

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

625Q0749

HOUSE BILL NO. 1265

Introduced by: Representatives Bolin, Cronin, Dreyer, Feinstein, Gosch, Kirkeby, Lederman, Lust, Olson (Ryan), Peters, Rausch, and Russell and Senators Ahlers, Adelstein, Brown, Dempster, Gant, Gillespie, Haverly, and Miles

1 FOR AN ACT ENTITLED, An Act to allow sellers to receive attorney fees in actions involving
2 the disclosure statement required for certain real estate transfers.

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

4 Section 1. That § 43-4-42 be amended to read as follows:

5 43-4-42. A transfer that is subject to §§ 43-4-37 to 43-4-44, inclusive, is not invalidated
6 solely because a person fails to comply with §§ 43-4-37 to 43-4-44, inclusive. However, a
7 person who intentionally or who negligently violates §§ 43-4-37 to 43-4-44, inclusive, is liable
8 to the buyer for the amount of the actual damages and repairs suffered by the buyer as a result
9 of the violation or failure. ~~A~~ In any court action pursuant to this section, the court may also
10 award the buyer costs and attorney fees to the prevailing party. Nothing in this section ~~shall~~
11 ~~preclude or restrict~~ precludes or restricts any other rights or remedies of the buyer or seller.

