

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

725P0418

HOUSE BILL NO. 1195

Introduced by: Representatives Willadsen, Elliott, Faehn, Moore, and Olson (Russell) and
Senators McCracken, Abdallah, Sutton, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise the requirements for a damage disclosure
2 statement for 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 and Regulation,
8 Division of Motor Vehicles. Each certificate of title shall also contain on its front a statement
9 as to whether previous damage disclosure statements indicate the motor vehicle had been
10 damaged at one time in excess of ~~five thousand~~ seven thousand five hundred dollars as provided
11 by § 32-3-51.8.

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

13 32-3-51.8. Upon the sale, transfer, trade-in, or titling of a motor vehicle, the seller,
14 transferor, trader, or person wishing to title in South Dakota shall submit an accurately
15 completed damage disclosure statement. The completed damage disclosure statement may be



1 on the back of the certificate of title or on a separate document that has been approved for use
2 by the department. Except as otherwise provided by this section, no certificate of title may be
3 issued by the department unless the damage disclosure statement accompanies the application.
4 It is a Class 1 misdemeanor to intentionally falsify any information on the damage disclosure
5 statement. No person or dealer is liable to a subsequent owner of a vehicle because a prior
6 owner of the vehicle failed to disclose that the vehicle had previously been damaged and
7 repaired. This section does not apply to any motor vehicle more than six 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 applies to all other motor vehicles, but only damage in excess of ~~five thousand~~
11 seven thousand five hundred dollars shall be disclosed in the statement. If the motor vehicle has
12 incurred damages more than once, only those damages that occurred at one time are considered
13 in determining whether the damages exceeded ~~five thousand~~ seven thousand five hundred
14 dollars.

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

16 32-3-51.14. The department shall prescribe, pursuant to chapter 1-26, the format for the
17 damage disclosure statement provided by § 32-3-51.8. An area for a damage disclosure
18 statement shall appear on the back of each certificate of title issued by the department. The
19 department may also approve separate documents on which a damage disclosure statement may
20 be submitted. The damage disclosure statement form shall indicate whether the motor vehicle
21 has been damaged such that it cost more than ~~five thousand~~ seven thousand five hundred dollars
22 to repair to its predamaged condition and any other damage information the department deems
23 appropriate. If a separate document from the certificate of title contains the damage disclosure
24 statement, the document shall also require the following information: year, make, model, and

1 vehicle identification number of the motor vehicle.