

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

933R0017

HOUSE ENGROSSED NO. **HB 1092** - 2/1/2010

Introduced by: Representatives Kirkeby, Brunner, Cutler, Feinstein, Gibson, Gosch, Hoffman, Hunt, Lust, Nygaard, Olson (Betty), Schlekeway, Turbiville, and Verchio and Senators Hansen (Tom), Gant, Maher, Merchant, Miles, Nelson, and Tieszen

1 FOR AN ACT ENTITLED, An Act to revise the certain provisions concerning continuing liens
2 on wages by garnishment.

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

4 Section 1. That § 21-18-14.1 be amended to read as follows:

5 21-18-14.1. Notwithstanding the provisions of § 21-18-14, the plaintiff may obtain a
6 ~~sixty-day~~ one hundred twenty-day continuing lien on wages by garnishment. If a lien is to be
7 obtained, the plaintiff shall mark on the caption of the garnishee summons "continuing lien" and
8 all disclosure forms shall include the following:

9 Garnishee will continue to hold the nonexempt portion of the defendant's earnings as they
10 accrue through the last payroll period ending on or before ~~sixty~~ one hundred twenty days from
11 the effective date of the garnishee summons, or until the sum held equals the amount stated in
12 the garnishee summons, or until the employment relationship terminates, whichever first occurs.

13 At the time of the expected termination of the lien, the plaintiff shall mail to garnishee an
14 additional copy of the disclosure form upon which the garnishee within ten days shall make



1 further disclosure.