

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

705V0579

## HOUSE BILL NO. 1178

Introduced by: Representatives Feinstein, Hajek, Johns, and Stevens and Senators Bradford and Kirkeby

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to false statements  
2 pertaining to aircraft registration and associated penalties.

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

4 Section 1. That § 50-11-9 be amended to read as follows:

5 50-11-9. The owner or lessee of an aircraft to be operated within this state shall, except as  
6 otherwise expressly provided, file with the department on a form prescribed and furnished by  
7 the commission, an application for registration of the aircraft. A person who fails to register an  
8 aircraft within thirty days after it is operated in this state is guilty of a Class 2 misdemeanor. A  
9 person who knowingly makes a false statement of a material fact in the application is guilty of  
10 a ~~Class 6~~ Class 5 felony. In addition, failure to register an aircraft within ninety days of the date  
11 when registration is due shall result in a civil penalty equal to ten percent of the registration fee  
12 provided in § 50-11-12 for each month, or portion thereof, until the fee is paid, not to exceed  
13 five times the fee due.

14 Section 2. That § 50-11-22 be amended to read as follows:

15 50-11-22. If an aircraft registered in accordance with §§ 50-11-8 to 50-11-21, inclusive, is



1 sold or transferred, the person in whose name the aircraft is registered shall complete and sign  
2 the endorsement on the back of the certificate of registration as prescribed by the commission  
3 and shall, within seven working days, forward to the department by mail a notice of the sale or  
4 transfer including the date and place thereof and the name and address of the purchaser or  
5 transferee. Failure to make the change of registration within the time required by this section  
6 is a Class 2 misdemeanor. A person who knowingly makes a false statement of a material fact  
7 in the certificate of registration is guilty of a Class 5 felony.

8 Section 3. That § 50-11-23 be amended to read as follows:

9 50-11-23. The purchaser or transferee described by § 50-11-22 shall, within thirty days,  
10 apply to the department for the transfer of the registration of the aircraft to the purchaser's or  
11 transferee's name and the issuance of a new certificate of registration. Failure to make the  
12 change of registration within the time required by this section is a Class 2 misdemeanor. A  
13 person who knowingly makes a false statement of a material fact in the application is guilty of  
14 a Class 5 felony.

15 The endorsed certificate of registration is void thirty days after the date of the sale or transfer  
16 of such aircraft.

17 The department shall file the application and upon determining that the applicant has paid  
18 the fee and is entitled thereto, shall transfer the registration to the applicant's name and issue the  
19 applicant a new certificate of registration. The fee for the transfer of registration is five dollars.

20 Section 4. That § 50-11-31 be amended to read as follows:

21 50-11-31. In the event of loss, mutilation, or destruction of a registration certificate or other  
22 identifying matter prescribed by the Aeronautics Commission and issued under the provisions  
23 of this chapter, the registrant may obtain from the secretary of transportation a duplicate  
24 certificate by filing in the office of the secretary an affidavit showing such facts and paying the

1 fee prescribed by the commission. A person who knowingly makes a false statement of a  
2 material fact in the affidavit is guilty of a Class 5 felony. The affidavit and fee shall be filed and  
3 remitted by the secretary as is required by law. The director shall thereupon issue a duplicate  
4 registration certificate or other identifying matter to the applicant.