

## ASSIGNMENT OF CERTIFICATE OF TITLE

*Source: SDCL 32-3-30, 32-3-30.1, 32-3-38, 32-3-47, 32-3-55, AND ARSD 61:02:10*

- A. Assignment of a certificate of title shall be made by the recorded owner or owners or by a fully appointed agent.
  - 1. Papers of appointment (power of attorney) shall be attached to the title document when the assignment is made by an appointed agent.
- B. Transfer of ownership shall be made by an assignment on the reverse side of the certificate of title.
- C. A separate bill of sale may not be accepted in addition to or in-lieu-of a South Dakota certificate of title or a required assignment.
- D. The county official shall accept for transmittal to the Division of Motor Vehicles an assigned South Dakota certificate of title on which there is one or more liens against the recorded owner only when the following occurs:
  - 1. A certificate of title is being forwarded for the purpose of issuance of a corrected title, which will still show in the name of the recorded owner or owners.
  - 2. A certificate of title is being forwarded for the purpose of issuance of a transfer of title when the recorded owner desires to add the name of another owner and the lien shall still show on the newly issued title. The lien may be left on the face of the document, but shall also be listed on the reverse side of the title on the line provided. Lienholders shall be certain that the lien instrument is in proper order when the ownership is changed to a joint ownership, and shall be responsible for placing the lien in the proper space on the assignment. An affidavit from the lienholder stating consent to delete a name on the title is required.
  - 3. A title transfer with an open lien may be accepted for transfer if a properly completed order to cancel lien or Lienholder's Notice of Filing with the release section properly completed is attached to the title.
- E. A South Dakota certificate of title assigned to anyone other than a licensed dealer shall not be reassigned in any manner.
  - 1. Exception to E: On an out-of-state title, if that state permits an insurance company to reassign an out-of-state title on a motor vehicle acquired as the result of an insurance claim settlement. South Dakota titles cannot be reassigned by an insurance company.
- F. Licensed dealers may reassign a title. For a title which does not have additional reassignment space on the back, the dealer must use a Uniform Disclosure Statement and Dealer Reassignment form.
  - 1. Out-of-state licensed dealers shall have the power to reassign a South Dakota certificate of title.
  - 2. An assignment shall be properly signed, by the recorded owner or owners.
  - 3. A South Dakota driver's license or social security number must be recorded for each purchaser. 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.
  - 4. No certificate of title shall be held or accepted, unless a proper assignment has been completed.

- G. For all South Dakota titles issued prior to January 1, 1991, a separate odometer statement which complies with state/federal regulations and a damage disclosure statement, when applicable, must be completed before transfer can be made.
1. For out-of-state titles which do not contain an odometer disclosure section complying with state/federal regulations or a damage disclosure statement, and which are not exempted from the requirement, an odometer statement and damage disclosure statement must be completed and attached to the title.
  2. A licensed dealer transferring ownership on a motor vehicle previously licensed and titled in South Dakota and which does not contain an area for the disclosure of this information on the assignment of title, should attach to the title paperwork a separate damage disclosure statement form and an odometer statement that complies with the state/federal odometer regulations or a copy of the South Dakota Automobile/manufactured Dealers Association purchase order form which contains a complying odometer statement.
- H. Each certificate of title issued by the Division of Motor Vehicles for a vehicle, which is not exempted from the requirement, shall contain odometer disclosure and damage disclosure information.
1. Upon the sale or trade-in of a motor vehicle, the owner or seller shall accurately complete an odometer disclosure statement and damage disclosure statement, if applicable and if the information is not contained on the assignment of the certificate of title, before surrendering or transferring the title.
  2. It is a Class 1 misdemeanor to falsify the information on the damage disclosure and a Class 6 felony to falsify information on the odometer disclosure.
  3. The division may refuse to transfer or issue a title if the owner or seller does not complete the information.
- I. Odometer disclosure information and damage disclosure information are not required for the following vehicles:
1. Odometer: A vehicle that is ten (10) more years old. Damage Disclosure Statement: A vehicle that is seven (7) or more years old.
  2. A vehicle with a gross vehicle weight rating of more than 16,000 pounds.
  3. Snowmobiles, motor homes, manufactured homes and trailers.
  4. Boats are exempt from odometer disclosure, but fall under damage disclosure.
  5. Motorcycles are exempt from the damage disclosure requirement, but under federal regulation, must comply with the odometer disclosure requirements.

## **TAX EXEMPT VEHICLES**

- A. Transfer of ownership on a vehicle with a South Dakota certificate of title that qualifies for an exemption from the 3% excise tax.
1. The South Dakota certificate of title covering the exempt vehicle must be attached.
  2. An MV-609 (South Dakota Exemptions) form.
  3. A properly completed Damage Disclosure Statement form must be attached to the application, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.
  4. A title fee must also be submitted.

## TITLE ONLY -- NO TAX PAID

- A. A vehicle/large boat that is not being used on the streets and highways/waters of this or any other state at the time of application qualifies for a "title only" and is exempt from payment of the 3% excise tax, provided application for title is made within 30 days of the date of sale. If the application is made after 30 days from the purchase date, a title only cannot be obtained. Once a "title only" vehicle/large boat is placed back on the streets or highways/waters, the owner is required to pay the applicable excise tax and submit the title for correction.
1. Vehicles/large boats that are exempted from payment of excise tax can choose not to license the vehicle/large boats. These applications are to be coded with the exemption that applies and one will not be issued a "title only".
- B. Examples and exceptions:
1. A new vehicle is wrecked prior to registration of the vehicle (within thirty days of vehicle purchase). The applicant, upon completion of an affidavit stating that the vehicle will not be used upon the streets or highways, qualifies for a "title only".
  2. A vehicle is owned by a South Dakota resident and leased by a nonresident lessee who intends to prorate the vehicle in his base state. The lessor may title the vehicle in South Dakota, but does not qualify for a "title only" because the vehicle will be licensed in another state.
- C. An applicant for "title only" must check the appropriate area indicated "title only" on the Application for Motor Vehicle/Boat Title and Registration (MV-608, MV-607). By signing the application, the applicant is attesting that the vehicle/large boat will not be used on the streets and highways/waters of this state or any other state.
1. The application must be filed in the county of the new applicant's residence.
  2. Tax Code #95 should be written in section V of the application.
- D. Before a "title only" may be obtained, the applicant must present the motor vehicle's license plates, current vehicle/large boat registration, and an application attesting that the vehicle/large boat will not be used on the roads and highways/waters to the county treasurer in which the vehicle/boat is registered.
- E. A title fee must also be submitted.
- F. A properly completed motor vehicle Damage Disclosure Statement form must be attached, if applicable and if the damage disclosure information is not contained on the assignment of the certificate of title

## **TITLE TRANSFER ON USED VEHICLE BY A LICENSED DEALER**

- A. A licensed motor vehicle dealer may license a used motor vehicle which is part of his inventory. If the dealer licenses the motor vehicle, he shall title the motor vehicle, but is exempt from payment of the motor vehicle excise tax. A subsequent purchaser shall pay the excise tax. A licensed dealer may title a used motor vehicle which is part of his inventory. If the dealer titles the vehicle, he is not required to license the vehicle, but may do so if he chooses.
- B. The tax code for this type of transaction is "42".
- C. This does not apply to new vehicles or motor vehicles required to be titled pursuant to 32-5-27.

## **TRANSFER OF SOUTH DAKOTA TITLE WITH TAX DUE**

- A. 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 county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.
  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.
- B. Assigned certificate of title made by recorded owner or owners or by a fully appointed agent.
1. Papers of appointment (power of attorney, papers of personal representation, etc.) shall be attached to the title document when the assignment is made by an appointed agent.
- C. Transfer of ownership shall be made by an assignment on the reverse side of the certificate of title.
1. All liens on the face of the title should be properly canceled by any county treasurer.
  2. The county treasurer may accept for transfer a title with an open lien provided an order to cancel lien or a Lienholder's Notice of Filing, with the lien release section properly completed, is attached.
  3. All liens on the back of the title must be noted on the application for title (MV-608).
- D. The South Dakota driver's license or social security number of each purchaser must be provided. 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.
- E. If the vehicle was purchased out-of-state, a bill of sale, purchase agreement or sales contract must be attached. If the Dealer Price Certification on the application for title (MV-608) is not complete and the applicant purchased the vehicle from a South Dakota dealer, a purchase agreement must be attached.
- F. Purchase price on a South Dakota titled vehicle purchased from a dealer is the total consideration, which includes cash down payments, rebates, money, and other items that may be given in consideration of the vehicle.
- G. Purchase price on a South Dakota titled vehicle that is purchased from an individual is based on bill of sale price. (If bill of sale is not available, tax is based on NADA book value.) If there is a trade-in, purchase price is based on the purchase price of the vehicle after the trade-in allowance is deducted. The credit or trade-in value of any damaged motor vehicle may include the value of any check from an insurance company that is intended to cover the damage of the vehicle. For example: a 1970 Chevrolet plus \$2,000 is traded for a 1979 Chevrolet. Three percent tax is assessed on \$2,000. (If bill of

sale is not available, tax is based on NADA book value of the vehicle purchased minus NADA book value of vehicle traded in and taxed on the remainder.) If a bill of sale cannot be furnished a statement by the applicant indicating such is required, or the area indicating such on the MV-608 must be checked.

- K Payment of the correct amount of 3% excise tax, title fee, and penalty fee if needed, 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.
- I. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.
- J. All the above-indicated forms, properly completed, must be received by the county treasurer of residence for submission to the Invoice Section of the Division of Motor Vehicles.

## TITLE ON NEW VEHICLE WITH NO TRADE-IN

- A. 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 county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.
  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 will 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.
- B. A manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO), properly transferred to the applicant, must be attached.
- C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
- D. If the vehicle was purchased out-of-state, a bill of sale, purchase order or sales contract must be attached. If the dealer price certification on the application for title (MV-608) is not complete and the applicant purchased the vehicle from a South Dakota dealer, a purchase order must be attached.
1. 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, cash 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.
- E. 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.
- F. A properly completed Damage Disclosure Statement form must be attached.
- G. All the above-indicated forms, properly completed, must be received by the county treasurer of residence for submission to the Invoice Section of the Division of Motor Vehicles.

## TITLE ON NEW VEHICLE WITH TRADE-IN

- A. 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 county an application for the registration of that vehicle. The application must be filed in the county of the new applicant's residence, in accordance with an Attorney General's opinion and state statute.
  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.
- B. A manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO), properly transferred to the applicant, must be attached.
- C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
- D. If the vehicle was purchased out-of-state, a bill of sale, purchase order, or sales contract must be attached. If the dealer price certification on the application for title (MV-608) is not complete and the applicant purchased the vehicle from a South Dakota dealer, a purchase order 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.
    - a. A motor vehicle being used as a trade-in must be in the applicant's name, except for leased vehicles (see leased vehicle section).
    - b. Total consideration must include cash down payments, cash rebates and money, and any other item that may be given in consideration of the vehicle.
    - c. Discounts are allowed, but a purchase agreement is required to substantiate the discount.
    - d. The credit or trade-in value of any damaged vehicle may include the value of any check from an insurance company that is intended to cover the damages to the motor vehicle.
- E. 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 I misdemeanor.
- F. A properly completed Damage Disclosure Statement form must be attached.
- G. All the above-indicated forms, properly completed, must be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

**TITLE ON USED VEHICLE WITH NO TRADE-IN  
BY ANY PERSON OTHER THAN A SOUTH DAKOTA DEALER**

- A. Application for a title on a used motor vehicle sold or transferred by any person other than a South Dakota motor vehicle dealer.
  - 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, in accordance with an Attorney General's opinion and state statute.
  - 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 will 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.
  
- B. Certificate of title properly transferred to the applicant must be attached.
  
- C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
  
- D. The purchase price shall be the total consideration received in money or otherwise.
  - 1. The seller of the motor vehicle shall provide the purchaser with a bill of sale. The bill of sale should contain the following information:
    - a. A complete description of the vehicle (make, model, serial number).
    - b. Selling price of the vehicle.
    - c. Date of sale.
    - d. Purchaser information (name and address).
    - e. The bill of sale must be signed by the seller.
  - 2. If a bill of sale cannot be furnished, the excise tax will be assessed on the retail value as stated in a nationally recognized dealer's guide as approved by the Secretary of Revenue. A statement by the purchaser indicating that a bill of sale cannot be obtained must be attached, or the area indicating such on the MV-608 must be checked.
  
- E. 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.

- F. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.
- G. All the above-indicated forms, properly completed, must be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

## TITLE ON USED VEHICLE WITH NO TRADE-IN

- A. Application for a title on a used motor vehicle purchased from a licensed motor vehicle dealer.
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, in accordance with an Attorney General's opinion and state statute.
  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 will 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.
- B. Certificate of title properly transferred, to the applicant must be attached.
- C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
- D. A purchase order, sales contract or a bill of sale must be attached, if the dealer price certification on the application (MV-608) is not complete.
1. The purchase price for a used motor vehicle sold by a licensed motor vehicle dealer 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 that may be given in consideration of the vehicle.
    - b. Discounts are allowed, but a purchase agreement is required to substantiate the discount.
- E. 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.
- F. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.
- G. All the above-indicated forms, properly completed, must be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

## TITLE ON USED VEHICLE WITH TRADE-IN

- A. Application for a title on a used motor vehicle purchased from a licensed motor vehicle dealer.
  - 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, in accordance with an Attorney General's opinion and state statute.
  - 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 will 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.
- B. Certificate of title properly transferred to the applicant must be attached.
- C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
- D. A purchase order, sales contract or a bill of sale must be attached, if the dealer price certification on the application is not complete.
  - 1. The purchase price for a used motor vehicle sold by a licensed motor vehicle dealer is the total consideration, whether received in money or otherwise, minus the credit or trade-in value allowed by the dealer so that the net consideration is established.
    - a. The motor vehicle being traded in must be in the applicant's name, except for leased vehicles (see leased vehicle section).
    - b. Net consideration must include cash down payments, rebate, money and any other item that may be given in consideration of the vehicle.
    - c. Cash discounts are allowed, but a purchase agreement is required to substantiate the discount.
    - d. The credit or trade-in value of any damaged vehicle may include the value of any check from an insurance company that is intended to cover the damages to the motor vehicle.
- E. 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.
- F. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.
- G. All the above-indicated forms, properly completed, must be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

**TITLE ON USED VEHICLE WITH TRADE-IN  
BY ANY PERSON OTHER THAN A SOUTH DAKOTA DEALER**

- A. Application for a title on a used motor vehicle sold or transferred by any person other than a South Dakota motor vehicle dealer.
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, in accordance with an Attorney General's opinion and state statute.
  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 will 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.
- B. Certificate of title properly transferred to the applicant must be attached.
- C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
- D. The purchase price, when there is a trade-in is the total consideration given for the vehicle minus the trade-in allowance. (If a bill of sale is not available, tax is based on NADA book value.) For example: a 1970 Chevrolet plus \$2,000 is traded for a 1979 Chevrolet. Three percent tax is assessed on \$2,000. (If a bill of sale is not available, tax is based on NADA book value of vehicle purchased minus NADA book value of vehicle traded in and taxed on the remainder.) If a bill of sale cannot be obtained, a statement indicating such must be attached, or the area on the MV-608 indicating such must be checked.
1. A motor vehicle used as a trade-in must have been titled in the applicant's name. For leases, see Leased Vehicle Section.
  2. The credit or trade-in value of any damaged vehicle may include the value of any check from an insurance company which is intended to cover the damages of the motor vehicle.
- E. 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.
- F. A properly completed Damage Disclosure Statement form must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.
- G. All the above-indicated forms, properly completed, must be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

## NEW OR USED VEHICLE PURCHASED OUTSIDE THE UNITED STATES

- A. The following documentation is required prior to issuance of a South Dakota title for an imported vehicle (sample forms can be found in the Forms Section):
1. Bill of sale and the foreign registration and/or the MSO or title. (On a new Canadian manufactured vehicle, a “New Vehicle Information Statement” [NVIS] is the Canadian MSO.)
  2. IMPORT FORM – US DEPARTMENT OF HOMELAND SECURITY, BUREAU OF CUSTOMS AND BORDER PROTECTION, ENTRY IMMEDIATE DELIVERY DOCUMENT. Form 7501. Military may use a DD1252 or DD1854 in lieu of Form 7501 (2/10/09).
  3. EPA FORM 3520.
  4. US DOT FORM HS-7. (You only need this if the vehicle does not meet the US EPA standards and you do not have the EPA form 3520.)
  5. BOND Release letter from NHTSA. (You only need this if the vehicle does not meet the US EPA standards and you do not have the EPA form 3520.)
  6. Canadian vehicles: Vehicle must have a Lien Quest form or other documentation verifying lien status. (This can be obtained by contacting either [www.lienquest.com](http://www.lienquest.com) or [www.carproof.com](http://www.carproof.com).)
  7. English translation is required if documents are in a foreign language.
  8. The 3% excise tax is assessed on the purchase price of the vehicle if new, or on NADA book value if not new.
  9. A nonconforming vehicle may be admitted into the United States under a bond imposed by customs at the port of entry, provided it will be brought into conformity within 180 days after importation into the United States. The bond must be submitted. Monitorization to assure conformity is met is the responsibility of customs. The bond is three times the value of the vehicle. Such vehicles may be titled and licensed in South Dakota if under bond, and it is the applicant's responsibility to fulfill the bond obligations.
    - a. All of the above-indicated forms are required, with the exception of #3-EPA form. The bond is in-lieu-of the EPA form.
  10. A properly completed Damage Disclosure Statement form, if applicable, must be attached.
  11. Application for title (MV-608).
  12. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
    - a) A matricula consular card or substantially similar document issued by the Mexican Consulate as proof of identification for any purpose is unacceptable (SDCL 1-1-26).
  13. A trailer requires the following documentation: Custom Declaration Form, bill of sale, and a registration or other ownership document.

- B. Any vehicle purchased in another country by a United States resident or a member of the armed forces with the intent to ship into the United States must meet standards under the Motor Vehicle Safety Act of 1966 and air pollution control standards under the Clean Air Act of 1968.
  - 1. An EPA form is only required on the following vehicles:
    - a. 1968 or later model year light-duty, gasoline fuel automobiles and trucks.
    - b. 1975 or later model year light duty, diesel fueled automobiles and trucks.
    - c. 1976 and later model year catalyst equipped vehicles manufactured in conformity with federal emission standards, but which have been driven outside of the United States.
    - d. Motorcycles manufactured after February 1, 1972.
    - e. Heavy duty engines manufactured after January 1, 1970, to be used in heavy duty trucks and motorhomes.
- C. If an imported vehicle has been previously titled and registered in the United States, a US custom form is required, but an EPA form is not required.
- D. The Secretary of Revenue and Regulation may fix the carrying capacity and weight of any foreign vehicle for which a record of the carrying capacity or weight is not available in his office.
- E. Questions concerning the validity of documentation may be referred to the Division of Motor Vehicles. The division will refer to the R. L. Polk Foreign Title Manual to determine the authenticity of such documents.

**TITLE ON NEW OR USED VEHICLE ACQUIRED BY GIFT  
(UNLESS TRANSFER IS IN ACCORDANCE WITH EXEMPTION #4)**

- A. Application for a title on a new or used motor vehicle acquired by gift or other transfer for no or nominal consideration, unless transfer is being made in accordance with Exemption #4 (vehicle transferred without consideration between spouses, between a parent and child and between siblings).
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, in accordance with an Attorney General's opinion and state statute.
  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 will 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.
- B. Ownership document:
1. New vehicle will be required to have manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) properly transferred to the applicant.
  2. Used vehicle will be required to have a certificate of title properly transferred to the applicant.
  3. The South Dakota driver's license or social security number of each purchaser 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.
- C. Purchase price:
1. Purchase price for a new motor vehicle shall be the manufacturer's suggested dealer list price. Federal Price Label must be attached.
  2. Purchase price for a used motor vehicle shall be the retail value as stated in the NADA Official Used Car Guide.
- 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 must be attached, if applicable and if damage disclosure information is not contained on the assignment of the certificate of title.
- F. All the above-indicated forms, properly completed, are to be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

**TITLE APPLICATION REQUIREMENTS FOR A VEHICLE PREVIOUSLY  
TITLED AND LICENSED IN ANOTHER STATE**

- A. Application for a South Dakota motor vehicle title (MV-608).
  - 1. The application must be filed in the county of the new applicant's residence.
  - 2. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.
  - 3. 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. Application for title must be accompanied by a certificate of title.
  - 1. When the out-of-state certificate of title does not have a space provided for dealer reassignment, a South Dakota Dealer Reassignment form (SDADA) may be used.
  - 2. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
  
- C. A purchase order, sales contract or bill of sale must be attached if the dealer price certification on the application (MV-608) is not completed.
  - 1. It is important that the dealer's signature is on the original copy of the application.
  
- D. If the vehicle has been subjected previously to a sales tax, use tax, or motor vehicle excise tax by any other state or its political subdivision, and the tax paid in the other state by the applicant is equal to or greater than the percent owed to this state, no additional tax is due. A tax code "99" is used.
  - 1. Title in the applicant's name or a state tax receipt is sufficient proof; however, if application is made within 6 months or less from when the out-of-state title was issued, the applicant must submit proof of payment of tax either in the form of a tax receipt or a completed "Applicant's Tax Payment Verification" form (MV/2007).
  - 2. If vehicle is purchased from out-of-state dealer who collected tax, the dealer must complete a "Verification of Tax Assessment" form and provide sufficient other documentation (purchase order) to substantiate the tax collection.
    - a. States that assess less tax than South Dakota: Alabama-2%; Alaska-0%; Delaware-2.75%; Montana-0%; Nevada-(varies); New Hampshire-0%; Oregon-0%; and South Carolina-5% or \$300 (whichever is less). In some states, tax rates vary. If proof of payment of a like or similar tax (equal or greater amount) is furnished, reciprocity (or credit for tax paid) may be granted.
  - 2. If sufficient proof is not furnished, the county treasurer shall collect the full amount due.
  
- E. 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.

- F. An out-of-state certificate of title reassigned by a South Dakota licensed dealer, accompanied by a Form 39 showing such unit as a trade-in, may be accepted with an application for title.
- G. A properly completed Damage Disclosure Statement form, if applicable, must be attached.
- H. All of the above-indicated forms, properly completed, are to be received by the county treasurer for submission to the Invoice Section of the Division of Motor Vehicles.

**OUT-OF-STATE VEHICLES PURCHASED OUTRIGHT FOR SALE OR RESALE AND NOT TAKEN  
AS TRADE-INS**

- A. A licensed dealer is required to title (has option to license) any motor vehicle brought into South Dakota for the purpose of sale or resale, within 30 days from the purchase date or date of entry of the vehicle into the state.
  
- B. Exemptions:
  - 1. A trade-in.
  - 2. A vehicles that is brought into the state for sale to another dealer. The dealer that ultimately purchases the vehicle for retail sale is required to title the vehicle within 30 days from the purchase date.
  - 3. A used motor vehicle with a gross vehicle weight rating of over 26,000 pounds.
  - 4. A used semitrailer with a manufacturer's shipping weight of 9,000 pounds or more.
  
- C. Application shall be made to the county treasurer of the dealer's county of residence.
  - 1. Applicant must complete an Application for a South Dakota Motor Vehicle Title (MV-608).
  - 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 will not accept an incomplete application 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.
  - 5. A properly completed Damage Disclosure Statement form, if applicable, must be attached.
  
- 6. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
  
- D. A certificate of title, properly transferred to the applicant, must be attached.
  
- E. Payment of a title fee and if dealer is opting to license, any license fees, shall be collected.

## INTERSTATE TITLE

- A. The interstate certificate of title is a temporary arrangement in South Dakota used by a person who desires to obtain South Dakota license plates, but due to the fact that his stay within South Dakota is for a short time, the applicant desires to retain his certificate of title or ownership certificate issued by his home state.
1. An interstate title, under most circumstances, will not be issued on an out-of-country application. An Exception: If a vehicle is in the state on a temporary basis for more than 90 days, registration is required under our residency requirements. However, if the vehicle does not meet EPA standards, in which case a title cannot be issued, an interstate title can be issued. The applicant must sign an affidavit attesting that the vehicle will not be sold or traded until a regular title is obtained.
  2. The territories of Guam and Puerto Rico are recognized as states for purposes of obtaining an interstate title and receiving reciprocity for payment of tax.
  3. Military ownership is accepted, if the ownership document does not indicate "nontransferable".
- B. Application for interstate title may not be accepted by a county treasurer, unless the applicant has furnished the following:
1. A copy of the current out-of-state registration or a copy of the certificate of title in the applicant's name.
  2. Application for title (MV-608) properly completed and signed, along with an interstate affidavit (MV-215).
    - a. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
- C. The county treasurer shall review the out-of-state title (may be a copy) or the out-of-state registration card to ascertain that all information shown on the application for title is correct. A photocopy of the out-of-state registration or title must be submitted with the interstate affidavit to the Division of Motor Vehicles. After reviewing the document, the county treasurer will return same to the applicant.
- D. Application for interstate title is subject to the same title and registration fees, as for a regular registration. Reciprocity and credit shall be given to the applicant if a similar and equal (or more) amount of 3% excise tax has been paid in former state.
- E. If the applicant CANNOT furnish a receipt or other tangible evidence (title in applicant's name from a state that charges a greater or equal amount of tax is sufficient; however if the application is made within 6 months or less from the date of issuance of the out-of-state title, a state tax receipt or a Tax Payment Verification form (MV/2007) is required indicating that a similar and equal amount of tax has been paid), collection of the full amount of the 3% excise tax at the time of titling is required.
1. States that assess less tax than South Dakota: Alabama-2%; Alaska-0%; Delaware-2.75%; Montana-0%; Nevada-(varies); New Hampshire-0%; Oregon-0%; and South Carolina-5% or \$300 (whichever is less). In some states, tax rates vary. If proof of payment of a like or similar tax (equal or greater amount) is furnished, reciprocity (or credit for tax paid) may be granted.

- F. The county treasurer may issue license plates and registration card upon completion of the proper papers.
  - 1. No secondary plates may be issued.
- G. In case of any question, the county treasurer shall obtain the approval of the Division of Motor Vehicles for such a registration before accepting application and issuing license plates.
- H. A special certificate of title is issued and is designated as an "interstate" title and is so indicated on the face thereof that such document is valid only for issuance of license plates in South Dakota. There is no assignment space provided on the reverse side of such title.
- I. The interstate title is valid as long as title ownership remains the same.
- J. In the event an interstate title is lost, the applicant must reapply for an interstate title. A duplicate interstate title is not issued.
- K. When a regular South Dakota certificate of title is desired for a vehicle now covered by a South Dakota interstate certificate of title, the valid foreign ownership document, an application for title, the present South Dakota interstate certificate of title, a Damage Disclosure Statement form, if applicable, and a title fee are to be invoiced to the Division of Motor Vehicles.

## TITLING LEASED/RENTED MOTOR VEHICLES

### A. Definitions:

1. "Leased vehicle," A motor vehicle titled in the name of a leasing company or the individual leasing the motor vehicle, which is leased for a period of more than 28 days.
2. "Rental vehicle," A motor vehicle titled in the name of a rental company licensed under 10-45 (sales tax license) which is rented for 28 days or less; or a trailer which is titled in the name of a rental company licensed under chapter 10-45 (sales tax license) and that has an unladen weight of 9,000 pounds or more, that is rented for 6 months or less and that is not consecutively rented to the same person for more than one 6-month period.

### B. **CLOSED LEASE (TERMS OF THE LEASE ARE KNOWN AT THE TIME THE CONTRACT IS EXECUTED). Vehicles with a gross vehicle weight rating of less than 16,000 pounds and fertilizer vehicles, leased for more than 28 days. (Effective July 1, 2006, motorcycles are included in the lease law.)**

1. The lessor must title and license the vehicle. In the case of a leasing company within a dealership, the leasing company name must be separate and distinct from that of the dealership.
2. The lessor and the lessee's name must appear on the title.
3. Under plate with owner, either the lessor or the lessee is the owner of the plates and upon sale or transfer of the vehicle can remove the plates, which can then be attached to a newly acquired vehicle upon title and registration of the newly acquired vehicle through the county treasurer.
  - a. The South Dakota driver's license or social security number of each lessee must be given. If the lessee is a company, the FEIN is required. If the company is a sole proprietorship, the lessee's South Dakota driver's license number or social security number may be used. The FEIN of the lessor is required.
3. The lessor or the lessee must pay the 3% excise tax on the purchase price of the vehicle (purchase price as defined in 3a).
  - a. Purchase price on a leased vehicle that is a closed lease (terms of the lease are known at the time the contract is executed) is the total consideration whether received in money or otherwise. Total consideration is: all lease payments, including cash, rebates, the net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle. Total consideration does not include: title fees, registration fees, vehicle excise tax, federal excise tax attributable to the sale of the vehicle to the owner or to the lease of the vehicle by the owner, insurance, and refundable deposits.
  - b. Calculation of the tax shall be done on the tax worksheet entitled South Dakota Closed Lease Tax Worksheet (DMV/CLTW). A copy of the worksheet must accompany the application for title and registration (MV608). The signature area must be completed on the worksheet or the purchase price must be certified on the application for title and registration (MV608).
  - c. A copy of the lease agreement is required.
4. If the term of the lease is extended or if the vehicle is leased for an additional period of time; excise tax is assessed on the additional lease payments and must be paid by the lessor.

- a. If additional consideration is paid during the course of the lease or upon termination of the lease, the excise tax is assessed on such amount and is to be paid by the lessor.
  - b. The South Dakota tax worksheet entitled, South Dakota Extended or Additional Consideration Lease Tax Worksheet (DMV/LTW.1) is to be used to remit the additional tax.
  - c. The title does not have to be submitted but can be if the lessor wants the additional tax to be shown on the title. If the title is submitted a \$5 title fee is required.
5. If the lessee buys the vehicle at the end of the lease, excise tax is assessed on the purchase price of the vehicle at the end of the lease.
- a. The lessor/dealer must assign the title to the lessee and submit the assigned title to the lessee's county treasurer, along with an application certifying the purchase price of the vehicle and the required fees and taxes.
  - b. A lessee who entered into a lease prior to July 1, 2000, and who paid excise tax based on the purchase price of the vehicle, including the value of the leased vehicle at the end of the lease shall receive credit for tax previously paid if the lessee purchases the vehicle at the end of the lease.
  - c. If a lease is terminated prior to the termination date contained in the lease agreement, no refund is given for tax previously paid.
  - d. If prior to the expiration of a lease, the leased vehicle is destroyed by fire, accident or vandalism to the extent that it constitutes a total loss of the vehicle, credit for the lease tax paid for the period remaining on the previous lease is allowed if another vehicle is substituted under the original lease or a new lease is executed with the intent to replace the vehicle subject to the previous lease. The new lease or substituted vehicle under the original lease must be executed by the same lessor and lessee for lease of a vehicle of the same or similar make, model, year and options as the vehicle subject to the previous lease. The lease must be for the remaining lease period as the previous lease, for the same lease price and under the same lease terms as the previous lease.
6. Leased vehicles entering the state under a lease are subject to tax on the date the vehicle enters this state for the remaining months in the lease period.
- a. Credit is given for tax that has been paid up-front to another state. The applicant must submit proof of payment of the tax. The lessee and the lessor must remain the same. Calculation of the tax should be done on the South Dakota Closed Lease Tax Worksheet (DMV/CTW). A copy of the lease is required. [No credit is given if payment of the tax on a lease was being made to another state on a monthly basis.]
  - b. In the event tax was being paid by the lessee to another state on a monthly basis, the county treasurer shall require the leasing company making application for title and license to submit a completed application for title and registration, a South Dakota Lease Tax Worksheet For Out-Of-State Vehicle Lease (DMV/OSVLW), and a copy of the lease agreement.

7. When entering a lease transaction on the computer system that falls under Section 6A above, in which more tax has been paid to another state than is due South Dakota, a tax code 45 should be used. The purchase price, as indicated on the worksheet is entered, the amount of tax paid to the other state is shown as a credit, and no amount is entered in the tax amount area.

**C. OPEN-END LEASE (TERMS OF THE LEASE ARE NOT CERTAIN AT THE TIME THE LEASE IS EXECUTED OR THE LEASE IS OPEN-ENDED). Vehicles with a gross vehicle weight rating of less than 16,000 pounds and fertilizer vehicles, leased for more than 28 days. (Effective July 1, 2006, motorcycles are included in the lease law.)**

1. The lessor must title and license the vehicle. In the case of a leasing company within a dealership, the leasing company name must be separate and distinct from that of the dealership.
2. The lessor and the lessee's name must appear on the title.
  - a. The South Dakota driver's license or social security number of each lessee must be given. If the lessee is a company, the FEIN is required. If the company is a sole proprietorship, the lessee's South Dakota driver's license number or social security number may be used. The FEIN, South Dakota driver's license number or social security of the lessor is required.
3. The lessor or the lessee must pay the 3% excise tax on the purchase price of the vehicle (purchase price as defined in 3a).
  - a. Purchase price on a leased vehicle in which the terms of the lease are either not certain at the time the lease contract is executed or the lease is open-ended, shall be the total consideration whether received in money or otherwise. Total consideration includes the purchase price of the vehicle, plus cash, rebates, net trade-in, extended warranties, administrative fees, acquisition fees, or any other fees assessed on the purchase of the vehicle. Total consideration does not include title fees, registration fees, excise tax, federal excise tax, insurance, and refundable deposits.
  - b. Credit is given for tax previously paid to another state. The applicant must submit proof of payment of the tax. The lessor and the lessee must remain the same.
  - c. No tax worksheet is required on an open-end lease. The purchase price of the vehicle is certified by the dealer on the application for title (MV608) or a purchase order must be submitted to substantiate the vehicles' purchase price.
4. When entering a lease transaction that falls under Section C above on the computer system, a tax code 46 should be used.

**D. Vehicles with a gross vehicle weight rating of 16,000 pounds or more (excluding fertilizer vehicles ...see Section B), leased for more than 28 days.**

1. The lessor must title and license the vehicle. In the case of a leasing company within a dealership, the leasing company name must be separate and distinct from that of the dealership.
2. The lessor and the lessee's name must appear on the title.
  - a. The South Dakota driver's license or social security number of each lessee must be given. If the lessee is a company, the FEIN is required. If the company is a sole proprietorship, the lessee's South Dakota driver's license number or social security number may be used.

The FEIN, South Dakota driver's license number or social security number of the lessor is required.

3. The lessor or the lessee must pay the 3% excise tax on the purchase price of the vehicle. A bill of sale or purchase order is needed to establish purchase price, unless the dealer price certification on the application is completed.
  - a. Purchase price on a leased vehicle with a gross vehicle weight rating of 16,000 pounds or more is the total consideration whether received in money or otherwise. [Total consideration is the lessor's purchase price.]
  - b. In the case of a lessor/lessee situation in which a lease vehicle is traded in to a dealer on another lease (no buy-out takes place and the trade takes place with the same leasing company), the trade-in allowance is granted if the trade-in vehicle is in either the lessor or the lessee's name. If the lessee's name does not appear on the title, a copy of the lease agreement or other supporting documentation indicating that the lessee was responsible for payment of the excise tax is required. On titles issued after July 1, 1994, the law requires that the lessor and the lessee be indicated on the title.
4. If the lessee pays the tax and subsequently purchases the vehicle, the lessee must title the vehicle and shall receive credit for tax paid (on a South Dakota title that denotes the lessee and lessor, a copy of the lease agreement is not required).
5. Out-of-state leasing companies titling and licensing a leased vehicle in South Dakota that has been previously titled and licensed in another state shall be exempt from the 3% excise tax to the extent that an equal and similar amount of registration fee, sales tax, use tax, state excise tax (in dollars) has been paid in such other state. The lessee must remain the same.
  - a. The county treasurer shall require the leasing company making application for license of a vehicle to provide proof that a similar and equal amount of tax has been paid in another state.
  - b. If sufficient proof is not furnished at the time of application, the county treasurer shall collect the full amount of the 3% excise tax.

**E. Vehicles rented for 28 days or less (includes automobiles, pickups and vans) licensed under the noncommercial license fee schedule (SDCL 32-5-6) with a manufacturers shipping weight, including accessories, of 10,000 pounds or less; trailers with an unladen weight of 9,000 pounds or more that are rented for six months or less.**

1. Exempt from the 3% excise tax.
  - a. A tax of 4 1/2% is imposed upon the gross receipts of any person renting motor vehicles for 28 days or less (see E. for qualifying vehicles). This tax is in addition to any sales tax levied pursuant to chapters 10-45 or 10-46 (4% sales tax, 1% tourism tax, plus applicable city tax) on rentals of 28 days or less.
    - 1) Exemption code 19 should be used on the application for title (MV608).
    - 2) Title must be issued in the name of the rental company.
    - 3) If the rental company is within a dealership, the rental company name must be separate and distinct from that of the dealership.

- 4) If the lessee is a rental company leasing vehicles for use in a daily rental operation, the rental company must be indicated on the title as the lessee.
  - b. The rental company remits the 4 1/2% gross receipts tax and the rental sales tax to the Sales Tax Office of the Department of Revenue and Regulation on the Sales Tax Return.
  - c. Title applications on rental vehicles must be accompanied by an affidavit from a representative of the rental company stating that the vehicle is being used for rental. The representative of the rental company will also be required to state the rental company's sales tax number on the affidavit. (An MV-608 or MV-609 exemption form, which contains this information, may be used in-lieu-of the affidavit.)
- F. All revenues received from the 3% excise tax and the 4 1/2% gross receipts tax are credited to the State Highway Fund.
- G. To apply for South Dakota title and registration, an applicant must complete an Application for Motor Vehicle Title and Registration (MV-608). The application must be filed in the county of the new applicant's residence.
  1. The application must be signed by the record owner(s) or by an authorized agent for the record owner(s). If an authorized agent signs the application, a power of attorney document must be attached to verify the appointment.
- H. If the vehicle is new, a manufacturer's statement of origin (MSO) must be attached. If the vehicle is used, a certificate of title, properly transferred to the applicant, must be attached.
  1. The purchase price would be the same as previously set out in the section entitled "Definition of 3% Excise Tax".
- I. A properly completed Damage Disclosure Statement form, if applicable, must be attached. The lessor is responsible for completing the Damage Disclosure Statement.
- J. Payment of the correct amount of 3% excise tax (if applicable), a title fee, and any license fee as may be required must be collected. Failure to pay the full amount of excise tax is a Class 1 misdemeanor.

## TRANSFER OF OWNERSHIP ON ABANDONED VEHICLES

- A. Criteria that must be met to qualify for application for an abandoned vehicle title.
  - 1. The vehicle must have been towed by a removal agency.
  - 2. Written notice, by certified mail, must have been sent to the owner and lienholder, if applicable, within 45 days of removal of the vehicle.
  
- B. Any owner that intentionally abandons a vehicle on any public highway or right-of-way is civilly liable to the towing company for the expense of towing and storing the vehicle.
  - 1. It is a class 2 misdemeanor to abandon a motor vehicle on any public highway or right-of-way.
  - 2. A person convicted of abandoning a vehicle shall be ordered to pay any reasonable towing and storage fees. The court shall suspend the fine, if the person pays the towing and storage fees.
  
- C. No removal agency may remove abandoned, wrecked, or impounded motor vehicles or other scrap metals from private property without written permission of the landowner or tenant.
  - 1. The Department of Revenue and Regulation shall provide the removal agency with the last known address of the record holder of title and any readily identifiable lienholders free of charge.
    - a. Any person in the business of repossessing motor vehicles may request any local law enforcement officer to provide the license plate number and color of a motor vehicle licensed in South Dakota. The reposessor must provide enforcement with a copy of the contract for the repossession of the vehicle.
  - 2. If a removal agency removes any unattended vehicle from a public street or highway and the removal is not at the written request of the owner, an authorized agent of the owner, or a law enforcement officer, the removal agency must report the removal to the owner within 24 hours of removing the vehicle. If the removal agency is unable to contact the owner, the removal agency must report the removal to the county sheriff, if the removal occurred outside any municipality, or to the chief of police if the removal occurred inside any municipality within 24 hours of removing the vehicle. Failure to make a report is a Class 2 misdemeanor. Further, the removal agency is not entitled to any towing or storage fees for the removed vehicle and no such fees may be billed or collected by the removal agency.
  
- D. If the vehicle is being removed by the removal agency, the following procedures shall apply:
  - 1. The sheriff, law enforcement officer, or towing agency taking custody of any vehicle has a possessory lien on the vehicle and the contents of the vehicle for reasonable costs in taking custody and storing the vehicle. No lien on the contents of the vehicle may exceed \$500. No possessory lien attaches to the tools and implements, which a person uses and keeps for the purpose of carrying on his or her trade or business, or to any clothing or food.
  - 2. Within 10 to 45 days after any abandoned, wrecked, or impounded motor vehicle or other scrap metal has been removed, the removal agency shall send written notice by certified mail to the registered owner and to all readily identifiable lienholders of record at their last known address. The notice shall set forth the date and place of the taking, the year, the make, model and serial number of the abandoned motor vehicle, and the place where the vehicle is being held, and shall inform the owner and any lienholders of their right to reclaim the vehicle. The notice shall be on a form provided by the Department of Revenue and Regulation. **If the removal agency does not give notice within 10 days from the date of removal, no storage may be charged beyond the**

**10-day period until the notice is mailed.** Notice must be sent within 45 days to qualify for an abandoned title. If notice is not sent within the 45-day requirement, see “Mechanics Lien” procedures.

3. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned. Published notices may be grouped together for convenience and economy.
  4. If the record holder of title fails to claim and remove the vehicle within thirty (30) days, title to the vehicle is irrevocably vested in the removal agency.
- E. The removal agency shall then apply to the county treasurer for a regular title or a junk title. (Note, once a junking certificate is issued, a regular title may never be obtained.) If a regular title is issued, the title shall carry a notation of "A" in the transaction field on the title document, to represent an abandoned vehicle.
- F. If the owner or lienholder does not surrender the title of the vehicle or scrap metal to the removal agency, the agency shall submit the following to the county treasurer:
1. A completed application for motor vehicle title (MV-608).
  2. Copy of the written notice sent to the registered owner of record and the lienholder (if applicable).
  3. The original (green) return receipt indicating to whom the certified notice was sent (registered owner of record and lienholder if applicable).
  4. A properly completed Damage Disclosure Statement form, if applicable.
  5. A title fee.
- G. Prior to issuance of title, the Department of Revenue and Regulation will verify the vehicle information against the stolen vehicle file. If the vehicle is found to be stolen, title will not be issued.
- H. The removal agency may elect to register the vehicle at the time of application for an abandoned certificate of title. In these situations, Tax Code 95 should not be used. The applicant must pay the 3% excise tax, unless otherwise exempted, based on the NADA book value (if applicable), any license fees, and the title fee.
- I. In the event license plates are not being purchased, but the vehicle qualifies for exemption 14, Tax Code 14 should be used rather than Tax Code 95.
- J. For a vehicle that is left on private property and not reclaimed by the owner, application for title is to be done through the mechanics lien procedures. See “Mechanics Lien Procedure” section.
- K. Refer to Section B-47 for information on abandoned mobile/manufactured homes.

- L. For vehicles left unclaimed for a period of 30 days, as a result of an unpaid repair bill on private property, refer to Transfer of Ownership on an Unpaid Repair Bill” section.
  
- M. For a vehicle that is 11 years old or more that is acquired as the result of the purchase of property (for example, a farmer on whose land there is an abandoned vehicle), or similar situation, the landowner may apply for a title by submitting the following: if a record owner is on file, proof of notice by certified letter to the record owner and any lienholders of the intent to apply for a title, an affidavit of facts, an application for title, and a title fee. The division reserves the right to deny the application if it is determined that sufficient documentation is not provided to establish proper ownership of the vehicle. This is not an abandoned vehicle transaction and the title is not branded “abandoned”.

## FARM VEHICLES AND EQUIPMENT

- A. Farmers or ranchers may apply to their county treasurer's office for a decal with the word "farm" inscribed thereon. This decal shall be placed on the license plate of straight trucks with two or three axles, or truck tractors, used wholly and exclusively for the following purposes:
1. To carry their own supplies, farm equipment, and household goods to or from the owner's farm or ranch; or
  2. Used by the farmer or rancher to carry his own agricultural products, livestock, and produce to or from storage or market; or
  3. Used by farmers or ranchers in exchange of service in hauling of such supplies or agricultural products, livestock, and produce.
- B. To obtain a farm decal, applicant must complete and submit an Application for Farm Decals and a copy of his/her current registration.
1. The county treasurer will forward farm decal instructions upon issuance of the decals.
  2. The farm decal does not exempt the vehicle from any taxes or yearly license plate fees.
- C. If the truck is sold or disposed of during the licensing period, the decals must be removed and the farm decal instructions form returned to the county treasurer requesting that the decals be canceled.
- D. Farm decals cannot be placed on trailers.

## UTILITY DECAL

- A. Electric or gas utilities as defined in Chapter 49-34A or any common carrier offering telecommunications service to the public as defined in Chapter 49-31 who own straight trucks with two or three axles, used wholly and exclusively to carry their own equipment or property used for the construction or maintenance of utility property, may apply to the county treasurers for a utility decal.
- B. The utility decal identifies the vehicle, which is exempt from South Dakota fuel permit requirements and fuel importation restrictions, when it enters South Dakota. Designated primarily to assist utility companies whenever their trucks need to exit and re-enter South Dakota repeatedly during emergencies.
- C. The applicant must complete an application for utility decal form.
- D. No fee is charged for the decal.
- E. The decal is to be placed on the license plate of the vehicle for which application is made.
- F. In the event the vehicle bearing the decal is sold or disposed of, the decals must be removed from the license plates and canceled by contacting the Division of Motor Vehicles.

## SNOWMOBILE

- A. Upon the sale of each snowmobile, the dealer or applicant shall deliver to the county treasurer of the applicant's residence all completed forms necessary to accomplish the licensing and titling for each snowmobile sold.
- B. Applicant must furnish to the county treasurer in the county of his residence an Application for Motor Vehicle Title and Registration (MV-608).
  - 1. The division will not accept an incomplete application form or an application form, which the division considers erroneous.
  - 2. The application must be signed by the record owner or by an authorized agent for the record owner. A power of attorney document shall be attached to verify the appointment of the authorized agent.
  - 3. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.
- C. The South Dakota driver's license or social security number of each purchaser 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.
- D. Attached to the application shall be a manufacturer's statement of origin or title properly transferred to the applicant.
- E. A purchase order, sales contract or bill of sale will be required if the Dealer Price Certification is not completed on the application.
  - 1. It is important that the dealer's signature is on the original copy of the application.
  - 2. The county treasurer shall collect on each snowmobile on which no excise, sales, or similar tax have been paid by the applicant, the 3% excise tax based on the purchase price, minus any trade-in allowance granted. A bill of sale substantiating the price must be attached on sales between individuals. If a bill of sale cannot be furnished, a statement indicating such should be attached or the area indicating such on the MV-608 must be checked. A reasonable value for the snowmobile must then be established. On sales involving a dealer, the dealer price certification on the application for title (MV-608) must be completed by the selling dealer.
- F. 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 the 3% excise tax is a Class I misdemeanor.
- G. All snowmobiles used on public and private lands and any frozen public waters within territorial limits of South Dakota shall be licensed.

*License fees for a snowmobile shall be \$20 per snowmobile for a two-year period (applicant does **not** have an option of licensing for one year). Payment of the license fees shall be made prior to the operation of, or permitting the operation of, any snowmobile within this state. The initial fees are prorated monthly and the snowmobile is registered under our staggered registration system, with expiration on the last day of the month of the year for which it was issued. The snowmobile license decal stays with the snowmobile and credit is given to the new owner for any months remaining on the license.*

## OFF-ROAD VEHICLES

- A. "Off-road vehicle," any self-propelled, two or more wheeled vehicle designed primarily to be operated on land other than a highway and includes, but is not limited to, all-terrain vehicles, dune buggies and any vehicle whose manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO) states that the vehicle is not for highway use.
  - 1. Off-road vehicle does not include a farm vehicle.
- B. No person may operate on a public street or highway an off-road vehicle, except for crossing from one side of the road to the other.
  - 1. A violation of this section is a Class 2 misdemeanor.
- C. Off-road vehicles may not be registered and licensed for use upon the highways, but must be titled.
- D. Any four wheel (200 CC or more) off-road vehicle may be licensed.
  - 1. An ATV affidavit and proof of sales tax paid must be submitted at the time of application for licensing.
  - 2. All provisions pertaining to ATV's apply (see Section B-35).
- E. To obtain a South Dakota title, the applicant must complete an application for motor vehicle title (MV-608). The application must be filed in the county of the new applicant's residence.
  - 1. 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.
  - 2. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
- F. For a new vehicle a manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO), properly transferred to the applicant, must be attached. If the vehicle is used, the certificate of title properly transferred to the applicant must be attached.
- G. A title fee must be collected.
- H. Sales tax must be collected by the selling dealer on any off-road vehicle and proof of sales tax paid must be furnished at the time of application for title.

## **FOUR-WHEEL, ALL-TERRAIN VEHICLES**

- A. Any all-terrain vehicle with four or more wheels with a combustion engine having a piston or rotor displacement of two hundred cubic centimeters or more may be licensed as a motorcycle to be used on a public highway. An ATV shall be titled.
  - 1. Any three-wheeled or four-wheeled, all-terrain vehicle using a highway ditch or crossing a highway to get to and from a field or pasture and being used in the course of farm or ranch labor, is exempt from annual registration and licensing.
- B. An application for South Dakota title and registration must be completed and filed in the county of the applicant's residence.
  - 1. Any person who intentionally falsifies information on the application or provides erroneous information is guilty of a Class 6 felony.
  - 2. The division will not accept an incomplete application form or an application form, which the division considers erroneous.
  - 3. The application must be signed by the record owner(s) or by an authorized agency for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify appointment.
- C. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
- D. A manufacturer's statement of origin (MSO) or valid ownership document must be attached.
- E. ATV affidavit and proof of sales tax paid must be submitted at time of application and licensing.
- F. The licensed four-wheel, all-terrain vehicle may not be operated on the interstate highway.

## **AMPHIBIOUS VEHICLES (COMBINATION ATV AND BOAT)**

- A. An amphibious vehicle (combination ATV and boat) shall be titled as an ATV. An interstate title is issued covering the boat.
  - 1. Sales tax is assessed on the entire unit; no excise tax is assessed.
  - 2. An application for title shall be completed on each unit (title for the ATV; interstate title for the boat) with a \$5 title fee assessed on each (title and interstate) application.
- B. See above ATV procedures, if the ATV meets criteria for licensing.
- C. A boat license must be purchased prior to operating the vehicle upon the waters of this state. The boat title can be applied for at the time of applying for a boat license (no penalty fee assessed).

## UNCONVENTIONAL VEHICLES

### A. Mini Trucks

1. Any vehicle that is not manufactured to US standards that is imported as agriculture equipment is considered an unconventional vehicle. These units will be titled as an ATV.
2. The person selling these units must title the unit prior to selling it. Proof of sales tax paid is not required as the tax will be collected at time of sale. The sale of an ATV is not subject to dealer licensing.
3. An application for South Dakota title and registration must be completed and filed in the county of the applicant's residence.
  - a. Any person who intentionally falsifies information on the application or provides erroneous information is guilty of a Class 6 felony.
  - b. The division will not accept an incomplete application form or an application form that the division considers erroneous.
  - c. The application must be signed by the record owner(s) or by an authorized agency for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify appointment.
4. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
5. A Green Export Certificate, Combined Transport Bill of Lading, and US Department of Homeland Security Bureau of Customs and Border Protection Entry/Immediate Delivery document (import form) must be attached.
6. An ATV affidavit must be submitted when requesting a motorcycle license.
7. The licensed unconventional vehicle may not be operated on the interstate highway.

### B. Motorcycles

1. An application for South Dakota Motor Vehicle Title and Registration (MV-608).
  - a. See section B-8 for application procedures.
2. A manufacturer's statement of origin (MSO) or manufacturer's certificate of origin (MCO), properly transferred to the applicant must be attached.
  - a. If the MSO/MCO is not completed by the manufacturer/distributor, it is not a valid certificate. At a minimum, the following must be contained on the MSO/MCO:

- 1) Conforming 17-digit VIN.
  - 2) Name of distributor/dealer.
  - 3) Assignment section and odometer reading.
3. The division will verify the manufacturer through the National Highway Traffic Safety Administration (NHTSA) manufacturer's information site to determine the proper make and coding. If a manufacturer is not registered with NHTSA, the generic make of CYCL will be used.

## MOPEDS

- A. A moped may be licensed and titled.
- B. A moped is defined as a motor driven cycle equipped with two or three wheels. If a combustion engine is used, the maximum piston or rotor displacement shall be fifty cubic centimeters, regardless of the number of chambers in such power source. The power source shall be equipped with a power drive system that functions directly or automatically only, not requiring clutching or shifting by the operator after the drive system is engaged.
- C. An application for South Dakota title and registration must be completed and filed in the county of the applicant's residence.
  - 1. Any person who intentionally falsifies information on the application or provides erroneous information is guilty of a Class 6 felony.
  - 2. The division will not accept an incomplete application form or an application form, which the division considers erroneous.
  - 3. The application must be signed by the record owner(s) or by an authorized agency for the record owner(s). If the application is signed by an authorized agent, a power of attorney document must be attached to verify appointment.
- D. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
- E. A manufacturer's statement of origin or valid ownership document must be attached.
- F. A title fee must be collected.
- G. Sales tax must be collected by the selling dealer on mopeds and proof of sales tax paid must be furnished at the time of application.

## GOLF CARTS

- A. A golf cart (other than electric) may be titled and licensed. If the golf cart is to be licensed, it must meet all the requirements set out in the four-wheel, ATV affidavit. These vehicles are subject to inspection at the division's discretion.
- B. An application for South Dakota Title and Registration must be completed and filed in the county of the applicant's residence.
  - 1. Any person who intentionally falsifies information required on the application or provides erroneous information is guilty of a Class 6 felony.
  - 2. The division will not accept an incomplete application form or an application form, which the division considers erroneous.
  - 3. The application must be signed by the record owner(s) or by an authorized agency 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. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
- D. A manufacturer's statement of origin (MSO) or a valid ownership document must be attached.
- E. A title fee must be collected.
- F. Sales tax must be collected by the selling dealer on any golf cart and proof of payment of the sales tax must be submitted at the time of application for title.
- G. License fees shall be based on the motorcycle fee schedule.

## MOBILE/MANUFACTURED HOMES

- A. A mobile/manufactured HUD home is a movable or portable unit, designed and constructed to be towed on its own chassis (composed of frames and wheels) and designed to be connected to utilities for year-round occupancy. The term shall include:
1. Units containing parts that may be folded, collapsed, or telescoped when being towed and that may be expanded to provide additional cubic capacity; and
  2. Units composed of two or more separately towable components designed to be joined into one integral unit capable of being separated again into the components for repeated towing;
  3. A mobile/manufactured home on an MSO is built to HUD standards, whereas a modular home is built to UBC standards. Modular homes are not titled and/or registered.
    - a. A mobile/manufactured home built to HUD standards will have permanently attached to the exterior siding of each transportable section a HUD Construction Code Label, per HUD title regulations, effective June 15, 1979. The HUD Construction Code Label is a metal certification label that is red in color, and contains the following information: AS EVIDENCED BY THIS LABEL NO. 000-000000 THE MANUFACTURER CERTIFIES TO THE BEST OF THE MANUFACTURER'S KNOWLEDGE AND BELIEF THAT THIS MOBILE/MANUFACTURED HOME HAS BEEN INSPECTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND IS CONSTRUCTED IN CONFORMANCE WITH THE FEDERAL MOBILE/MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS IN EFFECT ON THE DATE OF MANUFACTURE. SEE DATA PLATE.
    - b. The data plate verifies the following: manufacturer's name, trade/model name, year of manufacturer, serial number, HUD Construction Code Label(s) and HUD construction zones. Per 1976 HUD Regulation, this form is to be affixed inside the home on or near the main electrical breaker box and is printed on paper or foil stock 8-1/2" x 11" to 8-1/2" x 14" in size. Note: some states use form for modulars.
    - c. If a label is missing or if modifications have been made without proper permit/inspections, the structure cannot be offered for sale or occupied.
- B. The term mobile/manufactured home shall include units designed to be used for residential, commercial, educational, or industrial purposes.
1. This excludes recreational vehicles which are defined as vehicular portable structures built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses.
  2. Also excluded is a sectional home that is defined as any home prebuilt in whole or in part for the purpose of permanent placement on a foundation. A sectional home is not subject to vehicle licensing.
- C. Upon application for the initial licensing of a mobile/manufactured home in South Dakota, the county treasurer shall collect the 4% initial registration fee based on the purchase price. No trade-in allowance is granted.

1. Exemptions:
  - a. Governmental or public entities set forth in 32-5-42 and 32-5-42.1 (see exemptions under 01, in the "Exemptions from 3% Excise Tax"). Exemption code 01 should be used on the application for title (MV-608).
  - b. When a mobile/manufactured home that has previously been exempted from the 4% initial registration fee (the initial registration fee has not been previously paid in South Dakota) is sold to a nonexempt agency, the 4% initial registration fee shall be assessed on the purchase price of the mobile/manufactured home.
- D. A mobile/manufactured home owned by a nonresident coming into this state from another state, a mobile/manufactured home purchased and owned by a member of the armed forces while on duty in the United States and a mobile/manufactured home purchased in another state by a resident other than a licensed dealer are exempt from the 4% initial registration fee to the extent of a similar and equal amount of registration tax, sales, use or state excise tax has been paid in another state by the current applicant.
  1. The county treasurer shall require an affidavit of a licensed dealer, bill of sale, receipt or other tangible evidence that a similar and equal amount of tax has been paid by the current applicant.
  2. If sufficient proof is not furnished, the county treasurer shall collect an additional or full amount to equal the South Dakota rate of tax.
- E. Native Americans living in mobile/manufactured homes located within a Native American reservation are assessed 11.25% of the 4% of the purchase price of the mobile/manufactured home. (Example: A HUD home that will be located on a reservation that sells for \$100,000, is subject to \$450 initial registration fee -  $\$100,000 \times 4\% \times 11.25\%$ .)
- F. If the mobile/manufactured home is new, a manufacturer's statement of origin, properly transferred to the applicant, must be attached. If the mobile/manufactured home is used, a certificate of title properly transferred must be attached.
- G. If the mobile/manufactured home is sold by a dealer, the licensed dealer shall deliver to the county treasurer the manufacturer's statement of origin or the title for such home together with the required fees and forms within 30 days of the sale. Any dealer who does not comply with this section is subject to a late penalty fee of \$1 for each week or fraction thereof beyond the 30-day limitation for 25 weeks and a late fee of \$50 for 26 weeks or more. Any person applying for title a year or more beyond the 30-day limitation is guilty of a Class 2 misdemeanor.
  1. Any mobile/manufactured home purchased or transported by or for a dealer must have:
    - a. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.
    - b. A self-issue permit displayed when moving a used or new mobile/manufactured home.
    - c. When the dealer sells a new, used or an out-of-state titled home and is transporting it to the purchaser, the dealer must file a property tax assessment (PT6) form with the Director of Equalization in the county of destination.
- H. Any transfer or reassignment of a title must be accompanied by an affidavit issued by the county treasurer stating current year's taxes have been paid.
  1. If an owner of a used mobile/manufactured home, regulated lender, transporter or a licensed dealer fails to obtain a tax affidavit, from the county treasurer from the county in which the used

home is requested, stating current year's taxes are paid as described in SDCL 10-21-36 and 10-21-39, inclusive, or SDCL 10-9-3, the department shall assess a monetary penalty of \$250 for the first violation within a one-year period; \$500 for the second violation within a one-year period; and \$1,000 for each subsequent violation within a one-year period.

2. The county treasurer shall notify the department, in writing, of any violation for failure to obtain a tax affidavit prior to moving a home.
  3. In addition to a monetary penalty, a transporter or dealer who was responsible for moving a mobile/manufactured home is liable for any property taxes due the county if a tax affidavit was not obtained prior to moving the home.
- I. For mobile/manufactured homes not sold by a licensed dealer, the purchaser shall title the mobile/manufactured home within 30 days. Any person who does not comply with this section is subject to a late penalty fee of \$1 for each week or fraction thereof beyond the 30-day limitation for 25 weeks and a late fee of \$50 for 26 weeks or more. Any person applying for title a year or more beyond the 30-day limitation is guilty of a Class 2 misdemeanor.
- J. No South Dakota certificate of title on a mobile/manufactured home can be transferred without the affidavit (MV-1030) from the county treasurer indicating that the current year's taxes have been paid on the mobile/manufactured home.
- K. Application for a South Dakota motor vehicle title.
1. An application for title and registration (MV-608) must be completed and filed through the county treasurer.
  2. 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.
  3. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
  4. Applicant must supply a bill of sale.
  5. A title fee is required.
- L. Transportation of mobile/manufactured home.
1. If an owner of a used mobile/manufactured home, regulated lender, transporter or a licensed dealer fails to obtain a tax affidavit, from the county treasurer from the county in which the used home is located, stating current year's taxes are paid as described in SDCL 10-21-36 and 10-21-39, inclusive, or SDCL 10-9-3, the department shall assess a monetary penalty of \$250 for the first violation within a one-year period; \$500 for the second violation within a one-year period; and \$1,000 for each subsequent violation within a one-year period.
  2. The county treasurer shall notify the department, in writing, of any violation for failure to obtain a tax affidavit prior to moving a home.

3. In addition to a monetary penalty, a transporter or dealer who was responsible for moving a mobile/manufactured home is liable for any property taxes due the county if a tax affidavit was not obtained prior to moving the home.
  4. Transporter plates shall not be used to transport a mobile/manufactured home.
- M. Any person moving a mobile/manufactured home must have:
1. A \$15 single trip permit issued by the county treasurer, unless the home is being moved by or for a licensed mobile/manufactured home dealer.
  2. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.
- N. Any mobile/manufactured home purchased or transported by or for a dealer must have:
1. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.
  2. A self-issued permit displayed when moving a used or new mobile/manufactured home. There is no fee for the permit.
  3. When a dealer sells a new, used, or an out-of-state titled mobile/manufactured home and is transporting it to the purchaser, the dealer must file a Property Tax Assessment (PT6) Form with the director of equalization in the county of destination.
- O. Any mobile/manufactured home moved by a transporter must have:
1. On any used home, an affidavit issued by the county treasurer in which the home is registered stating that the current year's taxes have been paid, is required.
  2. A \$15 single-trip permit issued by the county treasurer of the county in which the home is registered, stating that the current year's taxes are paid.
- P. In the event the owner requests the conversion of the manufactured home title record to indicate the manufactured home is listed as real estate, the following is required:
1. The title must be properly assigned to the person requesting the conversion. The Division of Motor Vehicles' records will reflect the new owner on the computer file system. No liens will be noted on the system. Current manufactured home taxes will have to be paid. No title will be issued to the new owner.
  2. The Division of Motor Vehicles requires an affidavit of Declaration for a Manufactured Home Placed on Real Estate. This will require that the title be transferred as real estate.
  3. The Division of Motor Vehicles will indicate on the file that there is to be no transfer of ownership without the owner going through the conversion (back to a title) process.
  4. The Division of Motor Vehicles will assure that all of the necessary information has been received and the file will be flagged so no transfer can take place. Notice will be sent by the division to the Division of Property Tax in the Department of Revenue and Regulation, who will notify the Director of Equalization in the county in which the mobile/manufactured home is located, indicating that the mobile/manufactured home is being converted to real estate.

- Q. Conversion of manufactured home that was converted to real estate back to manufactured home (title) status.
1. Documentation that must accompany a request for conversion of a manufactured home real estate record to a certificate of title:
    - a. Current tax affidavit from the county treasurer in which the home is located.
    - b. Affidavit of declaration for a manufactured home removed from real estate (MV-003).
  2. An independent report that contains the following:
    - a. Legal description of the real estate upon which the home is located.
    - b. Listing of liens or encumbrances against the home or the real estate upon which the home is located.
    - c. Current owner of the home.
    - d. Affidavit stating a lien search has been conducted of all records of the following offices where the home is located and describing any liens revealed by the search:
      - 1) Register of Deeds.
      - 2) Clerk of Courts.
      - 3) County Treasurer.
      - 4) Secretary of State.
  3. If any liens, a lien release from each lienholder.

## TRANSPORTER LICENSE AND PLATES

- A. Any commercial motor carrier located in the state hauling a new trailer with an MSO or title and who has registered with the Division of Motor Vehicles as a transporter may use a transporter plate upon the streets and highways for in-transit purposes.
1. The transporter shall complete and submit a Transporter Registration form.
  2. The registration is submitted to the Division of Motor Vehicles.
- B. Application for Transporter License Plates is made on the Transporter Registration Form.
1. The annual fee for a transporter plate is \$50.
  2. The plate must be renewed annually.
  3. The owner can move the plate from one trailer to another.
  4. Any new trailer with a transporter plate may be used to haul other new trailers.
  5. A transporter plate shall not be used to transport mobile/manufactured homes.
- C. Any mobile/manufactured home moved by a transporter must have:
1. A \$15 single-trip permit issued by the county treasurer, unless the home is being moved by or for:
    - a. Licensed mobile/manufactured home dealer.
  2. On any used home, an affidavit issued by the county treasurer of the county in which the home is registered, stating the current year's taxes have been paid.
    - a. If an owner, a regulated lender, transporter, or a licensed dealer, fails to obtain a tax affidavit from the county in which the used home is registered, stating the current year's taxes are paid as described in SDCL 10-21-36 and 10-21-39, inclusive or SDCL 10-9-3, the department shall assess a monetary penalty of \$250 for the first violation within a one-year period; \$500 for the second violation within a one-year period; and \$1,000 for each subsequent violation within a one-year period.
    - b. The county treasurer shall notify the department, in writing, of any violation for failure to obtain a tax affidavit prior to moving a home.
    - c. In addition to a monetary penalty, a transporter or dealer who was responsible for moving a mobile/manufactured home is liable for any property taxes due the county if a tax affidavit was not obtained prior to moving the home.

## TRANSFER OF OWNERSHIP ON ABANDONED MOBILE/MANUFACTURED HOMES

### A. Abandoned Mobile/Manufactured Home

1. If a home has been abandoned and left on leased real property, the owner of the real property may sell the home under the provisions of chapter 21-54 (Foreclosure of Personal Property Liens and Pledges by Advertisement).
  - a. A home is considered abandoned if the owner has not removed it within 30 days of the court issuing a writ of possession as provided in chapter 21-16 (Forcible Entry and Detainer). Upon issuance of the writ of possession by the court, the owner of the real property must give the owner and any lienholder (lien noted on the title) written notice of intent to sell the home pursuant to chapter 21-54 (foreclosure) if the home is not removed within 30 days. (MV-3015) The notice must be sent by certified mail.
  - b. The sale is subject to any taxes owed on the home and unpaid lot rent. The unpaid lot rent may not exceed two months lot rent at the price previously agreed to by the owner of the real property and the owner of the home.
  - c. After the owner of the home has received 30 days written notice, and before the owner of the property proceeds with the sale, the property owner must provide written notice of intent to sell the home to the county treasurer where the home is located. (MV-3013)
  - d. If the county treasurer has not issued a distress warrant and informed the property owner of such issuance within 30 days of the notice or the home has not been removed by its owner or lienholder within 30 days of the notice, the property owner may proceed with the sale pursuant to chapter 21-54.
  - e. If the home fails to sell at a sale held pursuant to chapter 21-54, title to the home vests with the property owner. The property owner can obtain an abandoned title without payment or obligation to pay any taxes owed on the home or any lien on the home at time of acquisition. However, if the property owner intends any use of the home other than disposal, the property owner can obtain an abandoned title after paying any taxes owed on the home. (MV-608)
  - f. If a property owner obtains a title on the home, the owner must obtain a permit to move the home. If the property owner files an affidavit with the county treasurer stating that the owner is going to move the home for the sole purpose of disposal, the treasurer must issue the permit without receiving payment of the current year's taxes. (MV-3014) The county treasurer must deliver the affidavit to the board of county commissioners after issuance of the permit. The board must abate any taxes owed on the home.

## BOATS

### A. Boat titling.

1. Boats over 12 feet in length or motor boats of any length, which are purchased or acquired by residents of this state, are required to be titled at time of registration, except canoes, inflatable vessels, kayaks, sailboards and seaplanes.
2. An owner of a boat over 12 feet in length or a motor boat of any length not subject to titling requirements (boats over 12 feet, purchased or acquired prior to July 1, 1992) **may** apply to the county treasurer for a title.
  - a. An owner of a boat 12' in length that was titled previously to July 1, 1994, will no longer be allowed to title the boat. The record on these boats must be converted from a title record to a registration record in the new owner's name. The certificate of title should be surrendered, if available, for cancellation.
3. Application for boat title is made to the county treasurer of the owner's residence.
  - a. The owner is required to apply for title within 30 days of acquisition.
  - b. The applicant shall submit the MCO, title or other ownership document along with an application for title (MV-607), bill of sale, and appropriate fees.
  - c. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
4. Effective July 1, 2004, damage disclosure is required on large boats (boats over 12 feet in length and motorized boats, except canoes, inflatable boats, kayaks, sailboards and seaplanes) that are 6 years old or less with damage in excess of \$5,000 (see Damage Disclosure Section for additional information).

### B. Exemptions from boat titling (boats that cannot be titled).

1. Nonmotorized boats 12 feet and under in length.
2. Canoes, inflatable vessels, kayaks, sailboards, and seaplanes.

### C. Liens.

1. If a lien is noted on the certificate of title, the title is mailed to the owner, unless otherwise directed.
2. Notation of lien:
  - a. To note a lien on a certificate of title, a copy of the security agreement and a lien notation fee shall be presented to the county treasurer of the applicant's county of residence.

3. If a notation of lien has been made on the title or MSO by the seller, buyer, owner or holder of the instrument, it shall be valid against the creditors of the debtor, whether armed with process or not, and subsequent purchasers and other lienholders or claimants, but otherwise is not valid against them.
  4. Cancellation of lien:
    - a. To release a lien on a certificate of title, a lien release and the title shall be presented to the county treasurer of any county.
- D. Repossession, operation by law, inheritance, bankruptcy, replevin or execution sale.
1. The transferee shall within 30 days of acquiring the right to possession of the large boat (boat over 12 feet in length) make application for title through the county treasurer.
    - a. Application for title.
    - b. Proof of ownership rights -- security agreement and affidavit of repossession; court order; affidavit of inheritance; letters of administration.
    - c. Payment of required fees.
- E. Definitions of boat dealer.
1. "Boat dealer," who for commission of with intent to make a profit or gain sells, exchanges, rents, or leases with option to purchase, offers or attempts to negotiate a sale or exchange of new or used boats or who is engaged wholly or in part in the business of selling new or used boats.
- F. Boat dealer requirements.
1. If a dealer buys or acquires a new or used large boat for resale (instate or out-of-state), the dealer is not required to title and register the boat. The dealer may, however, if he so chooses apply for a title (licensing optional) in the dealership name.
  2. There is no provision for a dealer to tax, title and license a new boat and make the retail sale exempt.
  3. Any dealer transferring a large boat requiring titling shall assign the title (if a title has been previously issued/MSO) to the new owner who shall have 30 days from the purchase date to apply for title and registration through his county treasurer. The dealer is further required to certify on the application for boat title and registration (MV-607) the selling price of the boat minus any trade-in allowance granted.
  4. The dealer is required to maintain records of sales, which relate to the sale of a large boat, for five years.
  5. Any licensed motor vehicle dealer may reassign a title on a used boat.

- G. Leased or rented boats.
1. Any leasing or rental company that operates within the principal place of a boat dealer is a business separate from the dealership.
    - a. A leasing or rental company must title, license and tax any leased or rented boat in a name that is distinct and separate from that of the dealership.
- H. Boat licensing.
1. No person may operate or give permission to operate a boat over 12 feet long or a motorboat of any length on the public waters of South Dakota unless that boat is numbered in accordance with South Dakota law, applicable federal law, or with a federally approved numbering system of another state.
    - a. A nonmotorized boat 18 feet and under in length is exempt from having to display numbers. A nonmotorized boat over 12 feet in length and a motor boat of any length, however, must be registered and display a registration validation decal.
  2. Boat decals expire on the last day of the month of the year for which they were issued. Boats are registered under the staggered registration system.
- I. Exemptions from boat licensing and numbering.
1. A nonmotorized boat 12 feet and under in length.
- J. Exemptions from boat numbering.
1. A boat covered by a number still in effect which was awarded pursuant to federal law or a federally approved numbering system of another state, and the boat has neither been in this state for more than 60 consecutive days during any calendar year or been subject to a contract for berth for a period of more than 60 consecutive days during any calendar year in marina facilities located within this state.
  2. A boat from a country other than the United States, temporarily using the waters of this state.
  3. A boat whose owner is the United States, a state, or subdivision thereof.
  4. A racing boat competing in a regatta or boat race approved by the Game, Fish, and Parks Commission or operating during a period not to exceed 48 hours immediately preceding the race and the remainder of the race day.
  5. A nonmotorized boat 18 feet and under in length.
- K. Applicant for South Dakota boat registration receives.
1. Boat number: Applicant is responsible for permanently affixing this number to the boat.
    - a. The owner must permanently and securely display the numbers on each side of the forward part of the boat so that the numbers displayed must be not less than three inches in height. They must be in plain block design and in a color that contrasts with the color of the boat. Properly displayed numbers will read from left to right. A space equal to one letter or number must be left between the letters "SD" and the group of three letters. Another space equal to one letter or number must be left between the group of three numbers and the final group of two letters. The only numbers that may appear on the

forward part of the boat are the valid numbers assigned to the boat. The numbers must be clearly visible and readable at a distance of 100 feet when the vessel is in the water.

- b. Nonmotorized boats, 18 feet and under in length, are not required to display the three inch boat number on the sides of the boat. This includes all nonmotorized boats. Although the "SD" number does not have to be affixed to a nonmotorized boat 18 feet and under in length, the boat number is still assigned so that there is a tracking mechanism on the computer system. The owner is still required to license a nonmotorized boat over 12 feet in length and must display the annual or three-year license on the boat.
2. Annual or three-year boat validation decals.
    - a. Decals must be mounted on both sides of the boat, adjacent to and in line with the boat number.
  3. Boat registration.
    - a. Registration must be kept in the boat.
  4. Temporary permits.
    - a. Temporary boat permits are available. The permit is issued by the county treasurer upon presentation of the title or (if no title issued) other ownership document or bill of sale. The permit can be purchased for five to fifteen days for a fee of \$1 per day.
    - b. A boat owned or operated by a person who is participating in a fishing tournament permitted by the Department of Game, Fish and Parks is not required to be numbered, provided the boat has been issued a temporary boat license by the Department of Game, Fish and Parks. The temporary permit is valid in South Dakota for a period of 10 consecutive days. The fee for the permit is \$50.
- L. Registration of a new or used boat purchased from a dealer (instate or out-of-state).
1. Ownership documents required.
    - a. MSO and dealer invoice or purchase agreement (if the dealer price certification has not been completed on the application on new boats.
    - b. Title (or other ownership document if title not previously issued) and bill of sale (boat dealer allowed to certify purchase price on application).
  2. The applicant will be required to complete a boat registration application (MV-607).
  3. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
  4. Payment of applicable fees.
- M. Registration of boat previously registered in another state.
1. Ownership documents required.
    - a. Previous state's registration or ownership document.

2. The applicant is required to complete a boat title and registration application (MV-607).
  3. The South Dakota driver's license or social security number of each purchaser must be given.
  4. Payment of applicable fees.
- N. Registration of used boat not purchased from a dealer (instate or out-of-state).
1. Ownership documents required.
    - a. Title (if previously issued) and bill of sale (if previously registered but not titled in South Dakota, the South Dakota boat registration).
  2. The applicant is required to complete a boat registration application (MV-607).
  3. The South Dakota driver's license or social security number of each purchaser must be given. In the case of a company, the FEIN is required. If the company is a sole proprietorship, the owner's South Dakota driver's license number or social security number may be used.
  4. Payment of applicable fees.
- O. United States Coast Guard Registered Boats.
1. An owner whose boat is registered and documented in accordance with United States Coast Guard regulations is not required to display a South Dakota boat number; nor obtain a title.
  2. A boat registered with the Coast Guard that is used on the waters of this state must be registered with the county treasurer and display South Dakota boat decals.
    - a. The boat is not required to display an "SD" boat number.
    - b. A title is not issued.
  3. Interstate certificate.
    - a. An interstate certificate will be issued.
    - b. These boats are subject to 3% excise tax. Application for registration of US Coast Guard documented boats are subject to the 3% excise tax in-lieu-of sales or use tax. All statutes (purchase price defined, exemptions, etc.) applicable to assessment of 3% excise tax on large boats apply to documented boats (see section "R" below).
  4. At the time of initial licensing, the boat owner must furnish proof of tax paid on the boat.
    - a. The license decals are to be attached to each side of the bow of the boat.
    - b. Boat license decals expire on December 31 of any given year and can be purchased as early as December 1 for the following year.
    - c. License fees are based on the same fee schedule as other boats.
- P. Boat license refunds.
1. There is no provision for a refund of a boat license fee.

Q. Boat serial (hull) identification number.

1. A serial number (hull) identification number is required on any boat whose construction began after October 31, 1972, on any boat that is required to be titled that does not have a hull identification number, and on homebuilt boats.
2. The county treasurer shall assign a serial number on boats required to have a serial number.
  - a. An affidavit (DMV:400) for permission for special hull identification number is required.
  - b. The number shall be carved, stamped, embossed or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, above the waterline of the boat or device in such a way that alteration, removal or replacement is obvious and evident.
  - c. The county treasurer may assign a serial number to a boat constructed before 1972.

R. Tax.

1. Excise tax is assessed on large boats (over 12 feet in length or a motor boat of any length, except canoes, inflatable vessels, kayaks, sailboards and seaplanes) purchased or acquired, unless otherwise exempted.
  - a. See section entitled, "3% Excise Tax Exemptions".
  - b. See section entitled, "Definitions of Purchase Price for Assessment of Excise Tax".

S. Boats that are exempt from 3% excise tax may be subject to sales tax.

1. Proof of tax paid required on boats purchased from out-of-state dealers and boats previously registered in another state. On boats previously registered in another state (does not include casual sales - sales between individuals), if the applicant has owned the boat for less than three years, proof of tax paid by the applicant will be required, if the applicant has owned the boat for three years or more, no proof of tax paid will be required.
  - a. If proof of sales tax paid cannot be furnished, the county treasurer will not proceed with the registration of the boat. Sales tax must be remitted to the Department of Revenue and Regulation, Sales Tax Division; 445 East Capitol Avenue; Pierre, SD 57501 or to one of the Department of Revenue and Regulation Sales Tax Field Offices. The procedure is as follows: A copy of the invoice, purchase agreement, bill of sale or other ownership document should be submitted by the applicant to the Sales Tax Division or field office. That office will calculate the amount of tax due and forward a billing to the applicant. When the applicant submits payment of the billing, the copy of the invoice, purchase agreement, bill of sale or ownership document will be stamped tax paid, dated and returned to the applicant. The applicant can then proceed with registration of the boat through the county treasurer's office.

T. Fees (refer to Section A-13).

## LOW-SPEED VEHICLE

- A. A low-speed vehicle is a 4-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface.
- B. A low-speed vehicle may not be operated on any highway where the speed limit is more than 35 miles per hour.
  - 1. Local government may adopt more stringent local ordinances governing low-speed vehicle operation.
- C. Other requirements that a low-speed vehicle must meet:
  - 1. Each low-speed vehicle shall be equipped with: headlamps, front and rear turn signal lamps, tail lamps, stop lamps, reflex reflectors (one red on each side as far to the rear as practicable, and one red on the rear); exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror; a parking brake; a windshield that conforms to the federal motor vehicle safety standard on glazing materials (49CFR571.205); a conforming VIN (part 565 Vehicle Identification Number); a type 1 or type 2 seat belt assembly conforming to § 571.209, Federal Motor Vehicle Safety Standard No. 209, seat belt assemblies, installed at each designated seating position.
- D. The MSO/MCO or vehicle title must clearly identify the vehicle as a low-speed vehicle.
  - 1. If the title or MSO does not clearly designate the vehicle as a low-speed vehicle, a low-speed vehicle affidavit (form # MV-2012) must be completed.
  - 2. The department may not issue a vehicle identification number to any homemade low-speed vehicle or retrofitted golf cart, as these vehicles do not qualify as low-speed vehicles.
- E. A low-speed vehicle shall be titled and licensed (noncommercial vehicle fee schedule).
  - 1. A license plate designating the vehicle as a low-speed vehicle is issued.
  - 2. The vehicle must be insured as required by § 32-35-113.
  - 3. An operator must possess a valid driver's license.
  - 4. A person engaged in the retail sale of low-speed vehicles must be licensed as a vehicle dealer or used vehicle dealer.