

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

852R0290

HOUSE ENGROSSED NO. **SB 141** - 3/8/2010

Introduced by: Senators Gant, Bartling, Brown, Gillespie, Knudson, Turbak Berry, and Vehle and Representatives Rausch, Bolin, Cronin, Fargen, Frerichs, Lust, Olson (Betty), Pitts, and Schlekeway

1 FOR AN ACT ENTITLED, An Act to establish certain provisions regarding documents or
2 instruments filed with the register of deeds that may contain personally identifiable
3 information and to revise certain format requirements relating to real estate documents filed
4 with the register of deeds.

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

6 Section 1. That § 1-27-1.14 be amended to read as follows:

7 1-27-1.14. This chapter does not require the redaction of any record, or any portion of a
8 record, which is recorded in the office of the register of deeds ~~prior to July 1, 2010.~~

9 Section 2. Terms used in sections 2 to 6, inclusive, of this Act mean:

10 (1) "Personally identifiable information," any information that includes one or more of
11 the following specific unique identifiers when combined with an individual's name:

12 (a) A social security number. This term does not, however, include the last four
13 digits of a social security number;

14 (b) Checking, savings, or share account number; or



1 (c) Credit, debit, or charge card number;

2 (2) "Preparer," any person who creates, drafts, edits, revises, or changes the document
3 or instrument that is recorded with the register of deeds. The term, preparer, does not
4 include any person who hires, requires, refers, pays, or requests that the document or
5 instrument be drafted or recorded.

6 Section 3. The preparer of a document or instrument may not include an individual's
7 personally identifiable information in any document or instrument that is prepared and presented
8 for recording in the county office of the register of deeds. This section does not apply to any
9 document or instrument that was executed by an individual prior to July 1, 2010.

10 Section 4. The provisions of sections 2 to 6, inclusive, of this Act do not apply to a state or
11 federal tax lien or release relating to a state or federal tax lien, a military separation or discharge
12 record, a uniform commercial code filing in the county office of the register of deeds, or any
13 governmental certified copy of a document or instrument.

14 Section 5. The register of deeds shall post a notice in the county office of the register of
15 deeds and on any website provided by the register of deeds. The notice shall include the
16 information provided in sections 2 to 4, inclusive, of this Act.

17 Section 6. The register of deeds may not reject a document or instrument presented for
18 recording solely because the document or instrument fails to comply with sections 2 to 6,
19 inclusive, of this Act.

20 Section 7. That § 43-28-23 be amended to read as follows:

21 43-28-23. Any real estate document recorded with the register of deeds, except for plats,
22 shall:

23 (1) Consist of one or more individual sheets measuring no larger than 8.5 inches by 14
24 inches and no smaller than 8.5 inches by 11 inches. No sheet may be attached or

- 1 affixed to a page that covers up any information or printed material on the document.
- 2 Any continuous document or any document sheets that are stapled, glued, or bound
- 3 together are subject to the additional fee established pursuant to subdivision 7-9-
- 4 15(1);
- 5 (2) Be printed, typewritten, or computer generated in black ink and the print type of the
- 6 document may not be smaller than 10-point type. However, ~~signatures and dates may~~
- 7 ~~be in black or blue ink, and notarial acknowledgments~~ dates, notarial
- 8 acknowledgments, signatures, and other items may be completed in black or blue ink
- 9 if the document is predominantly completed in black ink and if the items that are
- 10 completed in blue ink are sufficiently dark to meet the requirements of subdivision
- 11 (6);
- 12 (3) Be on white paper of not less than twenty pound weight;
- 13 (4) Contain a blank space at the top measuring no less than three inches as measured
- 14 from the top of the first page. The right half shall be used by the register of deeds for
- 15 recording information and the left half shall be used by the document preparer as
- 16 required pursuant to § 7-9-1 and may include other document information. All other
- 17 margins shall be a minimum of one inch;
- 18 (5) Have a title prominently displayed at the top of the first page below the blank space
- 19 referred to in subdivision (4) of this section;
- 20 (6) Be sufficiently legible to reproduce a readable copy using the register of deed's
- 21 current method of reproduction; and
- 22 (7) Conform to the standards provided in this section or be subject to the increased fees
- 23 as provided in § 7-9-15.
- 24 However, the register of deeds may not charge an increased fee for any document that has

1 any portion of a notary or corporate seal or stamp, a page number, an initial, or a partial
2 signature in a margin. Any affidavit of publication, corner record, survey, certified court or
3 governmental document, and UCC form recorded against real estate is exempt from the
4 provisions of this section. Any plat or survey and certified vital record attached to documents
5 is also exempt from the provisions of this section.

6 The provisions of this section do not apply to any real estate document prepared and
7 executed prior to July 1, 2002.