

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

781B0388

## SENATE BILL NO. 57

Introduced by: Senator Monroe and Representatives Pischke, Duvall, and Rounds

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the ability to obtain  
2 title to unclaimed motor vehicles with unpaid repair bills.

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

4 Section 1. That § 32-3-68 be amended to read:

5 32-3-68. A person may apply for a title on any motor vehicle that is left unclaimed, as the  
6 result of an unpaid repair bill, by its owner or person lawfully in possession of, on private  
7 property for a period of thirty days after written notice of intent to apply for a title is given to  
8 the owner at the owner's last known address and to any readily identifiable ~~insurer~~ or lien holder  
9 by certified mail. The notice shall set forth the location where the motor vehicle is being kept,  
10 the circumstances surrounding acquisition of the vehicle, the year, make, model, and serial  
11 number of the motor vehicle, and shall inform the owner, ~~insurer~~, and any lien holder of the  
12 right to reclaim the vehicle as provided by § 32-3-69. The notice shall be on a form provided  
13 by the department.

14 If it is impossible to determine with reasonable certainty the identity and address of the  
15 registered owner, ~~insurer~~, and any lien holder, a notice shall be published once in a newspaper



1 of general circulation in the area where the motor vehicle was left for repair. Published notices  
2 may be grouped together for convenience and economy.

3 Section 2. That § 32-3-69 be amended to read:

4 32-3-69. Title to any motor vehicle shall vest with the person to whom the unpaid repair bill  
5 is payable and who has complied with the provisions of ~~this chapter~~ § 32-3-68 in notifying the  
6 owner and all ~~insurers and~~ lien holders of their rights to reclaim the motor vehicle after a period  
7 of thirty days from the date to which notice was sent to the owner and all ~~insurers and~~ lien  
8 holders. The owner, ~~insurer,~~ or the lienholder may reclaim the motor vehicle by paying any  
9 reasonable cost of repair. A lienholder paying the cost of repair may add the cost of repair to the  
10 outstanding loan secured by the vehicle. The owner, ~~insurer,~~ or lien holder shall pay the repair  
11 bill and remove the motor vehicle, or notify the department and the repair facility by certified  
12 mail within thirty days of receipt of the notice of their intent to reclaim the motor vehicle. If the  
13 owner, ~~insurer,~~ or lien holder fails to ~~claim~~ pay the repair bill and remove the motor vehicle  
14 within thirty days after mailing of the notice of intent to reclaim the vehicle, title to the motor  
15 vehicle is irrevocably vested in the person to whom the repair bill is payable and who has  
16 complied with the provisions of this chapter.

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