

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

581C0505

SENATE BILL NO. 172

Introduced by: Senators Vitter, Drake, Flowers, Hutmacher, and Rounds and Representatives Wetz, Cutler, Diedrich (Larry), Sutton (Duane), and Volesky

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the disclosure of
2 damage on motor vehicles.

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

4 Section 1. That § 32-3-51.7 be amended to read as follows:

5 32-3-51.7. Each certificate of title issued by the department shall contain the following
6 phrase: South Dakota state law requires the disclosure of damage on motor vehicles. This
7 information is available upon written request from the Department of Revenue, Division of
8 Motor Vehicles. Each certificate of title shall also contain on its front a statement as to whether
9 previous damage disclosure statements indicate the motor vehicle had been damaged at one time
10 in excess of ~~two~~ five thousand dollars as provided by § 32-3-51.8.

11 Section 2. That § 32-3-51.8 be amended to read as follows:

12 32-3-51.8. Upon the sale, transfer, or trade-in of a motor vehicle, or if licensing a motor
13 vehicle in South Dakota which is titled in another state or jurisdiction, the seller, transferor,
14 trader, or person wishing to license in South Dakota the motor vehicle which is titled in another
15 state or jurisdiction shall submit an accurately completed damage disclosure statement when
16 applying for a certificate of title pursuant to § 32-3-18. The completed damage disclosure

1 statement may be on the back of the certificate of title or on a separate document that has been
2 approved for use by the department. Except as otherwise provided by this section, no certificate
3 of title may be issued by the department unless the damage disclosure statement accompanies the
4 application. It is a Class 1 misdemeanor to intentionally falsify any information on the damage
5 disclosure statement. No person or dealer is liable to a subsequent owner of a vehicle because
6 a prior owner of the vehicle failed to disclose that the vehicle had previously been damaged and
7 repaired. This section does not apply to motor vehicles more than nine model years old or with
8 a gross vehicle weight rating of more than sixteen thousand pounds and does not apply if a
9 rebuilt title or junking certificate is sought.

10 This section does apply to all other motor vehicles, but only damage in excess of ~~two~~ five
11 thousand dollars shall be disclosed in the statement. If the motor vehicle has incurred damages
12 more than once, only those damages which occurred at one time would be considered in
13 determining whether the damages exceeded ~~two~~ five thousand dollars.

14 Section 3. That § 32-3-51.9 be amended to read as follows:

15 32-3-51.9. For the purposes of the damage disclosure statement provided by § 32-3-51.8,
16 "damage" is damage to the motor vehicle caused by fire, vandalism, collision, weather,
17 submersion in water, or flood, and does not include normal wear and tear, ~~glass damage,~~
18 mechanical repairs, or electrical repairs that have not been caused by fire, vandalism, collision,
19 weather, submersion in water, or flood. Damage does not include the cost of repairing, replacing,
20 or reinstalling tires, lights, batteries, windows, windshields, a sound system, an inflatable restraint
21 system, or hail damage.

22 Section 4. That § 32-3-51.14 be amended to read as follows:

23 32-3-51.14. The department shall prescribe, pursuant to chapter 1-26, the format for the
24 damage disclosure statement provided by § 32-3-51.8. An area for a damage disclosure
25 statement shall appear on the back of each certificate of title issued by the department. The

1 department may also approve separate documents on which a damage disclosure statement may
2 be submitted. The damage disclosure statement form shall indicate whether the motor vehicle has
3 been damaged such that it cost more than ~~two~~ five thousand dollars to repair to its predamaged
4 condition and any other damage information the department deems appropriate. If a separate
5 document from the certificate of title contains the damage disclosure statement, the document
6 shall also require the following information: year, make, model, and vehicle identification number
7 of the motor vehicle.

8 Section 5. That § 32-3-51.15 be amended to read as follows:

9 32-3-51.15. The dollar amount of damage to a motor vehicle required to be disclosed
10 pursuant to § 32-3-51.8 shall include the costs necessary to return the damaged motor vehicle
11 to its predamaged condition. Such costs include parts, labor, paint, and frame work done on the
12 damaged motor vehicle. If the retail value of labor has not been determined by a purchase in the
13 ordinary course of business (for example, the labor is performed by the owner of the vehicle),
14 the retail value of the labor is presumed to be the product of the repair time, as provided in a
15 generally accepted autobody repair flat rate manual, multiplied by thirty-five dollars.