

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

583B0091

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **HB1093** - 1/29/98

Introduced by: Representatives Collier, Brown (Jarvis), and Sokolow and Senator Kloucek

1 FOR AN ACT ENTITLED, An Act to increase the amount of property exempt from process
2 and to allow any person who is not the head of a family to claim an exemption in certain
3 bankruptcy proceedings.

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

5 Section 1. That § 43-45-4 be amended to read as follows:

6 43-45-4. In addition to the property provided for in §§ 43-45-2 and 43-45-3, the debtor, if
7 the head of a family, may, ~~by himself, his agent, personally, or by agent~~ or attorney, select from
8 all other of his the debtor's personal property, not absolutely exempt, goods, chattels,
9 merchandise, money, or other personal property not to exceed in the aggregate ~~four~~ six thousand
10 dollars in value; and, if ~~a single person,~~ not the head of a family, property as aforesaid of the
11 value of ~~two~~ four thousand dollars, which is also exempt, and which shall be chosen and
12 appraised as provided by law.

13 Section 2. That § 43-45-5 be repealed.

14 ~~43-45-5. Instead of the exemptions of personal property granted in § 43-45-4, the debtor,~~
15 ~~if the head of a family, may select and choose the following property, which shall then be exempt,~~

1 namely:

2 ~~—(1)—All miscellaneous books and musical instruments for the use of the family, not~~
3 ~~exceeding two hundred dollars in value;~~

4 ~~—(2)—All household and kitchen furniture, including beds, bedsteads, and bedding used by~~
5 ~~the debtor and his family, not exceeding two hundred dollars in value; but in case the~~
6 ~~debtor shall own more than two hundred dollars worth of such property, he must~~
7 ~~select therefrom such articles to the value of two hundred dollars, leaving the~~
8 ~~remainder subject to legal process;~~

9 ~~—(3)—Two cows, five swine, two yoke of oxen, or one span of horses or mules, twenty-five~~
10 ~~sheep and their lambs under six months old, and all wool of the same, and all cloth or~~
11 ~~yarn manufactured therefrom, the necessary food for the animals hereinbefore~~
12 ~~mentioned for one year, either provided or growing, or both, as the debtor may~~
13 ~~choose; also one wagon, one sleigh, two plows, one harrow, and farming machinery~~
14 ~~and utensils, including tackle for teams, not exceeding twelve hundred fifty dollars in~~
15 ~~value;~~

16 ~~—(4)—The tools and implements of any mechanic, whether a minor or of age, used and kept~~
17 ~~for the purpose of carrying on his trade or business, and in addition thereto, stock in~~
18 ~~trade not exceeding two hundred dollars in value;~~

19 ~~—(5)—The library and instruments of any professional person, not exceeding three hundred~~
20 ~~dollars in value.~~

1 **BILL HISTORY**

2 1/16/98 First read in House and referred to Judiciary. H.J. 56

3 1/23/98 Scheduled for Committee hearing on this date.

4 1/26/98 Scheduled for Committee hearing on this date.

5 1/28/98 Scheduled for Committee hearing on this date.

6 1/28/98 Judiciary Do Pass Amended, Passed, AYES 13, NAYS 0. H.J. 270