

# State of South Dakota

SEVENTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2004

490J0471

## SENATE BILL NO. 154

Introduced by: Senators Knudson and de Hueck and Representatives Madsen, Cutler,  
Deadrick (Thomas), and Engels

1 FOR AN ACT ENTITLED, An Act to revise certain filing fees for limited liability companies.

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

3 Section 1. That § 47-34-54 be amended to read as follows:

4 47-34-54. The secretary of state shall charge and collect for:

5 (1) Filing the original articles of organization and issuing certificates of organization, in  
6 the case of a domestic limited liability company or filing, registering, and issuing a  
7 certificate of authority in the case of a foreign liability company; ~~if the total agreed~~  
8 ~~contributions of the limited liability company are:~~ a filing fee of two hundred fifty  
9 dollars;

10	<del>—————</del> \$25,000 or less	\$100
11	<del>—————</del> Over \$25,000 and not exceeding 100,000	—125
12	<del>—————</del> Over \$100,000 and not exceeding 500,000	—200
13	<del>—————</del> Over \$500,000 and not exceeding 1,000,000	—300
14	<del>—————</del> Over \$1,000,000 and not exceeding 1,500,000	—400
15	<del>—————</del> Over \$1,500,000 and not exceeding 2,000,000	—500
16	<del>—————</del> Over \$2,000,000 and not exceeding 2,500,000	—600





1	<del>Over \$25,000 and not exceeding 100,000</del>	<del>—125</del>
2	<del>Over \$100,000 and not exceeding 500,000</del>	<del>—200</del>
3	<del>Over \$500,000 and not exceeding 1,000,000</del>	<del>—300</del>
4	<del>Over \$1,000,000 and not exceeding 1,500,000</del>	<del>—400</del>
5	<del>Over \$1,500,000 and not exceeding 2,000,000</del>	<del>—500</del>
6	<del>Over \$2,000,000 and not exceeding 2,500,000</del>	<del>—600</del>
7	<del>Over \$2,500,000 and not exceeding 3,000,000</del>	<del>—700</del>
8	<del>Over \$3,000,000 and not exceeding 3,500,000</del>	<del>—800</del>
9	<del>Over \$3,500,000 and not exceeding 4,000,000</del>	<del>—900</del>
10	<del>Over \$4,000,000 and not exceeding 4,500,000</del>	<del>1,000</del>
11	<del>Over \$4,500,000 and not exceeding 5,000,000</del>	<del>1,100</del>
12	<del>For each additional \$500,000, \$250 in addition to \$1,100.</del>	

13 ~~The maximum amount charged under this subsection together with any subsequent~~  
14 ~~payments under subsection (b) may not exceed sixteen thousand dollars. The filing~~  
15 ~~fee required pursuant to this subsection is not applicable if the limited liability~~  
16 ~~company has previously paid the fee required pursuant to subdivision 47-34-54(1).~~

17 (b) ~~Filing any subsequent annual report that reflects additional contribution in excess of~~  
18 ~~those stated in the last prior report, any additional fee necessary to make the~~  
19 ~~cumulative fee match the cumulative agreed contributions as provided in subsection~~  
20 ~~(a); above the agreed contributions as set forth in the last previous annual report~~  
21 ~~consistent with subsection (a).~~

22 (c) ~~A reporting fee of fifty dollars, due and payable with the filing of all annual report,~~  
23 ~~after the first annual report required in § 47-34A-211(c).~~

24 Section 3. That § 47-34A-1206 be amended to read as follows:

25 47-34A-1206. The secretary of state may charge the following fees:

26 (a) For amending or restating the articles of organization in the case of a domestic

1 limited liability company or amending the registration in the case of a foreign limited  
2 liability company, a filing fee of ~~fifty~~ one hundred seventy-five dollars;

3 (b) For filing articles of termination, ten dollars;

4 (c) For filing articles of merger, fifty dollars;

5 (d) For filing a statement of dissociation, ten dollars;

6 (e) For filing an application to reserve a name, twenty dollars;

7 (f) For issuing a certificate of existence, fifteen dollars;

8 (g) For filing an application for registration of name, one dollar for each month, or  
9 fraction thereof, between the date of filing such application and December thirty-first  
10 of the calendar year in which such application is filed;

11 (h) For filing an annual renewal of registration, a limited liability company which has in  
12 effect a registration of its name, may renew such registration from year to year by  
13 annually filing an application for renewal setting forth the facts required to be set  
14 forth in an original application for registration and a certificate of good standing as  
15 required for the original registration and by paying a fee of ten dollars. A renewal  
16 application may be filed between the first day of October and the thirty-first day of  
17 December in each year; and shall extend the registration for the following year;

18 (i) For acting as agent for service of process the secretary of state shall charge and  
19 collect at the time of such service twenty-five dollars which may be recoverable as  
20 taxable costs by the party to the suit or action causing the service to be made if the  
21 party prevails in the suit or action.

22 Each limited liability company, domestic or foreign, that fails or refused to file its annual  
23 report for any year within the time prescribed is subject to a penalty of fifty dollars to be  
24 assessed by the secretary of state.