



## 2022 South Dakota Legislature

# Senate Bill 125

Introduced by: **Senator Herman Otten**

1 **An Act to to establish the transfer of a motor vehicle upon death.**

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

3 **Section 1. That chapter 32-3 be amended with a NEW SECTION:**

4 Any person who owns a motor vehicle may provide for the transfer of the vehicle  
5 upon the person's death or the death of the last survivor of a joint tenancy with right of  
6 survivorship by including in the certificate of title a designation of a beneficiary to whom  
7 the vehicle will be transferred on the death of the owner or the last survivor, subject to  
8 the rights of all lienholders, whether created before, simultaneously with, or after the  
9 creation of the transfer on death interest. A trust may be the beneficiary of a transfer on  
10 death certificate of title. The certificate of title must include the name of the owner, the  
11 name of any tenant in common owner, or the name of any joint tenant with the right of  
12 survivorship owner, followed with a designation of transfer on death.

13 **Section 2. That chapter 32-3 be amended with a NEW SECTION:**

14 A transfer on death beneficiary shall have no interest in the motor vehicle until the  
15 death of the owner or the last survivor of the joint tenancy with right of survivorship.

16 A beneficiary designation may be changed at any time by the owner or by the joint  
17 tenant with the right of survivorship without the consent of any beneficiary by applying  
18 for a subsequent certificate of title.

19 **Section 3. That chapter 32-3 be amended with a NEW SECTION:**

20 Ownership of a motor vehicle with a certificate of title that has a designation of a  
21 beneficiary pursuant to section 1 of this Act and on which an application for a subsequent  
22 certificate of title has not been filed, vests in the designated beneficiary upon the death  
23 of the owner or the last survivor of the joint tenancy with right of survivorship, subject to  
24 the rights of all lienholders.