

## **Chapter 2**

### **Abandoned Vehicles**

#### **Section 2-1 Declaration of public interest in disposal.**

Abandoned, derelict, and junk motor vehicles and other scrap metals constitute a hazard to the health and welfare of the people of the city in that such vehicles and other scrap metals can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. Abandoned, derelict, and junk motor vehicles and other scrap metals also constitute a blight on the landscape of the city, and therefore, are a detriment to the environment. The indiscriminate abandonment and retirement of motor vehicles and other scrap metals constitute a waste of valuable sources of useful metal. It is therefore in the public interest that the present accumulation of abandoned, derelict, and junk motor vehicles and other scrap metals be eliminated, that future abandonment, dereliction, and junking of motor vehicles and other scrap metals be discouraged, that the expansion of existing scrap recycling facilities be developed, and that other acceptable and economically useful methods for the disposal of abandoned, derelict, and junk motor vehicles and other scrap metals be developed. (SDCL 32-36-1)

#### **Section 2-2 Authority of removal agency.**

Any removal agency may:

1. Remove and salvage abandoned and junk motor vehicles and other scrap metal and may locate, enumerate, and mark;
2. Secure authorization for removal;
3. Remove, collect, and store; and
4. Secure transportation to processing centers for any abandoned or junk motor vehicles and other scrap metals. (SDCL 32-36-3)

#### **Section 2-3 Entry on land for purpose of removal.**

Any removal agency may secure the necessary authorization or license from the owner or tenant of any land. After such authorization has been secured the removal agency may enter upon the land for the purpose of removing any abandoned or junk motor vehicles or other scrap metals. (SDCL 32-36-4)

#### **Section 2-4 Title information to removal agency.**

Any removal agency may obtain the last known address of the record holder of title and any readily identifiable lien holders from the Department of Revenue. (SDCL 32-36-5)

#### **Section 2-5 Notice to owner after removal.**

Within ten (10) days after any abandoned or junk motor vehicle or other scrap metal has been removed, written notice shall be sent by certified mail to the registered owner, if any, of the abandoned or junk motor vehicle or scrap metal and to all readily identifiable lien holders of record. The notice shall set forth:

- A. The date and place of the taking;
- B. The year, make, model, and serial number of the abandoned motor vehicle;
- C. The place where the vehicle is being held; and
- D. The owner and any lien holders right to reclaim the vehicle under Section 2-6. (SDCL 32-36-8)

**Section 2-6 Vesting of title in removal agency after notice sent - Time allowed for holder of title or lienholder to reclaim - Notice of intent to reclaim - Failure to reclaim.**

Notwithstanding any statutes to the contrary, title to any abandoned or junk motor vehicle, any impounded vehicle, or other scrap metal shall vest in the removal agency after a period of thirty (30) days from the date on which notice was sent under Section 2-5. The record holder of title or the lienholder may reclaim the motor vehicle or other scrap metal. The lienholder and record holder of title shall notify the South Dakota Department of Revenue in writing within thirty (30) days of their intent to reclaim the motor vehicle. However, if the record holder of title fails to claim and remove the motor vehicle or other scrap metal within thirty (30) days after mailing of notice, title to the vehicle is irrevocably vested in the removal agency. (SDCL 32-36-9)

**Section 2-7 Application for certificate of title by removal agency.**

The removal agency shall apply to the South Dakota Department of Revenue for a salvage title for any salvage or junk vehicle. If a vehicle is not a salvage or junk vehicle, the removal agency shall apply for a certificate of title to the department. Such title when issued shall be stamped on the front and back with the words "abandoned vehicle." If the title to the motor vehicle is a salvage title or a rebuilt title, a salvage or rebuilt title shall be issued for the vehicle.

The removal agency when applying for a certificate of title or salvage title shall be subject to the requirements of SDCL 32-3. If an owner or lien holder does not surrender the title to the motor vehicle or other scrap metal to the removal agency, the removal agency shall submit, with its application for title, copies of written notices required by SDCL 32-36-8 and an affidavit stating the date notices were sent and listing the persons to whom they were sent.