

# State of South Dakota

EIGHTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2010

904R0524

## SENATE COMMERCE ENGROSSED NO. **SB 97** - 2/9/2010

Introduced by: Senators Gray, Abdallah, Ahlers, Garnos, Maher, Nesselhuf, Olson (Russell), Tieszen, Turbak Berry, and Vehle and Representatives Schlekeway, Bolin, Fargen, Greenfield, Juhnke, Kirkeby, Rausch, Rounds, Street, and Thompson

1 FOR AN ACT ENTITLED, An Act to provide that salvage titles be issued for stolen vehicles  
2 and to provide that thefts be noted on the title of recovered motor vehicles.

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

4 Section 1. That § 32-3-51.19 be amended to read as follows:

5 32-3-51.19. For purposes of §§ 32-3-51.5, 32-3-51.9, 32-3-51.19, 32-3-51.20, and 32-3-  
6 51.21, the term, salvage vehicle, means any motor vehicle as defined in § 32-3-51.10 that an  
7 insurer or self insurer determines a total loss due to theft or to damage caused by fire, vandalism,  
8 collision, weather, submersion in water, or flood. This section does not apply to any motor  
9 vehicle more than six model years old or with a gross vehicle weight rating of more than sixteen  
10 thousand pounds.

11 Section 2. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 If a stolen vehicle is recovered, the insurer or self insurer shall, within thirty days of  
14 recovery, inspect the vehicle and apply for a title as follows:



1       (1)    If the vehicle has no damage or the damage is less than that defined in § 32-3-51.8,  
2            surrender the existing salvage title to the department. The department shall promptly  
3            issue a title marked as a recovered theft with no damage disclosure notation pursuant  
4            to § 32-3-51.8; or

5       (2)    If the vehicle has damage equal to or greater than that defined in § 32-3-51.8,  
6            surrender the existing salvage title to the department. The department shall promptly  
7            issue a title marked as a recovered theft with the damage disclosure notation pursuant  
8            to § 32-3-51.8.

9        However, if the condition of the vehicle is such that it would have been determined a  
10       salvage vehicle as defined in § 32-3-51.19 due to the damage to the vehicle, the salvage title is  
11       retained and the insurer or self insurer is not required to apply for a title pursuant to this section.