

2020 South Dakota Legislature

Senate Bill 97**AMENDMENT 97B FOR THE INTRODUCED BILL**

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~~ 32-3-64.1, if~~ a vehicle is eleven years old or
6 more and no record exists for the vehicle, a person may apply for a vehicle title by
7 submitting to the department an application for title, a valid bill of sale properly signed by
8 the person who has the right to convey ownership which identifies the vehicle, the seller,
9 the purchaser, and the purchase price, and an affidavit which explains the facts
10 surrounding the applicant's acquisition of the vehicle and which indemnifies the state
11 against liability. The department shall conduct a nationwide title search and shall check
12 with the National Crime Information Center to ensure no record of the vehicle exists. If
13 no record of the vehicle is found, the department shall issue a title for the vehicle to the
14 applicant.

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

16 **32-3-64.1. Titling vehicles older than 30 years with no existing record--**

17 **Bond required--Promulgation of rules.**

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

1 (1) The person is the owner of the vehicle; or

2 (2) The vehicle is located upon the person's own property.

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

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

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

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