State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

842Q0593

SENATE BILL NO. 201

Introduced by: Senators Vehle, Bradford, Dempster, Fryslie, Hansen (Tom), Knudson, and Tieszen and Representatives Krebs, Brunner, Hamiel, Olson (Ryan), Steele, and Street

FOR AN ACT ENTITLED, An Act to increase certain fees on motor vehicles and to impose an additional tax on certain fuel used by motor vehicles.

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

Section 1. That § 32-5-6 be amended to read as follows:

32-5-6. License fees and compensation on a noncommercial motor vehicle which is an automobile, pickup truck, or van as provided by § 32-5-5, shall be determined by the manufacturer's shipping weight, including accessories, as follows:

(1) Two thousand pounds or less, inclusive, ~~thirty~~ forty dollars;

(2) From 2,001 to 4,000 pounds, inclusive, ~~forty-two~~ fifty-two dollars;

(3) From 4,001 to 6,000 pounds, inclusive, ~~fifty-five~~ sixty-five dollars;

(4) Over 6,000 pounds, ~~sixty-five~~ seventy-five dollars.

Section 2. That § 32-5-6.1 be amended to read as follows:

32-5-6.1. License fees for any noncommercial motor home shall be determined by the manufacturer's shipping weight, including accessories, as follows:

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Insertions into existing statutes are indicated by underscores.
Deletions from existing statutes are indicated by ~~overstrikes~~.

(1) Six thousand pounds or less, inclusive, ~~sixty~~ seventy dollars;

(2) From 6,001 to 8,000 pounds, inclusive, ~~eighty~~ one hundred dollars;

(3) From 8,001 to 10,000 pounds, inclusive, ~~one hundred~~ one hundred twenty dollars;

(4) For each additional 2,000 pounds or major fraction thereof, in excess of 10,000 pounds, twenty dollars.

For the purposes of this section, a motor home is a vehicle designed to provide temporary living quarters for recreational, camping, or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

Section 3. That § 32-5-6.3 be amended to read as follows:

32-5-6.3. License fees on a noncommercial motor vehicle which is not an automobile, pickup truck, or van licensed pursuant to § 32-5-6 shall be determined by the gross weight of the motor vehicle as defined by subdivision 32-9-1(6), and based on the following:

(1) Eight thousand pounds or less, inclusive, ~~fifty-five~~ sixty-five dollars;

(2) For each additional 2,000 pounds or major fraction thereof from 8,001 to 32,000 pounds, inclusive, three dollars;

(3) For each additional 2,000 pounds or major fraction thereof from 32,001 to 54,000 pounds, inclusive, six dollars;

(4) For each additional 2,000 pounds or major fraction thereof from 54,001 to 80,000 pounds, inclusive, eighteen dollars;

(5) For each additional 2,000 pounds or major fraction thereof in excess of 80,000 pounds, twenty-four dollars.

It is a Class 2 misdemeanor for a person to operate a motor vehicle licensed pursuant to this section at a gross weight in excess of the gross weight for which it has been licensed. If the

owner chooses to lower the registered weight, the plate shall be returned along with any validation decal and a new plate issued with the correct registered weight.

Section 4. That § 32-5-8 be amended to read as follows:

32-5-8. License fees and compensation for any recreational vehicle as defined in § 32-3-1 or for any noncommercial trailer and semitrailer, for use of the highways payable under § 32-5-5 and pulled by a noncommercial motor vehicle on which the license fees were paid pursuant to § 32-5-6, shall be determined upon the basis of their actual weight as follows:

(1) One thousand pounds or less, inclusive, ~~ten~~ fifteen dollars;

(2) From 1,001 to 2,000 pounds, inclusive, ~~twenty~~ twenty-five dollars;

(3) From 2,001 to 3,000 pounds, inclusive, ~~thirty-five~~ forty dollars;

(4) From 3,001 to 4,000 pounds, inclusive, ~~forty-five~~ fifty dollars;

(5) From 4,001 to 5,000 pounds, inclusive, ~~fifty-five~~ sixty dollars;

(6) From 5,001 to 6,000 pounds, inclusive, ~~sixty-five~~ seventy dollars;

(7) From 6,001 to 7,000 pounds, inclusive, ~~seventy-five~~ eighty dollars;

(8) From 7,001 to 8,000 pounds, inclusive, ~~eighty-five~~ ninety dollars;

(9) From 8,001 to 9,000 pounds, inclusive, ~~ninety-five~~ one hundred dollars;

(10) From 9,001 to 10,000 pounds, inclusive, one hundred ~~five~~ ten dollars;

(11) For each additional 1,000 pounds or major fraction thereof, in excess of 10,000 pounds, ten dollars.

Any trailer or semitrailer licensed pursuant to this section may be pulled by a noncommercial motor vehicle licensed pursuant to § 32-5-8.1 or a commercially licensed motor vehicle if the motor vehicle is registered at a gross weight to cover the weight of the trailer and its load.

Section 5. That § 32-5-9 be amended to read as follows:

32-5-9. License fees and compensation for use of the highways payable under § 32-5-5 shall be: ~~nine~~ fourteen dollars and fifty cents for motorcycles with a piston displacement of less than three hundred fifty cubic centimeters and ~~twelve~~ seventeen dollars for motorcycles with a piston displacement of three hundred fifty cubic centimeters or more.

Section 6. That § 32-5-30 be repealed.

~~32-5-30. If any noncommercial motor vehicle, according to the manufacturer's model year designation, is five years old or more on January first of the year for which a license fee is required, such fee shall be seventy percent of the fee ordinarily prescribed.~~

Section 7. That § 32-9-15 be amended to read as follows:

32-9-15. In consideration of the unusual use of the public highways, each person, except as otherwise provided in this chapter, desiring to operate a motor vehicle, trailer, or semitrailer, upon the public highways of this state as a motor carrier, shall annually pay the commercial motor vehicle fee as follows, to the county treasurer of the county of which ~~he~~ the person is a resident, if a carrier of property; or to the Department of Revenue and Regulation, if ~~he~~ the person is not a resident of this state:

(1) Gross weight under 4000 pounds, eighty-five dollars;

(2) Gross weight of 4001 to 6000 pounds, one hundred dollars;

(3) Gross weight of 6001 to 8000 pounds, one hundred fifteen dollars;

(4) Gross weight of 8001 to 10,000 pounds, one hundred thirty dollars;

(5) Gross weight of 10,001 to 12,000 pounds, one hundred fifty dollars;

(6) Gross weight of 12,001 to 14,000 pounds, one hundred seventy-five dollars;

(7) Gross weight of 14,001 to 16,000 pounds, two hundred dollars;

(8) Gross weight of 16,001 to 18,000 pounds, two hundred twenty-five dollars;

(9) Gross weight of 18,001 to 20,000 pounds, two hundred fifty dollars;

(10) For each additional 2000 pounds or major fraction thereof in excess of 20,000 pounds, forty dollars.

(11) For each vehicle or combination of vehicles as defined in § 32-22-10 with a gross weight in excess of 78,000 pounds, seven dollars in addition to the fee schedule above.

~~If any commercial motor vehicle, according to the manufacturer's model year designation, is five years old or more on January first of the year for which a license fee is required, that fee is ninety percent of the fee ordinarily prescribed.~~

Section 8. The provisions of sections 6 and 7 of this Act are effective July 1, 2010.

Section 9. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as follows:

In addition to the tax imposed by this chapter at the rates provided in § 10-47B-4, an additional tax is imposed at the rate of one percent of the average wholesale price charged on each gallon of fuel at the time the fuel excise tax is imposed pursuant to this chapter. On July 1, 2010, the rate of this tax is increased to two percent of the average wholesale price. However, this additional tax does not apply to any aviation fuel and jet fuel and does not apply to any fuel that is otherwise exempted by this chapter.

Section 10. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as follows:

For the purposes of sections 9 to 11, inclusive, of this Act, the average wholesale price is the average wholesale price of the fuel for the six-month period before October 1, 2009, and before each April first and October first thereafter. The average wholesale price before October first shall apply to tax returns for the following January to June, inclusive, and the average wholesale price before April first shall apply to tax returns for the following July to December,

inclusive.

Section 11. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as follows:

The average wholesale price shall be determined by the secretary and established by rules promulgated pursuant to chapter 1-26. The average wholesale price shall be determined using data available from the Oil Price Information Service. The average wholesale price shall be a single, statewide average wholesale price per gallon of the type of fuel sold in the state over the previous six-month period, excluding any state and federal excise tax.

Section 12. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as follows:

The tax imposed by section 9 of this Act shall be reported and remitted to the state in the same manner as the fuel excise tax is reported and remitted pursuant to this chapter.

Section 13. That chapter 10-47B be amended by adding thereto a NEW SECTION to read as follows:

If any fuel is entitled to a refund of the fuel excise tax pursuant to this chapter, the fuel is also entitled to a refund of the tax imposed by section 9 of this Act.

Section 14. That § 10-47B-34 be amended to read as follows:

10-47B-34. Any supplier or out-of-state supplier who properly remits tax under this chapter shall be allowed to retain an amount not to exceed two and one-fourth percent of the tax required to be paid on each gallon of fuel to this state. The amount to be retained is to help off-set the administrative expenses of timely reporting and payment of tax. <u>This section does not apply to the tax imposed by section 9 of this Act.</u>