



2020 South Dakota Legislature

House Bill 1086

Introduced by: The Committee on Judiciary at the request of the Chief Justice

1 **An Act to repeal certain fees charged by a clerk of courts.**

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

3 **Section 1.** That § 16-2-29 be AMENDED:

4 **16-2-29. Fees charged by clerk of courts--Governmental bodies exempt.**

5 The clerk of courts shall charge and collect the following fees:

- 6 (1) For the probate of an estate, seventy-five dollars;
- 7 (2) For all service connected with the preparation and transmission of a settled record
8 to the Supreme Court, including the remittitur from the Supreme Court, fifty dollars;
- 9 (3) For any of the following, twenty-five dollars:
- 10 (a) Civil cases filed for jury or court trial;
- 11 (b) Guardianship or conservatorship actions, adoption cases, termination of life
12 estates;
- 13 (c) Cases to determine amount of inheritance tax in estates in which real and
14 personal property is transferred in contemplation of death;
- 15 (d) Default actions to quiet title to real property;
- 16 (e) Default cases involving garnishment proceedings;
- 17 (f) Dissolutions of corporations;
- 18 (g) Foreclosure actions;
- 19 (h) Special administration proceedings;
- 20 (i) Summary administration proceedings;
- 21 (j) Appeals to the circuit court from an action of a political subdivision of the
22 state or from an action of the state or its officers, boards, agencies, and
23 commissions; or
- 24 (k) All matters not otherwise provided for in this section;
- 25 (4) For any of the following, fifty dollars:
- 26 (a) Petitions and motions to modify final child support orders, except if the

1 petitioner or moving party is a recipient of assistance benefits pursuant to
2 Title 28;

- 3 (b) Petitions and motions to modify final child custody orders;
- 4 (c) Petitions and motions to modify final visitation orders;
- 5 (d) Petitions and motions to modify final spousal support orders;

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

- 7 (a) Issuing a transcript of a judgment;
- 8 (b) Filing and docketing a transcript of a judgment;
- 9 (c) Issuing and docketing an execution, commission, or writ;
- 10 (d) Filing a special execution; or
- 11 (e) Renewing a judgment according to § 15-16-33;

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

- 13 (a) Reproducing an authenticated, exemplified, or double certificate of a record
- 14 on file in the clerk's office;
- 15 (b) Certifying a document not excepted by subdivision (7) ~~of this section~~;
- 16 (c) Issuing a subpoena in a civil case; or
- 17 (d) Safekeeping or filing of a will; and

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

- 22 (a) Guardianship or conservatorship actions, adoption cases, termination of life
- 23 estates, trusts, probate actions;
- 24 (b) Cases to determine amount of inheritance tax in estates in which real and
- 25 personal property is transferred in contemplation of death; and
- 26 (c) Divorce actions;

27 ~~(8) For a facsimile or electronic mail transmission of any opinion, record, or paper from~~
28 ~~an active or inactive file in the clerk's custody, one dollar per page, but the~~
29 ~~minimum charge is five dollars. Fees collected pursuant to this subdivision shall be~~
30 ~~deposited into the unified judicial system court automation fund.~~

31 No fee for filing, docketing, issuing, recording, certifying, or searching, or other fee or
32 commission, may be required of the state, any foreign state, or the federal government,
33 or its officers, boards, agencies, and commissions, or its political subdivisions, in any
34 action or proceeding commenced by the state or a political subdivision. In addition, no fee

1 for record searches may be required of any agency of the federal government which is
2 charged with law enforcement or investigatory duties under federal law.

3 No filing fee may be required in any action under § 22-19A-8, 22-19A-12, 25-10-3, or
4 25-10-6, ~~22-19A-8, or 22-19A-12.~~