

ARTICLE 64:28

VEHICLE LICENSING MOTOR VEHICLE TITLING

CHAPTER 64:28:01

GENERAL PROVISIONS

Section

64:28:01:01 Repealed.

64:28:01:02 Exemptions to definitions of "trailer" and "semi-trailer."

64:28:01:03 Legal name required.

64:28:01:03. Legal name required. On a vehicle title application, an individual must provide their full legal name, including middle name. The full legal name provided must match the name on a United States or state issued identification document. The individual's full legal name will be listed on both the vehicle title and registration.

Source:

General Authority: SDCL 32-3-57(1).

Law Implemented: SDCL 32-3-18.

ARTICLE 64:29

MOTOR VEHICLE REGISTRATION

Chapter

64:29:01 Interpretive rules, Repealed.

64:29:02 ~~Interpretations~~ Excise Tax.

64:29:03 ~~Licensing~~ License Plates.

64:29:04 Electronic Registration and Title Program

CHAPTER 64:29:02

INTERPRETATIONS EXCISE TAX

Section

64:29:02:01	Repealed.
64:29:02:01.01	Contents of bill of sale.
64:29:02:02	Repealed.
64:29:02:03	License issued when requirements are met -- Tax paid.
64:29:02:03.01	Repealed.
64:29:02:03.02	Repealed.
64:29:02:03.03	Application for excise tax refund by purchaser.
64:29:02:04	Receipt required for refunds.
64:29:02:04.01	Tangible personal property allowed as trade-in on motor vehicles.
64:29:02:04.02	Solid waste management fee -- Exclusions.
64:29:02:04.03	Repealed.
64:29:02:04.04	Proof of value of insurance check.
64:29:02:05	Repealed
64:29:02:06	Repealed
64:29:02:07	Repealed.
64:29:02:08	Proof of payment of taxes for reciprocity.
64:29:02:09	Repealed.
64:29:02:10	Repealed.
64:29:02:11	Repealed.
64:29:02:12	Repealed.

64:29:02:13	Repealed.
64:29:02:14	Trade-in allowance.
64:29:02:15	Repealed.
64:29:02:16	Repealed.
64:29:02:17	Repealed.
64:29:02:18	Mobile home and manufactured home consignment sales.

CHAPTER 64:29:04

ELECTRONIC TITLE AND REGISTRATION PROGRAM

Section

- 64:29:04:01 Definitions.
- 64:29:04:02 ERT provider application – Application contents – Contract required.
- 64:29:04:03 ERT provider annual fee – Due upon execution of the contract.
- 64:29:04:04 Responsibility for technical costs – Threshold established.
- 64:29:04:05 Collection of state fees and taxes – Remittance to the department – Penalty
for failure to remit.
- 64:29:04:06 Paper record retention required – Retention period established – Records
subject to Department inspection.
- 64:29:04:07 Compliance with technical requirements.

64:29:04:01. Definitions. Terms used in this chapter mean:

- (1) “Approved entity,” any person who receives or transfers a vehicle title by sale, gift, or any means, and who is authorized by the department to use the electronic title and registration system to validate ownership and facilitate the assignment, reassignment, or transfer of title custody or ownership of a vehicle without a paper record;
- (2) “Department,” Department of Revenue.
- (3) “Electronic title and registration system,” (ERT system) a system established under 32-3-69.1 by which title applications, title lien statements, certificates of title, and other supporting documents, signatures, and fees are entered and transmitted through the title application and registration process in an electronic format;
- (4) “ERT provider,” a person who operates a program that provides title and registration services and is authorized by the department to act on behalf of the department and county treasurers in receiving, processing, and transmitting to the department registration applications and related fees; and
- (5) “Provider number,” the unique identifying number assigned by the Department to an ERT provider authorized to use the ERT system.

Source:

General Authority: SDCL 32-3-57(9)(10)(11).

Law Implemented: SDCL 32-3-69.1, 32-3-70.

Cross-Reference:

Definitions, SDCL 32-3-1.

64:29:04:02. ERT provider application – Application contents – Contract required.

Any person who wishes to be registered as an ERT provider must submit a fully completed and signed application form prescribed by the Department. The applicant must submit the following information to the Department:

- (1) Name of entity seeking approval as an ERT provider;
- (2) Employer Identification Number;
- (3) Point of contact and relevant information needed to initiate contact;
- (4) Name of all approved entities that the ERT provider works with in South Dakota;
- (5) South Dakota sales tax license number; and
- (6) Acknowledgement by the ERT provider that technical costs required to connect ERT provider to the ERT system are the responsibility of the ERT provider as established in 64:28:16:05.

No applicant is authorized to act on behalf of the Department or county treasurers to provide ERT services until the application is approved by the Department and an ERT provider contract is executed.

Source:

General Authority: SDCL 32-3-57(9)(10)(11).

Law Implemented: SDCL 32-3-69.1, 32-3-70.

Cross-Reference:

Responsibility for technical costs – Threshold established, § 64:28:16:05

64:29:04:03. ERT provider annual fee – Due upon execution of the contract. ERT providers must pay an annual fee of three hundred dollars. The fee is due on the contract's execution date and annually thereafter on the contract's execution date.

Source:

General Authority: SDCL 32-3-57(9)(10)(11).

Law Implemented: SDCL 32-3-69.1, 32-3-70.

64:29:04:04. Responsibility for technical costs – Threshold established. ERT providers are financially responsible for the technical costs incurred to connect to the ERT system, up to a maximum of \$30,000 for the life of the first ERT contract.

Source:

General Authority: SDCL 32-3-57(9)(10)(11).

Law Implemented: SDCL 32-3-69.1, 32-3-70.

64:29:04:05. Collection of state fees and taxes – Remittance to the department – Penalty for failure to remit. ERT providers are responsible for collecting certain fees and taxes on behalf of the department when processing vehicle transactions. ERT providers must remit these fees and taxes to the department on a daily basis, at a time to be established by mutual agreement of the department and ERT provider. In addition to any other remedy at law, if an ERT provider fails to timely remit these fees or taxes, the Department may revoke an ERT provider's registration and eject the ERT provider from the ERT system and program.

Source:

General Authority: SDCL 32-3-57(9).

Law Implemented: SDCL 32-3-69.1, 32-3-70.

64:29:04:06. Paper record retention required – Retention period established – Records subject to Department inspection. Approved affiliated entities are responsible for ensuring the retention of original paper documents, if not held electronically at the time of transfer, including original title paperwork and odometer disclosure statements, for a period of at least five years. These records will be available upon request for department inspection during business hours.

Source:

General Authority: SDCL 32-3-57(9)(11).

Law Implemented: SDCL 32-3-69.1, 32-3-70.

64:29:04:07. Compliance with technical requirements. Prior to gaining live access to the ERT system, an ERT provider must comply with all technical testing and technical requirements as established by both the Department and the Department's system vendor.

Source:

General Authority: SDCL 32-3-57(9)(11).

Law Implemented: SDCL 32-3-69.1, 32-3-70.