



2025 South Dakota Legislature

House Bill 1129

Introduced by: **Representative** Mortenson

1 **An Act to provide for the transfer of motor vehicles and boats upon death.**

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

3 **Section 1. That chapter 32-3 be amended with a NEW SECTION:**

4 Any person who owns a motor vehicle, off-road vehicle, snowmobile, or boat as
 5 defined in § 32-3A-2, may submit to the department an application to provide for the
 6 transfer of the property upon the person's death or the death of the last survivor of a joint
 7 tenancy with the right of survivorship by designating on the certificate of title a beneficiary
 8 to whom the property will be transferred on the death of the owner or the last survivor.

9 A trust may be the beneficiary of a transfer on death certificate of title. The
 10 certificate of title must include the name of the owner, the name of any joint tenant with
 11 the right of survivorship, and the designated beneficiary of the transfer on death.

12 A beneficiary may be designated on the certificate of title only if all owners of the
 13 property provide written approval on the application submitted under this section.

14 **Section 2. That a NEW SECTION be added to chapter 32-3:**

15 Upon the death of the owner of property with a certificate of title containing a
 16 designation of beneficiary, or upon the death of the last survivor of a joint tenancy with
 17 the right of survivorship, the designated beneficiary may submit to the department an
 18 affidavit verifying the death of the owner or the death of the last survivor of a joint tenancy
 19 with the right of survivorship.

20 Upon verifying an affidavit received from a designated beneficiary, the department
 21 shall issue a certificate of title reflecting the transfer of ownership of the property.

22 **Section 3. That chapter 32-3 be amended with a NEW SECTION:**

1 A designated beneficiary of the transfer on death has no interest in the property
2 until the death of the owner or the last survivor of the joint tenancy with the right of
3 survivorship.

4 An owner or joint tenant with the right of survivorship may change a designation
5 of beneficiary without the consent of any beneficiary by applying for a subsequent
6 certificate of title, pursuant to section 1 of this Act.

7 **Section 4. That a NEW SECTION be added to chapter 32-3:**

8 An owner of property may not designate a beneficiary, pursuant to section 1 of this
9 Act, if the property is subject to any lien or other encumbrance.

10 The department may not issue a certificate of title reflecting the transfer of
11 ownership, pursuant to section 2 of this Act, if the property is subject to any lien or other
12 encumbrance.

13 **Section 5. That chapter 32-3 be amended with a NEW SECTION:**

14 Ownership of a motor vehicle, off-road vehicle, snowmobile, or boat as defined in
15 § 32-3-2, with a certificate of title that has a beneficiary designation, pursuant to section
16 1 of this Act, and on which an application for a subsequent certificate of title has not been
17 filed, vests in the designated beneficiary upon the death of the owner or the last survivor
18 of the joint tenancy with the right of survivorship, if the property is not subject to any lien
19 or other encumbrance.