



2024 South Dakota Legislature

Senate Bill 90

SENATE JUDICIARY ENGROSSED

Introduced by: **Senator Rohl**

1 **An Act to revise and repeal provisions related to forcible entry and detainer.**

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

3 **Section 1. That § 21-16-2 be REPEALED:**

4 ~~In all cases arising under subdivisions 21-16-1(4), (5), and (6), three days' written~~
 5 ~~notice to quit must be given to the lessee, subtenant, or party in possession, before~~
 6 ~~proceedings can be instituted, and may be served and returned in like manner as a~~
 7 ~~summons is served and returned. On the second service attempt, at least six hours after~~
 8 ~~the previous service attempt, the notice to quit may be posted in a conspicuous place on~~
 9 ~~the property, and also delivered to a person there residing, if such person can be found;~~
 10 ~~and also sent by first class mail addressed to the tenant at the place where the property~~
 11 ~~is situated.~~

12 **Section 2. That § 21-16-7 be AMENDED:**

13 **21-16-7.** The time for appearance and pleading shall be ~~four~~ five days from the
 14 time of service on the defendant or thirty days after the publication of service under § 21-
 15 16-6.1, whichever occurs sooner. No adjournment or continuance shall be made for more
 16 than fourteen days, unless the defendant applying therefor shall give an undertaking to
 17 the plaintiff with good and sufficient surety to be approved by the court, conditioned for
 18 the payment of the rent that may accrue, together with costs if judgment be rendered
 19 against the defendant.