



2021 South Dakota Legislature
Senate Bill 82
ENROLLED

AN ACT

ENTITLED An Act to revise certain regulations pertaining to dealers of motor vehicles, boats, snowmobiles, or manufactured homes and mobile homes.

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

Section 1. That a NEW SECTION be added:

32-1-7. Dealer information available to public.

Information regarding dealers licensed pursuant to chapters 32-6B, 32-6C, 32-7A, and 32-7B shall be made available to the public by the department. The information shall include the dealership name, physical address, mailing address, telephone number, dealer license number, and the type of dealer license.

Section 2. That § 32-3-30.2 be AMENDED.

32-3-30.2. Abstract of title history or damage disclosure statements--Fee.

The department may, upon written request and payment of a five dollar fee, furnish a person an abstract of the title history of any motor vehicle and semitrailer registered pursuant to this title including any damage disclosure statement of the motor vehicle and semitrailer. The abstract may include all documents filed with the department to establish the title history of the vehicle and semitrailer. The fee shall be deposited in the state motor vehicle fund. Governmental entities and their subdivisions are exempt from this fee requirement.

Section 3. That § 32-3A-28 be AMENDED.

32-3A-28. Dealer record of large boats--Inspection by Department of Revenue.

A dealer shall maintain for five years a record of any large boat bought, sold, exchanged, or received for sale or exchange. The dealer shall allow department representatives to inspect the record during reasonable business hours.

Section 4. That § 32-3A-59 be AMENDED.

32-3A-59. Seller's books and records--Availability--Retention.

Any seller of a large boat shall, on demand by the secretary of revenue, make available all books, records, and memoranda that relate to the sale of a large boat. The secretary may conduct an audit of the books and records of any seller of a large boat failing or refusing to produce such records. All books, records, and memoranda which relate to the sale of a large boat shall be retained by the seller for five years.

Section 5. That § 32-5-90.1 be AMENDED.

32-5-90.1. Abstract of registration information--Fee.

The department may, upon written request and payment of a two-dollar fee, furnish a person an abstract of the registration information of any motor vehicle and semitrailer registered pursuant to this title. The fee shall be deposited in the state motor vehicle fund. Governmental entities and their subdivisions are exempt from this fee requirement.

Section 6. That § 32-6B-68 be REPEALED.

32-6B-68. Sale of lists of dealers authorized--Fees.

Section 7. That § 32-6C-6 be AMENDED.

32-6C-6. Books, records, and files to be kept--Inspection.

A dealer licensed under the provisions of this chapter shall keep books, records, or files for five years in the form prescribed by the department, and include the following in the dealer's books, records, or files:

- (1) A record of the purchase, sale, or exchange, of any snowmobile;
- (2) A description of each snowmobile purchased, sold, or exchanged, together with the name and address of the owner or other person from whom the snowmobile was purchased or received and to whom it was sold or delivered. The description must include the snowmobile identification number and manufacturer's make and model; and
- (3) A certificate of title from the previous owner of any snowmobile not purchased from the manufacturer, from the time the snowmobile is delivered to the dealer until it has been disposed of by the dealer.

The books, records, and files shall, at all times during business hours of the day, be subject to inspection by the secretary of revenue.

Section 8. That § 32-7A-12 be AMENDED.

32-7A-12. Books, records, and files kept by licensees.

A dealer or manufacturer licensed under the provisions of this chapter shall keep books, records, or files for five years in the form prescribed by the Department of Revenue, and include the following in the dealer's books, records, or files:

- (1) A record of the purchase, sale, or exchange, of any mobile or manufactured home;
- (2) A description of each mobile or manufactured home purchased, sold, or exchanged, together with the name and address of the owner or other person from whom the mobile or manufactured home was purchased or received and to whom it was sold or delivered. The description must include the mobile or manufactured home identification number and manufacturer's make and model; and
- (3) A certificate of title from the previous owner of any mobile or manufactured home not purchased from the manufacturer, from the time the mobile or manufactured home is delivered to the dealer until it has been disposed of by the dealer.

The books, records, and files shall, at all times during business hours of the day, be subject to inspection by the secretary of revenue.

Section 9. That § 32-3A-14 be AMENDED.

32-3A-14. Abstract of boat registration information--Fee.

The department may upon written request and receipt of a two-dollar fee furnish a person an abstract regarding registration information of any boat registered under the provisions of this chapter. The fee shall be deposited in the state motor vehicle fund. Governmental entities and their subdivisions are exempt from this fee requirement.

Section 10. That § 32-3A-38 be AMENDED.

32-3A-38. Abstract of boat title history--Fee.

The department may upon written request and receipt of a five dollar fee furnish a person an abstract of the title history. The abstract may include all documents filed with the department to establish the title history of the boat. The fee shall be deposited in the state motor vehicle fund. Governmental entities and their subdivisions are exempt from this fee requirement.

An Act to revise certain regulations pertaining to dealers of motor vehicles, boats, snowmobiles, or manufactured homes and mobile homes.

I certify that the attached Act originated in
the:
Senate as Bill No. 82

Received at this Executive Office
this ____ day of _____,
2021 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2021

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2021
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 82
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State