



## 2020 South Dakota Legislature

# Senate Bill 97

Introduced by: **Senator Nesiba**

1 **An Act to title vehicles older than thirty years with no existing record.**

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

3 **Section 1.** That § 32-3-64 be AMENDED:

4 **32-3-64. Titling vehicles eleven years old or more with no existing record.**

5 ~~If Except as provided in § 32-2-64.1, if~~ a vehicle is eleven years old or more and  
 6 no record exists for the vehicle, a person may apply for a vehicle title by submitting to the  
 7 department an application for title, a valid bill of sale properly signed by the person who  
 8 has the right to convey ownership which identifies the vehicle, the seller, the purchaser,  
 9 and the purchase price, and an affidavit which explains the facts surrounding the  
 10 applicant's acquisition of the vehicle and which indemnifies the state against liability. The  
 11 department shall conduct a nationwide title search and shall check with the National Crime  
 12 Information Center to ensure no record of the vehicle exists. If no record of the vehicle is  
 13 found, the department shall issue a title for the vehicle to the applicant.

14 **Section 2.** That a NEW SECTION be added:

15 **32-3-64.1. Titling vehicles older than 30 years with no existing record--**  
 16 **Bond required--Promulgation of rules.**

17 If a vehicle is older than thirty years, no record exists for the vehicle, and there is  
 18 no bill of sale for the vehicle, a person may apply for a vehicle title by submitting to the  
 19 department an application for title and an affidavit which explains the facts surrounding  
 20 the applicant's acquisition of the vehicle. The department shall conduct a nationwide title  
 21 search and shall check with the National Crime Information Center to ensure no record of  
 22 the vehicle exists.

23 If no record of the vehicle is found, the department shall issue a title for the vehicle  
 24 to the applicant if the applicant files a bond with the department, in the form prescribed  
 25 by the department, that is executed by the applicant and an insurance company licensed

1 to do business in this state in an amount equal to no less than one and one-half times the  
2 current value of the vehicle as determined by the department. The bond shall be in favor  
3 of any prior owner, subsequent purchaser, secured party, and their respective successor  
4 in interest, and indemnify against any expense, loss, or damage, including reasonable  
5 attorney fees, arising from issuing a title for the vehicle to the applicant, but the aggregate  
6 liability to all persons may not exceed the amount of the bond.

7 At the end of three years after the issuance of the bond, the holder of the certificate  
8 of title may apply to the department on a form prescribed by the department for the  
9 release of the bond if no claim has been made on the bond. The department may release  
10 the bond at the end of three years after the issuance of the bond if all questions as to the  
11 ownership of the vehicle have been answered to the satisfaction of the department unless  
12 the department has been notified of the pendency of an action to recover on the bond. If  
13 the currently valid certificate of title is surrendered to the department, the department  
14 may release the bond prior to the end of the three-year period.

15 The department shall recall a certificate of title with a bond filed under this section  
16 if the department finds that the application for the title contained a false statement.

17 The department shall promulgate rules, pursuant to chapter 1-26, to establish the  
18 process by which the department will determine the current value of the vehicle.