

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

961R0423

HOUSE JUDICIARY ENGROSSED NO. **HB 1070**
1/27/2010

Introduced by: Representatives Engels, Cutler, Feinstein, Gibson, Hamiel, Hoffman, Killer, Moser, Nygaard, Olson (Betty), Schlekeway, Sorenson, and Turbiville and Senators Vehle, Abdallah, Bradford, Fryslie, Gant, Gillespie, Hanson (Gary), Jerstad, Merchant, Miles, Schmidt, Tieszen, and Turbak Berry

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the voidability of
2 gambling contracts.

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

4 Section 1. That § 53-9-2 be amended to read as follows:

5 53-9-2. ~~Any note, bond, or other contract made and entered into, where the whole or any part~~
6 ~~of the consideration thereof shall be for money or other valuable thing, won or lost, laid, staked,~~
7 ~~or betted at or upon any game of any kind, under any name or by any means, or for the~~
8 ~~repayment of money or other thing of value, lent or advanced, at the time and for the purpose~~
9 ~~of any game, play, bet, or wager, or being laid, staked, betted, or wagered thereon shall be~~
10 ~~absolutely void.~~

11 Any contract:

12 (1) In which the whole or any part of the contractual consideration is money or other
13 valuable consideration, won or lost as a result of the outcome of any game of any



1 kind, under any name or by any means; or

2 (2) In which the contract is for the repayment of money or other valuable consideration,

3 lent or advanced, for the purpose of gambling in connection with any game, play, bet,

4 or wager;

5 is void to the extent that the consideration constitutes a gambling win or loss or is a loan or

6 advance for the purpose of gambling. However, any contract where the creditor is a regulated

7 lender as defined in § 54-3-14, or any other good faith lender, is not subject to this section.