

2025 South Dakota Legislature

House Bill 1250**AMENDMENT 1250A
FOR THE INTRODUCED BILL**

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~~ is not immediately
6 available, service may be made by leaving a copy at the defendant's dwelling with
7 ~~someone~~ any person over the age of 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 or constable's
13 certificate thereof;
- 14 (2) If by any other person, ~~his~~ the person's affidavit thereof;
- 15 (3) The written admission of the party or ~~his~~ the party's representative upon whom
16 service might have been made for ~~such the~~ the party;
- 17 (4) In case of publication, by affidavit of the printer, ~~his~~ the printer's foreman, or the
18 principal clerk or ~~the~~ publisher of the newspaper showing the same, and an affidavit
19 of mailing of copies as required by law; ~~or~~
- 20 (5) In case of mailing, by affidavit of mailing ~~and admission of service~~; or
- 21 (6) In case of personal delivery to a private mailbox location, an employee shall accept
22 service on behalf of any client, and is obligated to forward the notice to the client.