



2025 South Dakota Legislature

House Bill 1133

ENROLLED

AN ACT

ENTITLED An Act to amend bond requirements.

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

Section 1. That § 18-1-2 be AMENDED:

18-1-2. Each notary public, before performing the duties of the office, shall take an oath as required by § 3-1-5.

Section 2. That § 18-1-3 be AMENDED:

18-1-3. Each notary public, before entering upon the duties of the office, shall obtain an official seal and file an impression of the same, together with the oath described in § 18-1-2, in the Office of the Secretary of State.

Section 3. That § 29A-3-603 be AMENDED:

29A-3-603. A bond is not required of a personal representative unless the court concludes that a bond is in the best interests of the estate.

Section 4. That § 29A-3-604 be AMENDED:

29A-3-604. (a) If bond is required and the provisions of the will or order of appointment do not specify the amount, unless stated in the application or petition, the person qualifying as personal representative shall file a statement under oath with the clerk indicating the person's best estimate of the value of the personal estate of the decedent and of the income expected from the personal and real estate during the next year, and shall execute and file a bond with the clerk, or give other suitable security, in an amount not less than the estimate. The clerk shall determine that the bond is duly executed by a corporate surety, or one or more individual sureties whose performance is

secured by pledge of personal property, mortgage on real property, or other adequate security.

(b) The clerk may permit the amount of the bond to be reduced by the value of assets of the estate deposited with a financial institution, as defined in § 29A-6-101, that is located in this state and in a manner that prevents their unauthorized disposition.

(c) On petition of the personal representative or another interested person, the court may require bond, increase or reduce the amount of the bond, release sureties, or permit the substitution of another bond with the same or different sureties.

Section 5. That § 21-41-24 be REPEALED.

An Act to amend bond requirements.

I certify that the attached Act originated in the:

House as Bill No. 1133

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1133
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____,

2025 at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2025

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 2025
at _____ o'clock ____ M.

Secretary of State

By _____
Asst. Secretary of State