

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

176B0054

HOUSE BILL NO. 1059

Introduced by: Representatives Duvall, Anderson, Beal, Cwach, Duba, Glanzer, Lesmeister, Peterson (Kent), Willadsen, and Zikmund and Senators Solano, Ewing, Kennedy, Kolbeck, Stalzer, and White

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding vehicle dealer
2 licensing.

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

4 Section 1. That § 32-6B-1 be amended to read:

5 32-6B-1. Terms as used in this chapter mean:

6 (1) "Administrator," the administrator of the dealer licensing and inspection program of
7 the Department of Revenue;

8 (2) "Auctioneer," a person who presides over a public auction where following an initial
9 starting price, bids are taken from two or more people until a final bid or price is
10 established for a motor vehicle;

11 ~~(2A)~~(3) "Authorized emergency vehicle," any vehicle of a fire department and any
12 ambulance and emergency vehicle of a municipal department or public service
13 corporation that are designated or authorized by the Department of Public
14 Safety or the Department of Health;



1 ~~(3)~~(4) "Broker," a person who, for a fee, commission, or other valuable consideration,
2 arranges or offers to arrange a transaction involving the sale or exchange of vehicles,
3 and who is not:

4 (a) A dealer or a bona fide agent or employee of a dealer;

5 (b) A representative or a bona fide agent or employee of a manufacturer; or

6 (c) At any point in the transaction the bona fide owner of the vehicle involved in
7 the transactions;

8 ~~(3A)~~(5) "Chassis cab," any incomplete motor vehicle, with a completed occupant
9 compartment, that requires only the addition of cargo carrying, work
10 performing, or load bearing components to perform the vehicle's intended
11 function;

12 ~~(4)~~(6) "Community," the franchisee's area of responsibility as stipulated in the franchise. ~~A~~
13 community has or a minimum radius of ten miles around an existing dealership;

14 ~~(5)~~(7) "Converter," a person who modifies or installs on previously assembled chassis
15 special bodies or equipment ~~which~~ that, when completed, form an integral part of the
16 vehicle and ~~which~~ that constitutes a major manufacturing alteration and who may
17 issue a supplemental or secondary statement of origin;

18 ~~(6)~~(8) "Demonstration," the noncommercial use of a dealer owned vehicle by any employee
19 of the dealership for any purpose in the ordinary course of business relating to the
20 sale of the vehicle within the trade or market area of the dealership or demonstration
21 by any prospective buyer for a period of three days. The term includes vehicles
22 donated by a dealership to a community or organization and used for a one-day
23 parade or event;

24 ~~(6A)~~(9) "Department," the Department of Revenue;

1 ~~(6B)~~(10) "Emergency vehicle dealer," any person who converts or manufacturers
2 authorized emergency vehicles and who, for commission or with intent to
3 make a profit or gain, sells, exchanges, rents with option to purchase, offers,
4 or attempts to negotiate a sale or exchange of new, or new and used authorized
5 emergency vehicles, or who is engaged wholly or in part in the business of
6 selling new, or new and used authorized emergency vehicles;

7 (11) "Event," a fair, exposition, vehicle show, vehicle rally, or fishing tournament that is
8 held once each year and lasts at least three days including any setup time but does not
9 exceed fifteen days;

10 ~~(6C)~~(12) "Final stage manufacturer dealer," any person who assembles or installs on a
11 previously assembled new motor vehicle chassis cab any special body or
12 equipment that forms an integral part of the motor vehicle, constitutes a major
13 manufacturing alteration, and completes the vehicle;

14 ~~(7)~~(13) "Franchise," a written or oral agreement or contract between a franchisor and
15 franchisee ~~which~~ that fixes the legal rights and liabilities of the parties to ~~such~~
16 the agreement or contract;

17 ~~(8)~~(14) "Franchisee," person who receives vehicles from a franchisor under a franchise
18 and who offers and sells the vehicles to the general public;

19 ~~(9)~~(15) "Franchisor," any person engaged in the manufacturing or distribution of
20 vehicles including any person who acts for the franchisor;

21 ~~(9A)~~(16) "Good faith," honesty in fact and the observance of reasonable,
22 nondiscriminatory commercial standards of fair dealing in the trade, ~~as defined~~
23 ~~and interpreted in the Uniform Commercial Code as amended to January 1,~~
24 2010;

1 (19) "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed
 2 primarily to be operated on land other than a highway and includes any all terrain
 3 vehicle, dune buggy, and vehicle whose manufacturer's statement of origin or
 4 manufacturer's certificate of origin states that the vehicle is not for highway use;

5 (12)(20) "Public auction," a business that is open to the public where South Dakota
 6 titled motor vehicles are consigned, displayed, and auctioned to the highest
 7 bidder by an auctioneer;

8 ~~(12A) "Recreational park trailer," a vehicle that is primarily designed to provide temporary~~
 9 ~~living quarters for recreational, camping, or seasonal use and which:~~

10 ~~(a) Is built on a single chassis mounted on wheels;~~

11 ~~(b) Has a gross trailer area not exceeding four hundred square feet in the setup~~
 12 ~~mode;~~

13 ~~(c) Is certified by the manufacturer as complying with American National~~
 14 ~~Standards Institute Standard No. A119.5 in effect on January 1, 2008; and~~

15 ~~(d) Has at least a seventeen digit identification number and the manufacturer has~~
 16 ~~designated the vehicle as a recreational park model on the manufacturer~~
 17 ~~statement of origin;~~

18 (13)(21) "Sell-it-yourself lot," any space provided to a person for a fee to display that
 19 person's boat or vehicle for sale;

20 (14)(22) "Semitrailer," any vehicle of the trailer type, equipped with a kingpin
 21 assembly, designed and used in conjunction with a fifth wheel connecting
 22 device on a motor vehicle and constructed so that some part of its weight and
 23 that of its load rests upon or is carried by another vehicle;

24 (15)(23) "Supplemental lot," a physically separate location owned and maintained by

1 a licensed dealer within the same county as the principal place of business;

2 ~~(16) "Temporary special events lot," a location other than the principal place of business,~~
3 ~~supplemental lot, or temporary supplemental lot where a licensed trailer dealer, a~~
4 ~~licensed used car dealer, or a licensed vehicle dealer selling only truck tractors,~~
5 ~~trailers, or motor homes, or any combination thereof, may conduct business for a~~
6 ~~period of time not to exceed ten consecutive days for a specific purpose such as fairs,~~
7 ~~auctions, shopping center sales, or tent sales. A temporary special events lot shall~~
8 ~~meet all local zoning and building codes for the type of business being conducted;~~

9 ~~(17) "Temporary supplemental lot," a location other than the principal place of business~~
10 ~~or supplemental lot but within the same county as the principal place of business, or~~
11 ~~within the corporate limits of a municipality which overlaps boundaries of a county,~~
12 ~~or in an adjoining county, if the adjoining county has no licensed vehicle dealer~~
13 ~~selling automobiles, pick-ups, or passenger vans and the temporary supplemental lot~~
14 ~~is no more than ten miles from the principal place of business, where a licensed~~
15 ~~vehicle dealer or a licensed used vehicle dealer may conduct business for a period of~~
16 ~~time not to exceed ten consecutive days for a specific purpose such as fairs, auto~~
17 ~~shows, auctions, shopping center promotions, or tent sales. A temporary~~
18 ~~supplemental lot shall meet all local zoning and building codes for the type of~~
19 ~~business being conducted. If a licensed vehicle dealer establishes a temporary~~
20 ~~supplemental lot in a county with a licensed used vehicle dealer, a licensed used~~
21 ~~vehicle dealer may establish a temporary supplemental lot in a county with a licensed~~
22 ~~vehicle dealer. A licensed vehicle dealer may establish, for manufacturer sponsored~~
23 ~~events, a temporary supplemental lot in an adjoining county that has no like~~
24 ~~franchised licensed dealer;~~

1 ~~(18)~~(24) "Trailer," any vehicle without motive power designed to be coupled to or
2 drawn by a motor vehicle and constructed so that no part of its weight or that
3 of its load rests upon the towing vehicle;

4 ~~(19)~~(25) "Trailer dealer," any person who, for commission or with intent to make a
5 profit or gain, sells, exchanges, rents with option to purchase, offers or
6 attempts to negotiate a sale or exchange of new or used trailers, semitrailers
7 or travel trailers or who is engaged in the business of selling new or used
8 trailers, semitrailers or travel trailers whether or not ~~such~~ the vehicles are
9 owned by ~~such~~ the person;

10 ~~(20)~~(26) "Travel trailer," any trailer or semitrailer ~~which~~ that provides as its primary
11 purpose adequate, comfortable, temporary living quarters while on pleasure
12 excursions or while touring for business, professional, educational or
13 recreational purposes;

14 ~~(21)~~(27) "Used vehicle dealer," any person who, for commission or with intent to make
15 a profit or gain sells, exchanges, rents with option to purchase, offers or
16 attempts to negotiate a sale or exchange of used vehicles or who is engaged in
17 the business of selling used vehicles;

18 ~~(22)~~(28) "Vehicle," any new or used automobile, truck, truck tractor, motorcycle, off-
19 road vehicle, motor home, trailer, semitrailer or travel trailer of the type and
20 kind required to be titled and registered under chapters 32-3 and 32-5, or
21 required to be titled under chapter 32-20 except any manufactured ~~homes,~~
22 ~~mobile homes, mopeds or snowmobiles~~ home, used mobile home, moped, or
23 snowmobile;

24 ~~(23)~~(29) "Vehicle dealer," any person who, for commission or with intent to make a

1 profit or gain, sells, exchanges, rents with option to purchase, offers or
2 attempts to negotiate a sale or exchange of new, or new and used vehicles, or
3 who is engaged wholly or in part in the business of selling new, or new and
4 used vehicles.

5 Section 2. That chapter 32-6B be amended by adding a NEW SECTION to read:

6 For the purposes of this chapter, the term, motor home, means a motor vehicle that is
7 designed as an integral unit to be used as a conveyance upon the public highways and for use
8 as a temporary or recreational dwelling and that has at least four of the following permanently
9 installed systems:

- 10 (1) Cooking facilities;
- 11 (2) Ice box or mechanical refrigerator;
- 12 (3) Potable water supply including plumbing and a sink with faucet either self-contained
13 or with connections for an external source, or both;
- 14 (4) Self-contained toilet connected to a plumbing system with connection for external
15 water disposal;
- 16 (5) Heating or air conditioning system, or both, separate from the vehicle engine or the
17 vehicle electrical system; or
- 18 (6) A one hundred ten--one hundred fifteen volt alternating current electrical system
19 separate from the vehicle engine electrical system either with its own power supply
20 or with a connection for an external source, or both, or a liquified petroleum system
21 and supply.

22 Section 3. That chapter 32-6B be amended by adding a NEW SECTION to read:

23 For the purposes of this chapter, the term, recreational park trailer, means a vehicle that is
24 primarily designed to provide temporary living quarters for recreational, camping, or seasonal

1 use and that:

- 2 (1) Is built on a single chassis mounted on wheels;
- 3 (2) Has a gross trailer area not exceeding four hundred square feet in the setup mode;
- 4 (3) Is certified by the manufacturer as complying with American National Standards
5 Institute Standard No. A119.5 in effect on January 1, 2008; and
- 6 (4) Has at least a seventeen digit identification number and the manufacturer has
7 designated the vehicle as a recreational park model on the manufacturer statement of
8 origin.

9 Section 4. That chapter 32-6B be amended by adding a NEW SECTION to read:

10 For the purposes of this chapter, the term, temporary special events lot, means a location
11 other than the principal place of business, supplemental lot, or temporary supplemental lot
12 where a licensed trailer dealer, a licensed used car dealer, or a licensed vehicle dealer selling
13 only truck tractors, trailers, or motor homes, or any combination thereof, may conduct business
14 for a period of time not to exceed ten consecutive days for a specific purpose such as fairs,
15 auctions, shopping center sales, or tent sales. A temporary special events lot shall meet all local
16 zoning and building codes for the type of business being conducted.

17 Section 5. That chapter 32-6B be amended by adding a NEW SECTION to read:

18 For the purposes of this chapter, the term, temporary supplemental lot, means a location
19 other than the principal place of business or supplemental lot that is:

- 20 (1) Within the same county as the principal place of business;
- 21 (2) Within the corporate limits of a municipality that overlaps boundaries of an adjoining
22 county;
- 23 (3) Within an adjoining county, if the adjoining county has no licensed vehicle dealer
24 selling automobiles, pick-ups, or passenger vans and the lot is within a ten-mile

1 radius of the principal place of business; or

2 (4) Within an adjoining county that has no like franchised licensed dealer.

3 A licensed vehicle dealer or a licensed used vehicle dealer may conduct business at such a
4 lot for a period of time not to exceed ten consecutive days for a specific purpose such as fairs,
5 vehicle shows, auctions, shopping center promotions, or tent sales. A temporary supplemental
6 lot shall meet all local zoning and building codes for the type of business being conducted. If
7 a licensed vehicle dealer establishes a temporary supplemental lot in a county with a licensed
8 used vehicle dealer, a licensed used vehicle dealer in that county may establish a temporary
9 supplemental lot in the county of the licensed vehicle dealer.

10 Section 6. That § 32-6B-2 be amended to read:

11 32-6B-2. For purposes of this chapter, the term, principal place of business, means an
12 enclosed commercial structure located within ~~the State of South Dakota~~ this state, easily
13 accessible and open to the public at ~~all reasonable times~~ least twenty hours per week between
14 the hours of 8:00 a.m. to 8:00 p.m., inclusive, with an improved display area immediately
15 adjoining the building that is large enough to display five or more vehicles of the type the dealer
16 is licensed to sell. It is the location at which the business of a vehicle dealer may be lawfully
17 carried on in accordance with all applicable building codes, zoning, and other land use
18 ordinances ~~and in which building the public may contact the vehicle dealer or the dealer's~~
19 ~~salesperson.~~ Each licensed dealer shall maintain an enclosed permanent office on the location.
20 Each office shall be adequately heated and lighted. The hours of operation of the office and an
21 operating phone number shall be clearly posted at or near the main entrance to the office. Each
22 location shall display an exterior sign that contains the name of the business and that is
23 permanently affixed to the land or building. The exterior sign shall be clearly legible from the
24 public right-of-way serving the location. It is the location where the books, records, and files

1 necessary to conduct the business of the ~~vehicle~~ dealer are kept and maintained. In no event may
2 rooms in a hotel, motel, apartment house, or any part of any single or multiple unit dwelling
3 house be considered a principal place of business unless the entire ground floor of ~~such~~ the
4 facility is devoted principally to and occupied for commercial purposes. Any dealer licensed
5 under this chapter shall maintain and continuously occupy a principal place of business.
6 However, an emergency vehicle dealer is exempt from the requirement of having its principal
7 place of business in South Dakota.

8 Section 7. That chapter 32-6B be amended by adding a NEW SECTION to read:

9 A person who is a licensed dealer in another state may sell motorcycles at an event without
10 a license issued under this chapter if the person meets the provisions of this section. Before
11 selling any motorcycle, the person shall register and purchase a permit from the department.
12 Before the department may issue a permit, the person shall provide proof the person is a licensed
13 dealer in another state and has no outstanding dealer violations. The permit may be issued if any
14 new motorcycle make being sold is not franchised in this state. The permit may be issued if any
15 used motorcycle make being sold is franchised in this state, is at least two model years old, and
16 has at least two thousand five hundred miles on the odometer. The fee for the permit is five
17 hundred dollars. However, if the permit is purchased before the start of the event, the fee for the
18 permit is two hundred fifty dollars. The permit is valid for fifteen consecutive days. Any person
19 found to be in violation of the provisions of this section shall be denied a permit for a period of
20 fifteen months from the date of the violation.

21 Section 8. That chapter 32-6B be amended by adding a NEW SECTION to read:

22 A person who is a licensed dealer in another state may sell trailers at an event without a
23 license issued under this chapter if the person meets the provisions of this section. Before selling
24 any trailer, the person shall register and purchase a permit from the department. Before the

1 department may issue a permit, the person shall provide proof the person is a licensed dealer in
2 another state and has no outstanding dealer violations. The permit may only be issued if the
3 trailer make being sold is not franchised in this state unless the person obtains a written waiver
4 from any similar franchise dealer in this state. The person shall present the waiver to the
5 department at the time the person applies for the permit. The fee for the permit is five hundred
6 dollars. However, if the permit is purchased before the start of the event, the fee for the permit
7 is two hundred fifty dollars. The permit is valid for fifteen consecutive days. Regardless of
8 whether or not there is a franchise in this state, any person may display a trailer at an event. Any
9 person found to be in violation of the provisions of this section shall be denied a permit for a
10 period of fifteen months from the date of the violation.

11 Section 9. That chapter 32-6B be amended by adding a NEW SECTION to read:

12 A person who is a licensed dealer in another state may sell a vehicle that is at least twenty
13 years old or a motorcycle that is at least thirty years old at a public auction on consignment
14 without a license issued under this chapter if the person meets the provisions of this section. The
15 vehicle or motorcycle shall have a title issued in the name of the dealer by any state other than
16 this state. Before selling any vehicle or motorcycle, the person shall register and purchase a
17 permit from the department. Before the department may issue a permit, the person shall provide
18 proof the person is a licensed dealer in another state and has no outstanding dealer violations.
19 The fee for the permit is five hundred dollars. However, if the permit is purchased before the
20 start of the auction, the fee is two hundred fifty dollars. The permit is valid for fifteen
21 consecutive days. Any person found to be in violation of the provisions of this section shall be
22 denied a permit for a period of fifteen months from the date of the violation.

23 Section 10. That chapter 32-6B be amended by adding a NEW SECTION to read:

24 A person who is engaged in the business of manufacturing trailers may display any trailer

1 at an event without a license issued under this chapter if the person meets the provisions of this
2 section. Before displaying any trailer, the person shall register and purchase a permit from the
3 department. The permit does not allow the sale of any trailer. The fee for the permit is five
4 hundred dollars. However, if the permit is purchased before the start of the event, the fee is two
5 hundred fifty dollars. The permit is valid for fifteen consecutive days. Any person found to be
6 in violation of the provisions of this section shall be denied a permit for a period of fifteen
7 months from the date of the violation.

8 Section 11. That chapter 32-6B be amended by adding a NEW SECTION to read:

9 A person who is engaged in the business of manufacturing or customizing motor vehicles
10 may display and offer limited demonstration of a person's customized motor vehicle at an event
11 without a license issued under this chapter if the person meets the provisions of this section.
12 Before displaying or demonstrating any motor vehicle, the person shall register and purchase
13 a permit from the department. The permit does not allow the sale of any motor vehicle. The fee
14 for the permit is five hundred dollars. However, if the permit is purchased before the start of the
15 event, the fee is two hundred fifty dollars. The permit is valid for fifteen consecutive days. Any
16 person found to be in violation of the provisions of this section shall be denied a permit for a
17 period of fifteen months from the date of the violation. For the purposes of this section, the
18 term, customized motor vehicle, means any motor vehicle that has been altered from the
19 manufacturer's original design or has a body constructed of nonoriginal materials.

20 Section 12. That chapter 32-6B be amended by adding a NEW SECTION to read:

21 A person who is sponsoring an event for displaying customized motorcycles built for the
22 event may do so without a license issued under this chapter if the person meets the provisions
23 of this section. Before displaying any such motorcycle, the person sponsoring the event shall
24 register and purchase a permit from the department. The fee for the permit is five hundred

1 dollars. However, if the permit is purchased before the start of the event, the fee is two hundred
2 fifty dollars. The permit is valid for fifteen consecutive days. Any person found to be in
3 violation of the provisions of this section shall be denied a permit for a period of fifteen months
4 from the date of the violation. If any person wishes to display any customized motorcycle
5 outside the sponsored event, the person shall register and purchase a permit as provided under
6 section 11 of this Act.

7 Section 13. That chapter 32-6B be amended by adding a NEW SECTION to read:

8 A licensed dealer may take a vehicle to an adjoining county for demonstration purposes. For
9 the purpose of this section, a demonstration is for the purpose of showing the qualities and
10 characteristics common to vehicles of the same or similar models or types in parades.

11 Section 14. That § 32-6B-22 be amended to read:

12 32-6B-22. Any new vehicle or used vehicle owned by a licensed dealer, bearing a dealer's
13 "~~77~~" 77 license plate issued pursuant to § 32-6B-21, may be driven on the streets and highways
14 of this state for any purpose. However, the dealer "~~77~~" 77 license plate may not be used on
15 ~~vehicles~~ any vehicle used for lease or hire or as ~~wreckers or service trucks~~ used as a wrecker or
16 service truck. The dealer "~~77~~" 77 license plate is transferable by the dealer from one vehicle
17 owned by the dealer to another vehicle owned by the dealer. A violation of this section is a Class
18 1 misdemeanor.

19 Section 15. That § 32-6B-14 be amended to read:

20 32-6B-14. Each license may be issued for a multiple year period. The application for license
21 and all applicable fees are due prior to the issuance of the initial license. ~~All licenses~~ Each
22 license shall be reviewed annually by the department. The department shall mail to the licensee
23 at the last known address a renewal notice. If the licensee is registered on the electronic dealer
24 system, the licensee shall receive the renewal notice by electronic means. The department shall

1 establish by rules promulgated pursuant to chapter 1-26 the review date, if other than October
2 first to December thirty-first, inclusive. If the licensee fails to return the renewal notice or to pay
3 the applicable fees the department shall ~~cancel and~~ suspend or revoke the license pursuant to
4 the provisions of §§ ~~32-6B-43 and 32-6B-44~~ 32-6B-41.1 to 32-6B-41.6, inclusive.

5 Section 16. That § 32-6B-62 be amended to read:

6 32-6B-62. The provisions of subdivision 32-6B-6(16) and subdivision ~~32-6B-41(14)~~ 32-6B-
7 41(13) do not apply to a trailer dealer's license.

8 Section 17. That § 32-6B-3.4 be amended to read:

9 32-6B-3.4. Notwithstanding the provisions of subdivision 32-6B-5(4), any titled vehicle,
10 including a vehicle owned by a vehicle dealer who has obtained a permit under the provisions
11 of § ~~32-6B-5.1~~ section 9 of this Act but who is licensed in another state, except a motorcycle,
12 ~~which that~~ is not titled in South Dakota and ~~which~~ is at least twenty years old may be sold at a
13 public auction on consignment if the title of the vehicle is issued in the name of the seller. All
14 other provisions of this chapter pertaining to consignment sales or public auctions need to be
15 met.

16 Section 18. That § 32-6B-3.5 be amended to read:

17 32-6B-3.5. Notwithstanding the provisions of subdivision 32-6B-5(4), any motorcycle,
18 including a motorcycle owned by a dealer who has obtained a permit under the provisions of
19 § ~~32-6B-5.1~~ section 9 of this Act but who is licensed in another state, ~~which that~~ is not titled in
20 South Dakota, and ~~which that~~ is at least thirty years old, may be sold at a public auction on
21 consignment if the title of the vehicle is issued in the name of the seller. All other provisions
22 of this chapter pertaining to consignment sales or public auction need to be met.

23 Section 19. That § 32-6B-19 be amended to read:

24 32-6B-19. Any person licensed under this chapter, who sells vehicles at locations other than

1 the principal place of business, shall obtain a supplemental license for each auxiliary or
2 supplemental lot not contiguous to the location for which the original license is issued. If the
3 license is granted, the licensee may be permitted to use unimproved lots and premises for sale,
4 storage, and display of vehicles. Supplemental lots and premises shall be located within the
5 county of the principal place of business of the applicant and shall meet local zoning codes or
6 ordinances. No supplemental license is required for display of vehicles within the corporate
7 limits of a municipality ~~where~~ if the vehicle dealer is licensed or if one or more licensed vehicle
8 dealers wish to display their vehicles on a temporary supplemental lot as defined in § ~~32-6B-1~~
9 section 5 of this Act.

10 Section 20. That § 32-6B-5.1 be repealed.

11 ~~32-6B-5.1. A license issued pursuant to this chapter is not necessary in the following~~
12 ~~conditions:~~

13 ~~(1) Any person engaged in the business of manufacturing trailers may display but may~~
14 ~~not sell trailers at an event. A manufacturer may display trailers if the event lasts~~
15 ~~three or more days and if the person registers with and purchases a permit from the~~
16 ~~Department of Revenue. If the permit is purchased in advance of the event, the~~
17 ~~person shall pay a fee of two hundred fifty dollars for a fifteen-day temporary permit.~~
18 ~~If the permit is purchased at the event, the person shall pay a fee of five hundred~~
19 ~~dollars for the temporary permit. Any person found to be in violation of the~~
20 ~~provisions of this subdivision shall be denied a temporary permit for a period of one~~
21 ~~year from the date of violation;~~

22 ~~(2) Any person may sell motorcycles at an event, if the event lasts three or more days and~~
23 ~~if the person registers and purchases a permit from the Department of Revenue.~~
24 ~~Before issuance of a permit, the person shall provide proof the person is a licensed~~

1 dealer in the person's own state and has no outstanding dealer violations. The permit
2 may be issued if the new motorcycles being sold are not franchised in this state. The
3 permit may be issued if the motorcycles are franchised in this state, are at least two
4 model years old, and have at least two thousand five hundred miles on the odometer.
5 If the permit is purchased in advance of the event, the person shall pay a fee of two
6 hundred fifty dollars for a fifteen-day temporary permit. If the permit is purchased at
7 the event, the person shall pay a fee of five hundred dollars for the temporary permit.
8 Any person found to be in violation of the provisions of this subdivision shall be
9 denied a temporary permit for a period of one year from the date of violation;

10 ~~(3) Any person may sell trailers at an event, if the event lasts three or more days and if~~
11 ~~the person registers and purchases a permit from the Department of Revenue. Before~~
12 ~~issuance of a permit, the person shall provide proof the person is a licensed dealer in~~
13 ~~the person's own state and has no outstanding dealer violations. The permit may only~~
14 ~~be issued if the trailers being sold are not franchised in this state unless the person~~
15 ~~obtains a written waiver from any similarly franchised dealer in this state. The person~~
16 ~~should present the waiver to the department at the time the person applies for the~~
17 ~~permit. If the permit is purchased in advance of the event, the person shall pay a fee~~
18 ~~of two hundred fifty dollars for a fifteen-day temporary permit. Regardless of~~
19 ~~whether or not there is a franchise in this state, any person may display a trailer at an~~
20 ~~event. If the permit is purchased at the event, the person shall pay a fee of five~~
21 ~~hundred dollars for the temporary permit. Any person found to be in violation of the~~
22 ~~provisions of this subdivision shall be denied a temporary permit for a period of one~~
23 ~~year from the date of violation;~~

24 ~~(4) Any dealer licensed in another state may sell any vehicle or motorcycle that is not~~

1 ~~titled in South Dakota if the vehicle is at least twenty years old and the motorcycle~~
2 ~~is at least thirty years old at a public auction on consignment if the title is issued in~~
3 ~~the name of the dealer and the dealer purchases a permit from the Department of~~
4 ~~Revenue. Before issuance of a permit, the dealer shall provide proof the dealer is a~~
5 ~~licensed dealer in the dealer's own state and has no outstanding dealer violations. If~~
6 ~~the permit is purchased in advance of the auction, the dealer shall pay a fee of two~~
7 ~~hundred fifty dollars for the permit. If the permit is purchased at or after the auction,~~
8 ~~the dealer shall pay a fee of five hundred dollars for the temporary permit. Any dealer~~
9 ~~found to be in violation of the provisions of this subdivision shall be denied a~~
10 ~~temporary permit for a period of one year from the date of violation, and~~

11 ~~(5) Any person engaged in the business of manufacturing or customizing motor vehicles~~
12 ~~may display and offer limited demonstration but may not sell any motor vehicle at~~
13 ~~an event, if the event lasts three or more days and if the person registers with and~~
14 ~~purchases a permit from the Department of Revenue. If the permit is purchased in~~
15 ~~advance of the event, the person shall pay a fee of two hundred fifty dollars for a~~
16 ~~fifteen-day temporary permit. If the permit is purchased at the event, the person shall~~
17 ~~pay a fee of five hundred dollars for the temporary permit. This subdivision does not~~
18 ~~apply to any customized motorcycle being built for and displayed during a sponsored~~
19 ~~event where the participants had to qualify through competition. A permit is required~~
20 ~~if any customized motorcycle is being displayed outside the sponsored event. Any~~
21 ~~person found to be in violation of the provisions of this subdivision shall be denied~~
22 ~~a temporary permit for a period of one year from the date of violation.~~