



2025 South Dakota Legislature

House Bill 1178

Introduced by: **Representative Walburg**

1 **An Act to revise a provision related to notice by registered or certified mail of a small**
 2 **claims action.**

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

4 **Section 1. That § 15-39-55 be AMENDED:**

5 **15-39-55.** Notice ~~shall be~~ is valid ~~although~~ even if the notice is refused by the
 6 defendant and, therefore, not delivered.

7 If notice by registered or certified mail is returned, the clerk must, at the expense
 8 of the plaintiff, deliver the notice to the sheriff of the county in which the action is brought,
 9 and the sheriff must attempt to serve the notice. If service cannot be satisfied by the
 10 sheriff, the clerk must issue, at the request of the plaintiff and at the expense of the
 11 plaintiff, any other or further notice as the court may order.

12 ~~If the notice~~ by all other methods is returned undelivered, without refusal by the
 13 defendant, or if in any other way it appears that notice has not reached the defendant,
 14 the clerk ~~shall~~ must issue, at the request of the plaintiff and at the expense of the plaintiff,
 15 ~~such~~ any other or further notice as the court may order.

16 If the plaintiff elects not to pursue further notification of the defendant, or if the
 17 further notification is unsuccessful after ninety days, the clerk may dismiss the action
 18 without prejudice.