



2022 South Dakota Legislature

Senate Bill 127

Introduced by: **Senator Herman Otten**

1 **An Act to to establish the transfer of a boat upon death.**

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

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

4 Any person who owns a boat may provide for the transfer of the boat upon the
 5 person's death or the death of the last survivor of a joint tenancy with right of survivorship
 6 by including in the certificate of title a designation of a beneficiary to whom the boat will
 7 be transferred on the death of the owner or the last survivor, subject to the rights of all
 8 lienholders, whether created before, simultaneously with, or after the creation of the
 9 transfer on death interest. A trust may be the beneficiary of a transfer on death certificate
 10 of title. The certificate of title must include the name of the owner, the name of any tenant
 11 in common owner, or the name of any joint tenant with the right of survivorship owner,
 12 followed with a designation of transfer on death.

13 **Section 2. That chapter 32-3A be amended with a NEW SECTION:**

14 A transfer on death beneficiary does not have an interest in the boat until the death
 15 of the owner or the last survivor of the joint tenancy with right of survivorship.

16 A beneficiary designation may be changed at any time by the owner or by the joint
 17 tenant with the right of survivorship without the consent of any beneficiary by applying
 18 for a subsequent certificate of title.

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

20 Ownership of a boat with a certificate of title that has a designation of a beneficiary
 21 pursuant to section 1 of this Act and on which an application for a subsequent certificate
 22 of title has not been filed, vests in the designated beneficiary upon the death of the owner
 23 or the last survivor of the joint tenancy with right of survivorship, subject to the rights of
 24 all lienholders.