

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

347B0783

SENATE COMMERCE COMMITTEE
ENGROSSED NO. **HB1324** - 2/13/98

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 vehicle pursuant to this chapter or a vehicle impounded pursuant to § 32-30-19 shall
7 comply with the provisions of § 32-36-8 to notify the registered owner, and if encumbered, the
8 lien holder of the vehicle. If no person claims the vehicle within thirty days of that notice, the
9 provisions of §§ 32-36-9 and 32-36-11 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:

1 32-36-2. Terms used in this chapter mean:

2 (1) "Abandoned motor vehicle," any motor vehicle left on a public street or highway or
3 left on private property without the permission of the landowner or tenant;

4 (2) "Junk motor vehicle," any motor vehicle which has been placed on the property of a
5 recognized junk dealer for the purposes of salvage;

6 (3) "Motor vehicle," automobiles, motor trucks, motorcycles, house trailers, trailer
7 coaches, cabin trailers and all vehicles propelled by power other than muscular power,
8 except traction engines, road rollers, fire trucks, wagons and engines, police and
9 patrol wagons, farm wagons, freight trailers and such vehicles as run only on rails or
10 tracks;

11 (4) "Removal agency," any public body, private or nonprofit organization authorized to
12 remove and salvage abandoned and junk motor vehicles and other scrap metals. The
13 removal agency may be authorized by chapter 32-30 to remove vehicles, may be hired
14 or appointed by a public body or may be in the business of removing or salvaging
15 vehicles;

16 (5) "Scrap metals," waste or refuse metals that have been in actual use and have been
17 abandoned and are fit only to be remanufactured or recycled;

18 (6) "Impounded vehicle," any vehicle removed or caused to be removed from a public
19 highway pursuant to § 32-30-19.

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

21 32-36-8. Within ~~ten~~ forty-five days after any abandoned or junk motor vehicle, ~~or~~ any
22 wrecked vehicle as provided by § 32-30-14, or any impounded vehicle, or other scrap metal has
23 been removed, the removal agency shall send written notice by certified mail to the registered
24 owner, if any, of the abandoned or junk motor vehicle, wrecked vehicle, or scrap metal and to
25 all readily identifiable lien holders of record at their last known address. If the removal agency

1 does not give notice within ten days from the date of removal, no storage may be charged
2 beyond the ten-day period until the notice is mailed. The notice shall set forth the date and place
3 of the taking, the year, the make, model and serial number of the abandoned or wrecked motor
4 vehicle and the place where the vehicle is being held, and shall inform the owner and any lien
5 holders of their right to reclaim the vehicle under § 32-36-9. The notice shall be on a form
6 provided by the Department of Revenue.

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

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

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

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

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

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

1 **BILL HISTORY**

2 1/26/98 First read in House and referred to Commerce. H.J. 233

3 2/3/98 Scheduled for Committee hearing on this date.

4 2/3/98 Commerce Do Pass, Passed, AYES 12, NAYS 0. H.J. 358

5 2/4/98 House of Representatives Do Pass, Passed, AYES 51, NAYS 14. H.J. 386

6 2/5/98 First read in Senate and referred to Commerce. S.J. 347

7 2/10/98 Scheduled for Committee hearing on this date.

8 2/12/98 Scheduled for Committee hearing on this date.

9 2/12/98 Commerce Do Pass Amended, Passed, AYES 7, NAYS 0. S.J. 468

10 2/12/98 Commerce Place on Consent Calendar.