



2020 South Dakota Legislature

Senate Bill 97

HOUSE ENGROSSED

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 §-32-3-64.1, 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 in lawful possession of the vehicle may apply for a
 19 vehicle title by submitting to the department an application for title and an affidavit
 20 declaring that the conditions of this section have been satisfied and explaining the facts
 21 surrounding the applicant obtaining possession of the vehicle.

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

24 If no record of the vehicle is found, the department shall issue a title for the vehicle
 25 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 or the affidavit submitted with the
18 application contained a false statement.

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