

## 2020 South Dakota Legislature

**Senate Bill 97****AMENDMENT 97E 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 in lawful possession of the vehicle may apply for a  
20 vehicle title by submitting to the department an application for title and an affidavit~~which~~  
21 declaring that the conditions of this section have been satisfied and explains~~explaining~~  
22 the facts surrounding the~~applicant's acquisition~~ applicant obtaining possession of the  
23 vehicle.

1           The department shall conduct a nationwide title search and shall check with the  
2           National Crime Information Center to ensure no record of the vehicle exists.

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

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

20           The department shall recall a certificate of title with a bond filed under this section  
21           if the department finds that the application for the title ~~or the affidavit submitted with the~~  
22           application 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.