

2025 South Dakota Legislature

Senate Bill 117**AMENDMENT 117B
FOR THE INTRODUCED BILL**

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 **An Act to ~~allow a dealer in motor homes or recreational park trailers to construct~~**
 2 **~~and operate campsites at a dealership location~~ revise procedures for**
 3 **returning and withholding security deposits and to change the maximum**
 4 **allowable punitive damages.**

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

6 **Section 1. That § 43-32-24 be AMENDED:**

7 **43-32-24.** Every lessor of residential premises shall, within ~~two weeks~~ twenty-
 8 eight days after the termination of the tenancy and receipt of the tenant's mailing address
 9 or delivery instructions, return the security deposit to the tenant, or furnish to the tenant,
 10 a written statement showing the specific reason for ~~the withholding of~~ the deposit or any
 11 portion ~~thereof of the deposit~~. The lessor may withhold from ~~such the~~ deposit only ~~such~~
 12 the amounts ~~as are~~ reasonably necessary to remedy tenant defaults in the payment of
 13 rent or of other funds due to the landlord pursuant to an agreement or to restore the
 14 premises to ~~their the~~ condition at the commencement of the tenancy, ordinary wear and
 15 tear excepted. Within forty-five days after termination of the tenancy, upon request of the
 16 lessee, the lessor shall provide the lessee with an itemized accounting of any deposit
 17 withheld.

18 Any lessor of residential premises who fails to comply with this section shall forfeit
 19 all rights to withhold any portion of ~~such the~~ deposit.

20 The bad faith retention of a deposit or any portion of a deposit by a lessor of
 21 residential premises in violation of this section, including failure to provide the written
 22 statement and itemized accounting required by this section, shall subject the lessor to
 23 punitive damages not to exceed ~~two hundred dollars~~ the total amount of the security
 24 deposit.

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