



2025 South Dakota Legislature

House Bill 1250

Introduced by: **Representative Kayser**

1 **An Act to revise certain provisions related to proof of service of legal documents.**

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

3 **Section 1. That § 15-6-4(e) be AMENDED:**

4 **15-6-4(e).** Service in the following manner ~~shall also constitute~~ constitutes
 5 personal service. If the defendant cannot be found conveniently, service may be made by
 6 leaving a copy at the defendant's dwelling with ~~someone~~ any person over the age of
 7 fourteen years who resides or is employed there.

8 **Section 2. That § 15-6-4(g) be AMENDED:**

9 **15-6-4(g).** Proof of the service of the summons and complaint or of any pleading,
 10 process, or other paper must state the time, place, and manner of ~~such~~ the service, or of
 11 publication and mailing, and must be made as follows:

- 12 (1) If served by a sheriff ~~or a county constable,~~ his, the sheriff's certificate thereof;
- 13 (2) If by any other person, ~~his~~ the person's affidavit thereof;
- 14 (3) The written admission of the party or ~~his~~ the party's representative upon whom
 15 service might have been made for ~~such~~ the party;
- 16 (4) In case of publication, by affidavit of the printer, ~~his~~ the printer's foreman, or the
 17 principal clerk ~~or the~~ publisher of the newspaper showing the same, and an affidavit
 18 of mailing of copies as required by law; ~~or~~
- 19 (5) In case of mailing, by affidavit of mailing ~~and admission of service;~~ or
- 20 (6) In case of personal delivery to a private mailbox location, an employee shall accept
 21 service on behalf of any client, and is obligated to forward the notice to the client.