

New South Dakota License Plate Regulations as of 7-1-08

Plate With Owner

The ownership of a vehicle, as stated on the title, determines ownership of a plate. All owners on a vehicle's current title record or a pending title record are also owners of any plate attached to that vehicle and any individual listed as an owner on the title can take action affecting the plate.

A person cannot move a plate from vehicle to vehicle. The vehicle ownership must transfer before a plate can be detached on the individual's motor vehicle record and removed from the vehicle. So, under most circumstances, the plate can only be physically detached if:

1. the plate owner no longer owns the vehicle that was originally attached to the plate;
2. the vehicle originally attached to the plate is junked; or
3. the vehicle originally attached to the plate is titled out-of-state.

Similarly, an unattached plate cannot be moved from vehicle to vehicle and can only be attached to an acquired vehicle.

Plate with owner will apply to passenger vehicles, trailers, motor homes, motorcycles and historical plated vehicles. It will not apply to boats or snowmobiles.

There will be situations when plates may stay with the vehicle when ownership of a vehicle is being transferred. A plate can remain attached to the vehicle when the ownership is transferred if one of the following exemptions apply: inheritance; transfer between immediate family members; transfer of ownership as the result of a transfer of a business ownership.

Plus, a historical plate or a personalized plate can stay attached upon transfer of vehicle ownership provided the former owner of both the vehicle and the plate authorize the reassignment of ownership of the plate to the new owner.

An expired plate that is attached to a vehicle on the individual's motor vehicle record will remain valid and may be renewed at any time within the plate period. However, an expired plate that is unattached is no longer valid and the plate cannot be used.

A license plate transfer can only be made between similarly plated vehicles – example: a license plate transfer from a motorcycle to an automobile is not allowed. A license plate transfer is allowed between vehicles registered as noncommercial, noncommercial gross weight or a motor home.

A plate cannot physically be attached to a vehicle until the owner (or his agent at Americas Mailbox) goes to the county treasurer and completes the registration. In situations where a vehicle is sold and a plate is not immediately used, no refund is allowed, but a credit for the remaining months left on the plate will be given when it is attached to a newly acquired vehicle. If the plate expires before attachment, the plate is no longer valid.

Report of Sale

A very important part of plate with owner process is the Report of Sale (ROS). This must be completed by the seller when a vehicle is sold or transferred, unless the vehicle is sold to a South Dakota dealership. The ROS is a notification that a sale has occurred. It will also be used as a means to make a license plate eligible for attachment to another vehicle.

The ROS serves only as notification of a sale and does not generate any action against the title or registration record, other than to make a plate previously attached to a vehicle eligible for attachment to a different vehicle.

A ROS between private parties will be regarded as mandatory and must be filed within 15 days of date of sale. Failure of a seller to do so is a Class 2 misdemeanor. If you sell to an out-of-state dealer who may be unfamiliar with new South Dakota laws, it is suggested that the ROS be filed under those circumstances as well. It is also important that we stress why a ROS is required:

1. Seller must remove the plate from the sold vehicle and, if the buyer has not yet transferred title, file a ROS before the plate that was removed may be registered and attached to another vehicle.
2. Upon receipt of the ROS, the motor vehicle record is updated to reflect the sale of the vehicle and the seller's plate is eligible to be detached.
3. Filing a report of sale may protect the seller from liability that may result from moving or operating a vehicle after the date of sale.

Do not attempt to download this form and follow the online instructions, or you may lose the remaining months on your current plates. Americas Mailbox can fill out this form for you and bring it to the county building with your valid notarized Power of Attorney. The one we have on file from when we initially registered this vehicle for you is not usable, but the new POA attached to this document can be used under all circumstances. You may have it notarized anywhere, signing your name(s) as they appear on the title(s). The state of South Dakota suggests that a husband and wife each sign their own separate power of attorney, since if one passes on, a single document signed by both of them would be void.

The information we need to fill in for the Report of Sale can be given to us by a copy of your current registration slip, plus we need the selling price, date of sale, and buyer's name, address and driver's license number. If you are selling to an out-of-state dealer, a buyer's driver's license number is unnecessary. Ideally, we can file the ROS for you at the same time as we register your newly purchased vehicles.

Secondary Plates

Secondary plates will be a thing of the past, as only one set of plates will be issued. During the initial year, the regular plate will become an "inactive" plate, with all the credit for the regular plate fees being applied to the specialty or distinct plate.

When a new plate series is issued, the system will provide an automatic approval process for an existing plate not on the offensive plate table.

A plate ordered permit will be available for an applicant to use during the interim of plate production of a distinct or specialty plate. Like the regular county plate, all owners of the vehicle will own the specialty plate, unless it is a plate that the applicant must qualify for in order to receive it, such as physically disabled person, prisoner of war, etc.

Seller's Permit

A private seller shall have Americas Mailbox obtain from the county treasurer a temporary license permit that will allow a buyer to drive during the interval between purchase and registration IF the buyer is a resident of the state of South Dakota. If you sell a vehicle to a private buyer outside of South Dakota, and they have no other means of obtaining a temporary permit within their state, as a courtesy to them you will be able to obtain this SD temporary license permit for them.

The permit will be valid after the sale for no longer than 30 days, and will be issued free of charge, since registration fees will be assessed from the date of sale on the new system. Americas Mailbox can go to the county building on your behalf with your notarized POA. The only information we need is the VIN, make, model, and year of the vehicle you are selling to a private party. You can obtain this seller's permit in advance if you are thinking of possibly selling your vehicle to a private party.

You do not have any time frame during which it must be used, nor does it have to be used at all. However, only ONE seller's permit will be issued per VIN, so if you decide not to sell for a year a two, you still need to keep track of this paperwork generated for that VIN.

When buying another vehicle, what fees do penalty and interest apply to?

In addition to a late title application fee (\$1 per week up to 25 weeks and \$50 thereafter), a person that applies for title and registration beyond the 30-day requirement will be assessed interest against any 3% motor vehicle excise tax owed at a rate of 1-1/4% or \$5, whichever is greater, the first month and 1-1/4% **for each month thereafter**. If application is made beyond 60 days, a penalty fee of 10% against any excise tax owed will also be assessed (one-time fee). These penalties WILL be applied!

For example:

You pay \$100,000 for a new rig on July 1. The one time 3% excise tax is \$3000.00.

You do not register it until the 31st day: A 1.25% fine is added (\$3037.50 total due).

You do not register it until the 61st day: TWO fines of 1.25% PLUS a fine of 10% are added (\$3375.00 total due).

Will I get new plates when we change to plate with owner?

No, by statute a plate series is five years. The current plate series is valid through 2010. New plates will be issued in 2011.

What should I do when I sell, trade, or transfer my vehicle?

Private Party Sale (Seller's responsibility):

1. Have Americas Mailbox obtain a seller's/buyer's permit, at no cost, from a county treasurer, with your notarized Power of Attorney.
2. Remove the current license plates when vehicle is sold.
3. Have Americas Mailbox complete a Report of Sale.
4. Removed plates may be transferred to a newly acquired vehicle by having Americas Mailbox make application on your behalf to the County Treasurer's office.

When trading or purchasing a vehicle from a SD licensed dealer, the dealer will take care of steps 1 through 3 above.

Americas Mailbox fees for all these services are as follows:

Initial simple registration: We fill out all the paperwork for you, stand in line on your behalf, and walk out with your plates--\$25 per trip to the courthouse (it is rare to make more than one trip unless there is a mistake in the dealer's paperwork). ***FYI, as of July 1, the county is also charging \$25 if they fill out the forms for you, and taking about a month or more to handle it. We'll be a lot faster!***

Additional work on initial registration contacting dealer for required paperwork--\$5 additional

Additional work on initial registration contacting lender for required paperwork--\$5 additional

Report of Sale: We fill out all the paperwork for you and stand in line on your behalf--\$10 per vehicle

Seller's permit: We fill out all the paperwork for you and stand in line on your behalf--\$10 per vehicle

Annual renewal: As always, we stand in line on your behalf and get your tags right away--\$10 per vehicle.

Pennington County is currently taking 4-6 weeks to process renewals, and is not accepting credit cards over the phone.

If there is more than one title owner of the vehicle which owner owns the plate?

There can be joint ownership of license plates. If there are multiple names on the vehicle title, each individual listed as an owner on the title may take action affecting the plate. Each title owner is an owner of the plate.

How long do I have to transfer the title on my new vehicle?

South Dakota law requires that the title be transferred within 30 days of the date of sale/purchase. An unexpired plate cannot be attached to a newly acquired vehicle until the title is transferred, through the purchaser's county treasurer's office.

Can I transfer the plates to a vehicle that I already own?

No, a license plate can only be transferred to a newly acquired vehicle.

Can I switch the plates on the vehicles that I own?

A plate cannot be removed from one vehicle that is still retained by the owner and placed on another. A plate is not valid if it is not on the vehicle to which it is registered.

When I bought my vehicle it still had plates. Can I use these plates?

No, the registration on that vehicle is no longer valid. The previous owner should have removed the plates and provided you with a sold permit or a seller's permit. Title transfer through your county treasurer's office must be done within 30 days of the purchase of the vehicle. If needed, new plates will be issued, or if you have valid, unattached plates available, upon titling and registration, the county treasurer will authorize the use of these plates.

Can I put my plate on another vehicle as soon as I buy it?

No, transfer of the title must be done through the county treasurer's office before plates can be attached to the vehicle. The title must be transferred within 30 days of the purchase of the vehicle. Fees will be assessed from the date of sale, with interest and penalty being assessed on late transactions. If needed new plates will be issued, or if you have valid unattached plates available, the county treasurer will authorize the use of these plates once the vehicle has been properly titled and licensed.

If I sell my vehicle and buy a vehicle for my child can I give them my plate?

If you are also a title owner of the newly acquired vehicle, along with your child, you can use those plates once you have transferred title and registered the vehicle through your county treasurer's office.

Who is the owner of the plate on a vehicle that is leased?

Both are the owner of the plates, so whoever shows up to transfer the plate is considered the owner.