

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

536L0648

SENATE BILL NO. 194

Introduced by: Senators Moore, Abdallah, Gray, and Nesselhuf and Representatives Weems, Fryslie, Haley, Hennies, Klaudt, Olson (Ryan), Rounds, and Tidemann

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding abandoned motor
2 vehicles.

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

4 Section 1. That § 32-30-12.2 be amended to read as follows:

5 32-30-12.2. No person ~~shall intentionally~~ may abandon a motor vehicle on any public
6 highway or right-of-way. A violation of this section is a Class 1 misdemeanor. Any person
7 convicted of abandoning a motor vehicle shall be ordered to pay a fine of five hundred dollars.
8 The court shall suspend the fine if the person pays for the towing and storage expenses.

9 Section 2. That § 32-30-15 be amended to read as follows:

10 32-30-15. Any removal agency as defined by § 32-36-2 which has removed an abandoned
11 ~~or wrecked~~ vehicle pursuant to this chapter or a vehicle impounded pursuant to § 32-30-19 shall
12 comply with the provisions of § 32-36-8 to notify the registered owner, and if encumbered, the
13 lien holder of the vehicle. If no person claims the vehicle within fifteen days of that notice if
14 the vehicle is six years old or older or within thirty days of that notice if the vehicle is less than
15 six years old, the provisions of §§ 32-36-9 and 32-36-11 ~~shall~~ apply to the disposal of the



1 vehicle.

2 Section 3. That § 32-30-18.1 be amended to read as follows:

3 32-30-18.1. Any owner of a motor vehicle who ~~intentionally~~ abandons a motor vehicle on
4 any public highway or right-of-way is civilly liable to the towing company for the expense of
5 towing the motor vehicle. The owner is also civilly liable for any storage expense pursuant to
6 § 32-36-8.

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

8 32-36-8. Within forty-five days after any abandoned or junk motor vehicle, ~~any wrecked~~
9 ~~vehicle~~ as provided by § 32-30-14, ~~or any impounded vehicle~~, or other scrap metal has been
10 removed, the removal agency shall send written notice by certified mail to the registered owner,
11 if any, of the abandoned or junk motor vehicle, ~~wrecked vehicle~~, or scrap metal and to all readily
12 identifiable lien holders of record at their last known address. If the removal agency does not
13 give notice within ten days from the date of removal, no storage may be charged beyond the
14 ten-day period until the notice is mailed. The notice shall set forth the date and place of the
15 taking, the year, the make, model and serial number of the abandoned ~~or wrecked~~ motor vehicle
16 and the place where the vehicle is being held, and shall inform the owner and any lien holders
17 of their right to reclaim the vehicle under § 32-36-9. The notice shall be on a form provided by
18 the Department of Revenue and Regulation.

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

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

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

1 32-36-9. Notwithstanding any statutes to the contrary, title to any abandoned or junk motor
2 vehicle, ~~any impounded vehicle~~, or other scrap metal shall vest in the removal agency after a
3 period of fifteen days for any vehicle six years old or more or after a period of thirty days for
4 any vehicle less than six years old, from the date on which notice was sent under § 32-36-8. The
5 record holder of title or the lienholder may reclaim the motor vehicle or other scrap metal. The
6 lienholder and record holder of title shall notify the department in writing within thirty days of
7 their intent to reclaim the motor vehicle. However, if the record holder of title fails to claim and
8 remove the motor vehicle or other scrap metal within thirty days after mailing of notice, title to
9 the vehicle is irrevocably vested in the removal agency.