

Chapter 116

(House Bill 1129)

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.

Signed March 11, 2025
