

AN ACT

ENTITLED, An Act to revise certain provisions regarding the sale of trailers at special events, and to declare an emergency.

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

Section 1. That § 32-6B-5.1 be amended to read:

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

- (1) Any person engaged in the business of manufacturing trailers may display but may not sell trailers at an event. A manufacturer may display trailers if the event lasts three or more days and if the person registers with and purchases a permit from the Department of Revenue. If the permit is purchased in advance of the event, the person shall pay a fee of two hundred fifty dollars for a fifteen-day temporary permit. If the permit is purchased at the event, the person shall pay a fee of five hundred dollars for the temporary permit. Any person found to be in violation of the provisions of this subdivision shall be denied a temporary permit for a period of one year from the date of violation;
- (2) Any person may sell motorcycles at an event, if the event lasts three or more days and if the person registers and purchases a permit from the Department of Revenue. Before issuance of a permit, the person shall provide proof the person is a licensed dealer in the person's own state and has no outstanding dealer violations. The permit may only be issued if the new motorcycles being sold are not franchised in this state. If the permit is purchased in advance of the event, the person shall pay a fee of two hundred fifty dollars for a fifteen-day temporary permit. If the permit is purchased at the event, the person shall pay a fee of five hundred dollars for the temporary permit. Any person found to be in violation of the provisions of this subdivision shall be denied a temporary permit for a period of one year from the date of violation;

- (3) Any person may sell trailers at an event, if the event lasts three or more days and if the person registers and purchases a permit from the Department of Revenue. Before issuance of a permit, the person shall provide proof the person is a licensed dealer in the person's own state and has no outstanding dealer violations. The permit may only be issued if the trailers being sold are not franchised in this state unless the person obtains a written waiver from any similarly franchised dealer in this state. The person should present the waiver to the department at the time the person applies for the permit. If the permit is purchased in advance of the event, the person shall pay a fee of two hundred fifty dollars for a fifteen-day temporary permit. Regardless of whether or not there is a franchise in this state, any person may display a trailer at an event. If the permit is purchased at the event, the person shall pay a fee of five hundred dollars for the temporary permit. Any person found to be in violation of the provisions of this subdivision shall be denied a temporary permit for a period of one year from the date of violation;
- (4) Any dealer licensed in another state may sell any vehicle or motorcycle that is not titled in South Dakota if the vehicle is at least twenty years old and the motorcycle is at least thirty years old at a public auction on consignment if the title is issued in the name of the dealer and the dealer purchases a permit from the Department of Revenue. Before issuance of a permit, the dealer shall provide proof the dealer is a licensed dealer in the dealer's own state and has no outstanding dealer violations. If the permit is purchased in advance of the auction, the dealer shall pay a fee of two hundred fifty dollars for the permit. If the permit is purchased at or after the auction, the dealer shall pay a fee of five hundred dollars for the temporary permit. Any dealer found to be in violation of the provisions of this subdivision shall be denied a temporary permit for a period of one year from the date of violation; and

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

Section 2. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to revise certain provisions regarding the sale of trailers at special events, and to declare an emergency.

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I certify that the attached Act originated in the

SENATE as Bill No. 151

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 151
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State