

2020 South Dakota Legislature
Senate Bill 97

AMENDMENT 97A FOR THE INTRODUCED BILL

1 **An Act to title vehicles older than ~~thirty twenty-five~~ 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~~ 25 years with no existing record--**
16 **Bond required--Promulgation of rules.**

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

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

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

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

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