

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

852R0290

SENATE BILL NO. 141

Introduced by: Senators Gant, Bartling, Brown, Gillespie, Knudson, Turbak Berry, and Vehle and Representatives Rausch, Bolin, Cronin, Fargen, Frerichs, Lust, Olson (Betty), Pitts, and Schlekeway

1 FOR AN ACT ENTITLED, An Act to establish certain provisions regarding documents or
2 instruments filed with the register of deeds that may contain personally identifiable
3 information.

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

5 Section 1. That § 1-27-1.14 be amended to read as follows:

6 1-27-1.14. This chapter does not require the redaction of any record, or any portion of a
7 record, which is recorded in the office of the register of deeds ~~prior to July 1, 2010~~.

8 Section 2. Terms used in sections 2 to 6, inclusive, of this Act mean:

9 (1) "Personally identifiable information," any information that includes one or more of
10 the following specific unique identifiers when combined with an individual's name:

11 (a) A social security number. This term does not, however, include the last four
12 digits of a social security number;

13 (b) Checking, savings, or share account number; or

14 (c) Credit, debit, or charge card number;



1 (2) "Preparer," any person who creates, drafts, edits, revises, or changes the document
2 or instrument that is recorded with the register of deeds. The term, preparer, does not
3 include any person who hires, requires, refers, pays, or requests that the document or
4 instrument be drafted or recorded.

5 Section 3. The preparer of a document or instrument may not include an individual's
6 personally identifiable information in any document or instrument that is prepared and presented
7 for recording in the county office of the register of deeds. This section does not apply to any
8 document or instrument that was executed by an individual prior to July 1, 2010.

9 Section 4. The provisions of sections 2 to 6, inclusive, of this Act do not apply to a state or
10 federal tax lien or release relating to a state or federal tax lien, a military separation or discharge
11 record, a uniform commercial code filing in the county office of the register of deeds, or any
12 governmental certified copy of a document or instrument.

13 Section 5. The register of deeds shall post a notice in the county office of the register of
14 deeds and on any website provided by the register of deeds. The notice shall include the
15 information provided in sections 2 to 4, inclusive, of this Act.

16 Section 6. The register of deeds may not reject a document or instrument presented for
17 recording solely because the document or instrument fails to comply with sections 2 to 6,
18 inclusive, of this Act.