

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

347B0783

## HOUSE BILL NO. 1324

Introduced by: Representatives Derby and Hagg and Senator Ham

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the disposal of certain  
2 abandoned vehicles and certain impounded vehicles.

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

4 Section 1. That § 32-30-15 be amended to read as follows:

5 32-30-15. Any removal agency as defined by § 32-36-2 which has removed ~~an abandoned~~  
6 ~~or wrecked~~ any vehicle pursuant to this chapter shall comply with the provisions of § 32-36-8  
7 to notify the registered owner, and if encumbered, the lien holder of the vehicle. If no person  
8 claims the vehicle within thirty days of that notice, the provisions of §§ 32-36-9 and 32-36-11  
9 shall apply to the disposal of the vehicle.

10 Section 2. That § 32-30-18 be amended to read as follows:

11 32-30-18. The sheriff, ~~peace~~ law enforcement officer, or towing agency taking custody of  
12 ~~an abandoned or wrecked~~ any vehicle under the provisions of §§ 32-30-12 to 32-30-17,  
13 inclusive, § 32-30-19, and § 32-36-4 shall have a possessory lien ~~thereon~~ on the vehicle for the  
14 reasonable costs in taking custody and storing of ~~said~~ the vehicle.

15 Section 3. That § 32-36-2 be amended to read as follows:

16 32-36-2. Terms used in this chapter mean:

- 1 (1) "Abandoned motor vehicle," any motor vehicle left on a public street or highway or  
2 left on private property without the permission of the landowner or tenant;
- 3 (2) "Junk motor vehicle," any motor vehicle which has been placed on the property of a  
4 recognized junk dealer for the purposes of salvage;
- 5 (3) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailer  
6 coaches, cabin trailers and all vehicles propelled by power other than muscular power,  
7 except traction engines, road rollers, fire trucks, wagons and engines, police and  
8 patrol wagons, farm wagons, freight trailers and such vehicles as run only on rails or  
9 tracks;
- 10 (4) "Removal agency," any public body, private or nonprofit organization authorized to  
11 remove and salvage abandoned and junk motor vehicles and other scrap metals. The  
12 removal agency may be authorized by chapter 32-30 to remove vehicles, may be hired  
13 or appointed by a public body or may be in the business of removing or salvaging  
14 vehicles;
- 15 (5) "Scrap metals," waste or refuse metals that have been in actual use and have been  
16 abandoned and are fit only to be remanufactured or recycled;
- 17 (6) "Impounded vehicle," any vehicle removed or caused to be removed from a public  
18 highway pursuant to § 32-30-19.

19 Section 4. That § 32-36-8 be amended to read as follows:

20 32-36-8. Within ~~ten~~ forty-five days after any abandoned or junk motor vehicle, ~~or~~ any  
21 wrecked vehicle as provided by § 32-30-14, or any impounded vehicle, or other scrap metal has  
22 been removed, the removal agency shall send written notice by certified mail to the registered  
23 owner, if any, of the abandoned or junk motor vehicle, wrecked vehicle, or scrap metal and to  
24 all readily identifiable lien holders of record at their last known address. If the removal agency  
25 does not give notice within ten days from the date of removal, no storage may be charged

1 beyond the ten-day period until the notice is mailed. The notice shall set forth the date and place  
2 of the taking, the year, the make, model and serial number of the abandoned or wrecked motor  
3 vehicle and the place where the vehicle is being held, and shall inform the owner and any lien  
4 holders of their right to reclaim the vehicle under § 32-36-9. The notice shall be on a form  
5 provided by the Department of Revenue.

6 If it is impossible to determine with reasonable certainty the identity and address of the  
7 registered owner and all lienholders, the notice shall be published once in a newspaper of general  
8 circulation in the area where the motor vehicle was abandoned or wrecked. Published notices  
9 may be grouped together for convenience and economy.

10 A violation of this section is a Class 2 misdemeanor.

11 Section 5. That § 32-36-9 be amended to read as follows:

12 32-36-9. Notwithstanding any statutes to the contrary, title to any abandoned or junk motor  
13 vehicle, any impounded vehicle, or other scrap metal shall vest in the removal agency after a  
14 period of thirty days from the date on which notice was sent under § 32-36-8. The record holder  
15 of title or the lienholder may reclaim the motor vehicle or other scrap metal. The lienholder and  
16 record holder of title shall notify the department in writing within thirty days of their intent to  
17 reclaim the motor vehicle. However, if the record holder of title fails to claim and remove the  
18 motor vehicle or other scrap metal within thirty days after mailing of notice, title to the vehicle  
19 is irrevocably vested in the removal agency.

20 Section 6. That § 32-36-10 be repealed.

21 ~~—32-36-10. This chapter may not be construed as repealing any law relating to the removal and~~  
22 ~~elimination of abandoned and junk motor vehicles and other scrap metals, but is construed as~~  
23 ~~ancillary and supplemental thereto.~~