring licensing is licensed under the noncommercial declared gross weight fee schedule;
  4. A dealer selling sprayers/spreaders/fertilizer applicators is required to be licensed. Assessment of tax is dependent on whether it is exempt from the licensing requirement. If the unit is sold to a farmer and not required to be licensed, the dealer must collect the 4 percent agricultural sales tax. If the unit is sold for a commercial endeavor and must be licensed, 3 percent excise tax applies.
- B. Application for a South Dakota motor vehicle title (MV-608).
1. Every owner of a motor vehicle that is operated or driven upon the public highways of this state shall present to the county treasurer of his/her county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence.
    - a. The South Dakota driver's license or social security number of each applicant must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's social security number or South Dakota driver's license number may be used.
  2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.
  3. The division may not accept an incomplete application form or an application form, which the division considers erroneous.
  4. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify the appointment.
- C. A manufacturer's statement of origin (MSO) or out-of-state title or bill of sale, properly transferred to the applicant, must be attached. If there is no weight on the MSO, a weight slip will be required. A purchase order or sales contract must be attached.
1. Purchase price on a new vehicle with a trade-in is the total consideration, whether received in money or otherwise, minus the trade-in value allowed by the seller.
  2. Purchase price on a new vehicle with no trade-in is the total consideration whether received in money or otherwise.
    - a. Total consideration must include cash down payments, rebates, money and any other item given in consideration of the vehicle.

- b. Discounts are allowed, but a purchase agreement is required to substantiate the discount.
- 3. The license fee for fertilizers is based on the declared gross weight fee schedule.
- D. Payment of the correct amount of 3% excise tax, a title fee, and any license fees as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.
- E. A properly completed Damage Disclosure Statement form, if applicable, must be attached to the application.
- F. All of the above-indicated forms, properly completed, must be submitted through the county treasurer.
- G. Fertilizer trailers pulled by a noncommercial vehicle, on which the license fees were paid under the declared gross vehicle weight schedule, may display a trailer identification plate.
- H. Leases on fertilizer vehicles.
  - 1. When a fertilizer vehicle is being leased in South Dakota by a South Dakota company, tax is due on the lease payments. A 30-day commercial permit is not sold.
  - 2. When a fertilizer vehicle is owned by an out-of-state fertilizer company doing work in South Dakota, but not being rented or leased to another company in South Dakota, a 30-day commercial permit can be obtained and title and license in South Dakota are not required. More than one 30-day permit may be issued.
    - a. It is necessary to receive proof of registration from North Dakota (if the unit is mounted on a truck chassis; if the unit is not mounted on a truck chassis, North Dakota considers these as implements of husbandry) and Nebraska. Iowa and Minnesota will not be required to submit proof, since these units are not required to be registered or licensed in these states. If, however, the unit is going to be in South Dakota on a permanent basis, the unit must be taxed, titled and licensed in South Dakota.
  - 3. When a fertilizer vehicle is being leased by a South Dakota company, who is renting or sub-leasing it from an out-of-state company, tax is due on the lease payments. The unit should be titled in the first lessor's and lessee's names (both lessor and lessee may be out-of-state).
  - 4. When a fertilizer vehicle is being leased by a South Dakota company who is renting or sub-leasing it from another South Dakota company, tax is due on the lease payments. The unit must be titled in the first lessor's and lessee's names.
  - 5. Farmers who lease are exempt from titling and licensing, unless the unit is being used commercially.
- I. See leased fertilizer vehicle that is leased for more than 28 days section entitled "Titling Leased/Rented Motor Vehicles" (B-24).

## TRAILERS EXEMPT FROM LICENSING

A. The following categories of trailers and/or semitrailers are exempt from vehicle licensing requirements (these trailers can be titled).

1. Auxiliary axles: This includes converter dollies, converter gears, jeep axles, etc.
2. Implements of husbandry: This includes hay grinders, feed mixers, grain cleaning machines, livestock loading chutes, etc.
  - a. The only farm trailers on which a license plate is required are stock trailers, gooseneck trailers and semitrailers.
3. Special mobile equipment: This includes log splitters, air compressors, welders, generators, cement mixers, street sweepers, barbecue pits, tar pits, stump grinders, tree chippers, tree spades, etc. (These are specialized trailers on which only the special equipment is hauled on the trailer. In the event anything additional is hauled on or in the trailer, the trailer must be titled and licensed.)
4. Car tote or tow dolly: This includes the device often seen behind a motor home used for transporting a car behind the motor home. The vehicle being towed must be licensed.

## TRUCK TRACTOR CONVERTED TO A MOTOR HOME

- A. To become a motor home, the truck tractor shall be modified to include a vehicular type unit **built on the tractor's chassis** and designed primarily as temporary living quarters for recreational, camping, vacation or travel use.
- B. A truck tractor that has been modified to become a motor home must be equipped with at least 5 out of the following 7 established criteria to be titled and registered as a motor home:
1. Cooking facilities.
  2. Heating or air conditioning system separate from vehicle engine or vehicle engine electrical system.
  3. Self-contained toilet or toilet connected to a plumbing system with connection for external water disposal.
  4. Portable water supply, including plumbing and a sink with faucet either self-contained or with connections for an external source.
  5. Sleeping facilities.
  6. Refrigerator.
  7. 110 or 115 volt system separate from the vehicle engine electrical system either with its own power supply or with a connection for an external source or a liquefied petroleum system and supply.
    - a. The systems in 2, 3, and 4 must be permanently installed and meet American National Standards Institute and National Fire Protection Association standards in effect on the date of manufacture.
- C. When a motor home is used to transport a motor vehicle, boat, or animal to a race, tournament, show, or similar event, it is not considered to be engaged in a private business use if:
1. Any prize money received from participating in the activity is declared as ordinary income for tax purposes.
  2. The cost of participating in the activity is not deducted as a business expense for tax purposes.
  3. No corporate sponsorship exceeding \$2,000 in any one calendar year.
- D. If the vehicle is being used to tow a trailer, the trailer does not qualify for a permanent trailer identification plate. The trailer must display a noncommercial trailer plate.
- E. The Division of Motor Vehicles provides the form for the affidavit.