

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

661T0366

## HOUSE BILL NO. 1146

Introduced by: Representatives Hickey, Abdallah, Feinstein, Gosch, and Hunt and Senators  
Cutler, Nygaard, and Rhoden

1 FOR AN ACT ENTITLED, An Act to increase the personal property and annuity payments  
2 exempt from process, levy, or sale.

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

4 Section 1. That § 43-45-2 be amended to read as follows:

5 43-45-2. The property mentioned in this section is absolutely exempt from all such process,  
6 levy, or sale, except as may be otherwise provided by law:

- 7 (1) All family pictures;
- 8 (2) A pew or other sitting in any house of worship;
- 9 (3) A lot or lots in any burial ground;
- 10 (4) The family Bible and all schoolbooks used by the family, and all other books used  
11 as a part of the family library, not exceeding in value two hundred dollars;
- 12 (5) All wearing apparel and clothing of the debtor and ~~his~~ the debtor's family;
- 13 (6) The provisions for the debtor and ~~his~~ the debtor's family necessary for one year's  
14 supply, either provided or growing, or both, and fuel necessary for one year;
- 15 (7) All property in this state of the judgment debtor if the judgment is in favor of any



1 state for failure to pay that state's income tax on benefits received from a pension or  
2 other retirement plan while the judgment debtor was a resident of this state;

3 (8) Interests in vehicles, not to exceed ten thousand dollars, per debtor.

4 Section 2. That § 43-45-4 be amended to read as follows:

5 43-45-4. In addition to the property provided for in §§ 43-45-2 and 43-45-3, the debtor, if  
6 the head of a family, may, personally, or by agent or attorney, select from all other of the  
7 debtor's personal property, not absolutely exempt, goods, chattels, merchandise, money, or other  
8 personal property not to exceed in the aggregate ~~six~~ ten thousand dollars in value; and, if not the  
9 head of a family, property as aforesaid of the value of ~~four~~ ten thousand dollars, which is also  
10 exempt, and which shall be chosen and appraised as provided by law.

11 Section 3. That § 58-12-8 be amended to read as follows:

12 58-12-8. The total exemption under § 58-12-6 of benefits presently due and payable to any  
13 annuitant periodically or at stated times under all annuity contracts under which he is an  
14 annuitant, shall not at any time exceed two thousand five hundred and fifty dollars per month  
15 for the length of time represented by such installments, and such periodic payments in excess  
16 of two thousand five hundred and fifty dollars per month ~~shall be~~ is subject to levy in the  
17 manner provided by law and the rules of court.