

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

337J0339

HOUSE BILL NO. 1099

Introduced by: Representatives Konold, Haverly, O'Brien, Sigdestad, Solum, and Wick and
Senators Kelly, Albers, Brown, Duxbury, Earley, Ham-Burr, Kleven,
McCracken, Moore, Olson (Ed), and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to establish a statute of limitations for real estate licensees
2 and their licensed real estate firms for alleged malpractice, mistake, error, and omission.

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

4 Section 1. That chapter 15-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No action may be brought against a licensed real estate broker, broker associate, or
7 salesperson, or any agent or employee thereof, for malpractice, error, mistake, or omission,
8 whether based upon contract or tort, unless it is commenced within three years of the alleged
9 malpractice, error, mistake, or omission. This section is prospective in application.

10 Section 2. That chapter 15-2 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 No action may be brought against a licensed partnership, association, limited liability
13 company, or corporation of a real estate broker, or any agent or employee thereof, for
14 malpractice, error, mistake, or omission, whether based upon contract or tort, unless it is
15 commenced within three years of the alleged malpractice, error, mistake, or omission. This



1 section is prospective in application.