

# State of South Dakota

## SEVENTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 1999

129C0276

### SENATE BILL NO. 9

Introduced by: Senator Shoener and Representative Engbrecht

1 FOR AN ACT ENTITLED, An Act to revise certain remittance procedures for county registers  
2 of deeds and sheriffs.

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

4 Section 1. That § 7-9-1 be amended to read as follows:

5 7-9-1. The register of deeds shall keep full and true records in proper books, of all deeds,  
6 mortgages, and other instruments authorized by law to be recorded in the register of deeds'  
7 office, and records of all chattel mortgages, bills of sale, conditional sale contracts, and other  
8 instruments authorized by law to be filed in the register of deeds' office, if the person offering any  
9 of such instruments pays ~~in advance~~ the fee required by law for recording or filing the same. Any  
10 document presented for recording with the register of deeds shall contain a typed, stamped, or  
11 printed legend stating the words, "prepared by", followed by the name, address, and telephone  
12 number of the preparer. The following documents are exempt from this requirement:

- 13 (1) Documents dated prior to July 1, 1994;
- 14 (2) Documents prepared by the United States of America, this state, or any  
15 instrumentality, agency, or political subdivision of either; and
- 16 (3) Court certified documents.

17 The register of deeds may destroy those records that the state records destruction board,

pursuant to § 1-27-19, has declared to be of no further administrative, legal, fiscal, research, or historical value.

Section 2. That § 7-9-17 be amended to read as follows:

~~7-9-17. The register of deeds shall, within fifteen days after the expiration of each calendar month and also at the end of his term of office, file with the county auditor a statement under oath showing the fees, except those fees collected as a result of the additional charge for certified copies of birth certificates as set out in subdivision 7-9-15(2), which he has charged or received as such officer since the date of his last report or the beginning of his term of office and shall, also within such fifteen days, deposit with the county treasurer the total amount of such fees which sum so deposited shall be placed to the credit of the general fund. Within the time frame established by the county commission, the register of deeds shall deposit with the county treasurer the total amount of fees and other collections received. Unless otherwise required, all fees and other collections shall be placed to the credit of the general fund. At the discretion of the register of deeds, fees and other transactions may be charged on account but shall be collected by the end of the following month. The register of deeds shall maintain a detailed record of any accounts receivable.~~

Section 3. That chapter 7-9 be amended by adding thereto a NEW SECTION to read as follows:

A register of deeds is not personally liable for any insufficient-funds or no-account checks or uncollectible accounts receivable for any transaction collected or charged if the register of deeds exercised due diligence and if such collections or charges arise in the course of the register of deeds' official duties. The collection and removal procedures of §§ 7-11-4 and 7-11-4.2 also apply to transactions of the register of deeds office.

Section 4. That § 7-12-19.1 be amended to read as follows:

7-12-19.1. Any person who is charged any fee and traveling expenses by a sheriff shall make

1 payment to the county sheriff including, but not limited to, the fees provided in § 7-12-18. The  
2 sheriff shall keep a record of all fees collected and remit the fees to the county treasurer ~~prior to~~  
3 ~~the fifteenth day of the following month~~ in accordance with the timeframe established by the  
4 county commission.