

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

904R0524

SENATE BILL NO. 97

Introduced by: Senators Gray, Abdallah, Ahlers, Garnos, Maher, Nesselhuf, Olson (Russell), Tieszen, Turbak Berry, and Vehle and Representatives Schlekeway, Bolin, Fargen, Greenfield, Juhnke, Kirkeby, Rausch, Rounds, Street, and Thompson

1 FOR AN ACT ENTITLED, An Act to provide that salvage titles be issued for stolen vehicles
2 and to provide that thefts be noted on the title of recovered motor vehicles.

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

4 Section 1. That § 32-3-51.19 be amended to read as follows:

5 32-3-51.19. For purposes of §§ 32-3-51.5, 32-3-51.9, 32-3-51.19, 32-3-51.20, and 32-3-
6 51.21, the term, salvage vehicle, means any motor vehicle as defined in § 32-3-51.10 that an
7 insurer or self insurer determines a total loss due to theft or to damage caused by fire, vandalism,
8 collision, weather, submersion in water, or flood. This section does not apply to any motor
9 vehicle more than six model years old or with a gross vehicle weight rating of more than sixteen
10 thousand pounds.

11 Section 2. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 If a stolen vehicle is recovered, the insurer or self insurer shall, within thirty days of
14 recovery, inspect the vehicle and apply for a title as follows:



1 (1) If the vehicle has no damage or the damage is less than that defined in § 32-3-51.8,
2 surrender the existing salvage title to the department. The department shall promptly
3 issue a title marked as a recovered theft with no damage; or

4 (2) If the vehicle has damage equal to or greater than that defined in § 32-3-51.8,
5 surrender the existing salvage title to the department. The department shall promptly
6 issue a title marked as a recovered theft with damage with the damage disclosure
7 notation pursuant to § 32-3-51.8.

8 However, if the condition of the vehicle is such that it would have been determined a
9 salvage vehicle as defined in § 32-3-51.19 due to the damage to the vehicle, the salvage title is
10 retained and the insurer or self insurer is not required to apply for a title pursuant to this section.