Chapter 92

(House Bill 1011)

An Act to modify fees charged by the clerk of courts for certain copies of court records.

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

Section 1. That § 16-2-29 be AMENDED:

16-2-29. The clerk of courts shall charge and collect the following fees:

(1) For the probate of an estate, seventy-five dollars;

(2) For all service connected with the preparation and transmission of a settled record to the Supreme Court, including the remittitur from the Supreme Court, fifty dollars;

(3) For any of the following, twenty-five dollars:

(a) Civil cases filed for jury or court trial;

(b) Guardianship or conservatorship actions, adoption cases, ~~termination~~ or terminations of life estates;

(c) Cases to determine amount of inheritance tax in estates in which real and personal property is transferred in contemplation of death;

(d) Default actions to quiet title to real property;

(e) Default cases involving garnishment proceedings;

(f) Dissolutions of corporations;

(g) Foreclosure actions;

(h) Special administration proceedings;

(i) Summary administration proceedings;

(j) Appeals to the circuit court from an action of a political subdivision of the state or from an action of the state or its officers, boards, agencies, and commissions; or

(k) All matters not otherwise provided for in this section;

(4) For any of the following, fifty dollars:

(a) Petitions and motions to modify final child support orders, except if the petitioner or moving party is a recipient of assistance benefits pursuant to ~~Title~~ title 28;

(b) Petitions and motions to modify final child custody orders;

(c) Petitions and motions to modify final visitation orders; or

(d) Petitions and motions to modify final spousal support orders;

(5) For any of the following, five dollars:

(a) Issuing a transcript of a judgment;

(b) Filing and docketing a transcript of a judgment;

(c) Issuing and docketing an execution, commission, or writ;

(d) Filing a special execution; or

(e) Renewing a judgment according to § 15-16-33;

(6) For any of the following, two dollars:

(a) ~~Reproducing an authenticated, exemplified, or double certificate of a record on file in the clerk's office;~~

~~(b) Certifying a document not excepted by subdivision (7);~~

~~(c)~~ Issuing a subpoena in a civil case; or

~~(d)~~(b) Safekeeping or filing of a will; ~~and~~

(7) For reproducing an authenticated, exemplified, or double certificate of a record on file in the clerk's office, fifteen dollars; and

(8) All true and correct copies of any original record or paper furnished by the attorney of record or the personal representative qualified to act in any of the following cases, which are necessary for the completion of the case ~~shall~~, must be certified at no extra charge for the certification:

(a) Guardianship or conservatorship actions, adoption cases, termination of life estates, trusts, probate actions;

(b) Cases to determine amount of inheritance tax in estates in which real and personal property is transferred in contemplation of death; and

(c) Divorce actions.

No fee for filing, docketing, issuing, recording, certifying, or searching, or other fee or commission, may be required of the state, any foreign state, or the federal government, or its officers, boards, agencies, and commissions, or its political subdivisions, in any action or proceeding commenced by the state or a political subdivision. ~~In addition, no~~ No fee for record searches may be required of any agency of the federal government ~~which~~ that is charged with law enforcement or investigatory duties under federal law.

No filing fee may be required in any action under § 22-19A-8, 22-19A-12, 25-10-3, or 25-10-6.

Signed February 13, 2026