



2020 South Dakota Legislature  
**Senate Bill 97**  
**ENROLLED**

AN ACT

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

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

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

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

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

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

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

If a vehicle is older than thirty years, no record exists for the vehicle, and there is no bill of sale for the vehicle, a person in lawful possession of the vehicle may apply for a vehicle title by submitting to the department an application for title and an affidavit declaring that the conditions of this section have been satisfied and explaining the facts surrounding the applicant obtaining possession of the vehicle.

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

If no record of the vehicle is found, the department shall issue a title for the vehicle to the applicant if the applicant files a bond with the department, in the form prescribed

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

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

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

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

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

\_\_\_\_\_

\_\_\_\_\_

I certify that the attached Act originated in the:

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_,

Senate as Bill No. 97

2020 at \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
President of the Senate

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2020

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
Speaker of the House

Attest:

Filed \_\_\_\_\_, 2020  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Secretary of State

Senate Bill No. 97  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State