



2025 South Dakota Legislature
House Bill 1129
ENROLLED

AN ACT

ENTITLED An Act to provide for the transfer of motor vehicles and boats upon death.

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

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

Any person who owns a motor vehicle, off-road vehicle, snowmobile, or boat as defined in § 32-3A-2, may submit to the department an application to provide for the transfer of the property upon the person's death or the death of the last survivor of a joint tenancy with the right of survivorship by designating on the certificate of title a beneficiary to whom the property will be transferred on the death of the owner or the last survivor.

A trust may be the beneficiary of a transfer on death certificate of title. The certificate of title must include the name of the owner, the name of any joint tenant with the right of survivorship, and the designated beneficiary of the transfer on death.

A beneficiary may be designated on the certificate of title only if all owners of the property provide written approval on the application submitted under this section.

Section 2. That a NEW SECTION be added to chapter 32-3:

Upon the death of the owner of property with a certificate of title containing a designation of beneficiary, or upon the death of the last survivor of a joint tenancy with the right of survivorship, the designated beneficiary may submit to the department an affidavit verifying the death of the owner or the death of the last survivor of a joint tenancy with the right of survivorship.

Upon verifying an affidavit received from a designated beneficiary, the department shall issue a certificate of title reflecting the transfer of ownership of the property.

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

A designated beneficiary of the transfer on death has no interest in the property until the death of the owner or the last survivor of the joint tenancy with the right of survivorship.

An owner or joint tenant with the right of survivorship may change a designation of beneficiary without the consent of any beneficiary by applying for a subsequent certificate of title, pursuant to section 1 of this Act.

Section 4. That a NEW SECTION be added to chapter 32-3:

An owner of property may not designate a beneficiary, pursuant to section 1 of this Act, if the property is subject to any lien or other encumbrance.

The department may not issue a certificate of title reflecting the transfer of ownership, pursuant to section 2 of this Act, if the property is subject to any lien or other encumbrance.

Section 5. That chapter 32-3 be amended with a NEW SECTION:

Ownership of a motor vehicle, off-road vehicle, snowmobile, or boat as defined in § 32-3-2, with a certificate of title that has a beneficiary designation, pursuant to section 1 of this Act, and on which an application for a subsequent certificate of title has not been filed, vests in the designated beneficiary upon the death of the owner or the last survivor of the joint tenancy with the right of survivorship, if the property is not subject to any lien or other encumbrance.

An Act to provide for the transfer of motor vehicles and boats upon death.

I certify that the attached Act originated in the:
House as Bill No. 1129

Received at this Executive Office this ____ day of _____, 2025 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2025

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2025 at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1129
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State