

AN ACT

ENTITLED, An Act to establish a uniform fee for filing or indexing instruments with the register of deeds office and eliminate the fee for a satisfaction or termination of certain instruments.

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

Section 1. That § 7-9-15 be amended to read as follows:

7-9-15. The register of deeds shall charge and receive the following fees:

- (1) For recording deeds, mortgages, and all other instruments not specifically provided for in this section or this code, the sum of ten dollars for the first page and two dollars for each additional page or fraction thereof. Each rider or addendum shall be considered as an additional page;
- (2) For a certified copy of any instrument of record, including certificate and official seal, two dollars plus twenty cents for each page after five pages, and for an uncertified copy, one dollar, plus twenty cents for each page after five pages. The board of county commissioners by resolution shall establish the fees charged for duplicate microfilm. In addition to the fee for a certified copy of the record of any birth, there is an additional charge of two dollars for each copy requested, which shall be submitted on a monthly basis to the state treasurer to be deposited in the children's trust fund;
- (3) For filing and indexing a bill of sale, seed grain lien, or thresher's lien, the sum of ten dollars. No fee may be charged for filing any satisfaction or termination of any instrument as prescribed in this subdivision;
- (4) For recording oil, gas, and mineral leases, and other recorded documents relating to mineral or oil and gas lease exploration and development, six dollars per page; and
- (5) Notwithstanding the provisions of subdivision (2) of this section, the board of county commissioners shall fix by resolution the fees to be paid by licensed abstractors of the county or by any person who has passed the written examination established by the

Abstracters' Board of Examiners pursuant to § 36-13-11 for uncertified copies of recorded instruments, which fee may not exceed the actual cost to the county for providing such copies.

The register of deeds may not charge a fee for discharging or canceling any personal property lien.

Section 2. That § 37-11-1 be amended to read as follows:

37-11-1. It is a Class 2 misdemeanor for any person or copartnership to engage in or conduct a business for profit in this state under any name which does not plainly show the true surname of each person interested in such business unless a statement is filed first. The statement shall be verified by each person interested in the business, showing the name, post office address, and residence address of each person interested in the business and the address where the main office of the business is to be maintained. The statement shall be filed in the office of the register of deeds in each county where the business is maintained and the filing shall be renewed every fifth year thereafter. A fee shall be charged for each new filing and renewal in accordance with subdivision 7-9-15(3).

Section 3. That § 37-11-2 be amended to read as follows:

37-11-2. A verified statement as described in § 37-11-1 shall be similarly filed from time to time upon any change in ownership, operation, or persons interested in the business. A fee shall be charged for each filing under this section in accordance with subdivision 7-9-15(3).

Section 4. That § 44-4-4 be amended to read as follows:

44-4-4. The officer before whom the proceedings are held may charge a fee in accordance with subdivision 7-9-15(3) upon the filing of the affidavit and undertaking and notice, and the documents shall be filed or recorded in the same manner as the notice of lien. Certified copies of the documents shall be prima facie evidence, in the courts of this state, of the matters therein contained.

Section 5. That § 44-9-19 be amended to read as follows:

44-9-19. The register of deeds shall charge a fee in accordance with subdivision 7-9-15(3) for the filing and indexing of any lien or assignment of the lien under the provisions of this chapter. However,

no fee may be charged for the satisfaction of the lien.

Section 6. That § 44-12-5 be amended to read as follows:

44-12-5. Each register of deeds shall provide a suitable, well-bound book to be called the hospital lien docket in which, upon the filing of any lien claim under the provisions of this chapter, the register of deeds shall enter the name and address of the injured person, the name of the person, firm, or corporation alleged to be liable for the injury, the date of occurrence of the injury and the name and location of the hospital making the claim. The register of deeds shall make a proper index of the claim in the name of the injured person and shall charge a fee in accordance with subdivision 7-9-15(3).

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I certify that the attached Act originated in the

SENATE as Bill No. 175

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 175
File No. _____
Chapter No. _____

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Received at this Executive Office this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 19__

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State