

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

780D0403

SENATE BILL NO. 70

Introduced by: Senator Olson and Representatives Fischer-Clemens and Sebert

1 FOR AN ACT ENTITLED, An Act to allow motor vehicle ownership to be transferred to a
2 designated beneficiary in the event that the owner dies.

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

4 Section 1. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A sole owner of a motor vehicle and multiple owner of a motor vehicle who hold interest as
7 joint tenants with right of survivorship or as tenants by the entirety, when obtaining a certificate
8 of title and payment of registration fees may request the secretary to issue a certificate of title
9 in beneficiary form which includes a directive to the secretary to transfer the certificate of title
10 on death of the sole owner or on death of all multiple owners to one beneficiary or two or more
11 beneficiaries as joint tenants with right of survivorship or as tenants by the entirety named on the
12 certificate of title. No certificate of title in beneficiary form may be issued to any person who
13 holds interest in a motor vehicle as tenants in common.

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

16 A certificate of title issued in beneficiary form shall include after the name of the owner the
17 words, transfer on death to, followed by the name of each beneficiary. A signature or consent

1 of the beneficiaries is not required for any transaction relating to the motor vehicle.

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

4 A certificate of title in beneficiary form may be revoked or the beneficiary changed at any
5 time before the death of a sole owner or surviving multiple owner by the following methods:

6 (1) By the sale of the motor vehicle with proper assignment and delivery of the certificate
7 of title to another person; or

8 (2) By filing an application to reissue the certificate of title with no designation of a
9 beneficiary or with the designation of a different beneficiary in proper form and
10 accompanied by the payment of the fee for an original certificate of title.

11 Section 4. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 The beneficiary's interest in the motor vehicle at death of the owner is subject to any contract
14 of sale, assignment of ownership, or security interest to which the owner of the motor vehicle
15 was subject.

16 Section 5. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as
17 follows:

18 The designation of a beneficiary in a certificate of title issued in beneficiary form may not be
19 changed or revoked by a will, any other instrument, or a change in circumstances, or otherwise
20 be changed or revoked except as provided in this Act.

21 Section 6. That chapter 32-3 be amended by adding thereto a NEW SECTION to read as
22 follows:

23 On proof of death of the sole owner or one of the owners if multiple owners, surrender of
24 the outstanding certificate of title, and on application and payment of the registration fee for an
25 original certificate of title, a new certificate of title shall be issued to the surviving owner or, if

1 none, to the surviving beneficiary, subject to any outstanding security interest. The secretary may
2 rely on a death certificate, record, or report that constitutes prima facie proof or evidence of
3 death.