



2025 South Dakota Legislature
House Bill 1024
ENROLLED

AN ACT

ENTITLED An Act to amend certain fees collected by the secretary of state.

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

Section 1. That § 47-1A-122 be AMENDED:

47-1A-122. The secretary of state shall collect the following fees when the documents described in this section are delivered for filing:

- (1) Articles of incorporation, one hundred fifty dollars;
- (2) Application for use of indistinguishable name, twenty-five dollars;
- (3) Application for reserved name, twenty-five dollars;
- (4) Notice of transfer of reserved name, fifteen dollars;
- (5) Application for registered name, twenty-five dollars;
- (6) Application for renewal of registered name filed between October first and December thirty-first each year to extend the registration for the following year, fifteen dollars;
- (7) Articles of domestication, one hundred fifty dollars;
- (8) Articles of charter surrender, one hundred fifty dollars;
- (9) Articles of domestication and conversion, one hundred fifty dollars;
- (10) Articles of entity conversion, one hundred fifty dollars;
- (11) Amendment of articles of incorporation, sixty dollars;
- (12) Restatement of articles of incorporation, sixty dollars;
- (13) Articles of merger or share exchange, sixty dollars;
- (14) Articles of dissolution, ten dollars;
- (15) Articles of revocation of dissolution, ten dollars;
- (16) Certificate of administrative dissolution, no charge;
- (17) Application for reinstatement following administrative dissolution, three hundred dollars, plus any delinquent annual report filing fees and associated penalty fees for the period before the reinstatement application;

- (18) Certificate of reinstatement, no charge;
- (19) Certificate of judicial dissolution, no charge;
- (20) Application for certificate of authority, seven hundred fifty dollars;
- (21) Application for amended certificate of authority, two hundred fifty dollars;
- (22) Application for certificate of withdrawal, ten dollars;
- (23) Application for transfer of authority, twenty-five dollars;
- (24) Certificate of revocation of authority to transact business, no charge;
- (25) Annual report, fifty-five dollars;
- (26) Fee imposed on any entity that does not file or refuses to file an annual report within the time prescribed, fifty-five dollars in addition to the annual report filing fee;
- (27) Articles of correction, twenty-five dollars;
- (28) Application for certificate of existence or authorization, twenty dollars;
- (29) Amended annual report, thirty dollars; and
- (30) Any other document required or permitted to be filed by this chapter, twenty dollars.

The secretary of state shall collect a fee of thirty dollars each time process is served on the secretary under this chapter. The party to a proceeding causing service of process is entitled to recover this fee as costs if the party prevails in the proceeding.

Section 2. That § 47-20-7 be AMENDED:

47-20-7. A cooperative must deliver the annual report required by § 47-20-4 to the secretary of state pursuant to §§ 59-11-24 to 59-11-28, inclusive. A fee of fifty-five dollars must be paid to the secretary of state for filing the report.

If the report does not conform to requirements, the report must be returned to the cooperative for necessary corrections.

Section 3. That § 47-28-6 be AMENDED:

47-28-6. The secretary of state shall charge and collect fees for:

- (1) Filing articles of incorporation and issuing a certificate of incorporation, thirty dollars;
- (2) Filing articles of amendment and issuing a certificate of amendment, fifteen dollars;
- (3) Filing articles of merger or consolidation and issuing a certificate of merger or consolidation, fifteen dollars;
- (4) Filing articles of dissolution, five dollars;

- (5) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state and issuing a certificate of authority, one hundred twenty-five dollars;
- (6) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state and issuing an amended certificate of authority, twenty-five dollars;
- (7) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, five dollars;
- (8) Filing any other statement or report, including an annual report, of a foreign corporation, ten dollars;
- (9) Filing an annual report of a domestic nonprofit corporation under chapter 47-24, ten dollars;
- (10) Filing a petition for reinstatement and issuing a certificate of reinstatement, thirty dollars; and
- (11) Filing a notice of sale, transfer, or merger, fifteen dollars.

Section 4. That § 47-34A-212 be AMENDED:

47-34A-212. The secretary of state shall charge and collect for:

- (a) Filing the articles of organization in the case of a domestic limited liability company, a filing fee of one hundred fifty dollars. Filing the articles of organization in the case of a foreign limited liability company, a filing fee of seven hundred fifty dollars;
- (b) A reporting fee of fifty-five dollars, due and payable with the filing of each annual report. Each entity that does not file or refuses to file its annual report within the time prescribed is subject to a penalty of fifty-five dollars to be assessed by the secretary of state;
- (c) Filing the articles of organization in the case of a domestic limited liability company, where the articles of organization contain a notice that the limited liability company is authorized to establish one or more series, a filing fee of two hundred dollars. Filing an application for a certificate of authority in the case of a foreign limited liability company authorized to establish a series under the laws of another state or jurisdiction, or series of such limited liability company on its own behalf, a filing fee of eight hundred dollars.

Section 5. That § 48-7A-1208 be AMENDED:

48-7A-1208. The provisions of § 1-8-10 notwithstanding, the fee for filing the statements and reports provided for in the following sections with the secretary of state is as follows:

- (1) Section 48-7A-303, Statement of Authority, one hundred twenty-five dollars;
- (2) Section 48-7A-304, Statement of Denial, ten dollars;
- (3) Section 48-7A-704, Statement of Dissociation, ten dollars;
- (4) Section 48-7A-805, Statement of Dissolution, ten dollars;
- (5) Section 48-7A-907, Statement of Merger, sixty dollars;
- (6) Section 48-7A-1001, Statement of Qualification, one hundred twenty-five dollars;
- (6A) Section 48-7A-1001, Statement of Change, ten dollars;
- (7) Section 48-7A-1003, Annual Report, fifty-five dollars. Each limited liability partnership, domestic or foreign, that does not file or refuses to file its annual report within the time prescribed is subject to a penalty of fifty-five dollars to be assessed by the secretary of state;
- (8) Section 48-7A-1001.1, Statement of Amendment, fifteen dollars;
- (9) Section 48-7A-1001.2, Statement of Cancellation, ten dollars;
- (10) Section 48-7A-1102, Statement of Foreign Qualification, one hundred twenty-five dollars;
- (11) Section 48-7A-1102.1, Statement of Amendment of Foreign Qualification, fifteen dollars;
- (12) Section 48-7A-1102.2, Statement of Cancellation, ten dollars; and
- (13) Filing any other statement, ten dollars.

Section 6. That § 57A-9-528 be AMENDED:

57A-9-528. For each effective financing statement filed under this chapter, three dollars of the fee collected pursuant to § 57A-9-525 must be deposited in the financing statement and annual report filing fee fund.

Except for a nonprofit, for each annual report filed pursuant to § 59-11-24, six dollars of the annual report fee must be deposited in the financing statement and annual report filing fee fund.

Except for a nonprofit, for each amendment of an annual report filed pursuant to § 59-11-24 in fiscal year 2016 and each year after, the fee for the amendment must be deposited in the financing statement and annual report filing fee fund.

For each application for a certificate of designation filed under § 47-34A-707, five dollars of the fee collected must be deposited in the financing statement and annual report filing fee fund.

Section 7. That § 57A-9-529 be AMENDED:

57A-9-529. At the end of each fiscal year, any funds in the financing statement and annual report filing fee fund, not otherwise appropriated, in excess of fifty thousand dollars, revert to the general fund.

An Act to amend certain fees collected by the secretary of state.

I certify that the attached Act originated in the:
House as Bill No. 1024

Received at this Executive Office this ____ day of _____, 2025 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

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

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

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

Secretary of the Senate

Secretary of State

House Bill No. 1024
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State