

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

556N0050

SENATE BILL NO. 142

Introduced by: Senators Katus, Apa, Hanson (Gary), Jerstad, Kloucek, Koetzle, and Napoli
and Representatives Van Norman, Boomgarden, Elliott, Kirkeby, Lucas,
Moore, and Sigdestad

1 FOR AN ACT ENTITLED, An Act to provide for collection of certain workers' compensation
2 defaults by court order.

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

4 Section 1. That chapter 62-2 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If there has been a default of more than thirty days in the payment of compensation due
7 under an award, the employee, or the employee's dependent, or other person entitled to the
8 payment of money under the award, may apply to the circuit court for the entry of judgment
9 upon the award. The application shall be made by filing a certified copy of the award with the
10 circuit court and by serving a ten days' notice upon adverse parties. Service of the notice shall
11 be made in the manner provided by court rule for service of summons in the circuit court.

12 Section 2. That chapter 62-2 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 If the court hears the application for judgment upon the award, the court has authority to
15 determine only the facts of the award and the regularity of the proceedings upon which the



1 award is based. The court shall enter judgment accordingly.

2 No judgment may be entered on an award while an appeal is pending or a stay granted.