

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

732Z0805

SENATE BILL NO. 154

Introduced by: Senators Kennedy, Frerichs, and Youngberg and Representatives Bartling, Johns, and Lesmeister

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the transfer of motor
2 vehicle titles to satisfy unpaid motor vehicle repair bills.

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

4 Section 1. That § 32-3-69 be amended to read:

5 32-3-69. Title to any motor vehicle shall vest with the person to whom the unpaid repair bill
6 is payable and who has complied with the provisions of this chapter in notifying the owner and
7 all insurers and lien holders of their rights to reclaim the motor vehicle after a period of thirty
8 days from the date to which notice was sent to the owner and all insurers and lien holders. The
9 owner, insurer, or the lienholder may reclaim the motor vehicle by paying any reasonable cost
10 of repair. A lienholder paying the cost of repair may add the cost of repair to the outstanding
11 loan secured by the vehicle. The owner, insurer, or lien holder shall notify the department and
12 the repair facility within thirty days of receipt of the notice of their intent to reclaim the motor
13 vehicle. If the owner, insurer, or lien holder fails to claim and remove the motor vehicle within
14 thirty days after mailing of the notice of intent to reclaim the vehicle, title to the motor vehicle
15 is irrevocably vested in the person to whom the repair bill is payable and who has complied with



1 the provisions of this chapter.

2 The vehicle shall be sold at public auction pursuant to §§ 21-54-5, 21-54-7, and 21-54-10
3 and any excess moneys above settlement of the debt shall be forwarded to the prior owner,
4 insurer, and any other party with a legal interest in such vehicle. If the owner, insurer, and any
5 lien holder are unidentifiable or not able to be contacted, the excess moneys shall be sent to the
6 state treasurer and treated as unclaimed property pursuant to chapter 43-41B.