

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

364U0447

SENATE BILL NO. 111

Introduced by: Senators Sohlt, Begalka, Frerichs, Holien, Johnston, Sutton, Tidemann, Tieszen, and Vehle and Representatives Mickelson, Carson, Cronin, Dryden, Feinstein, Gosch, Hawley, Lust, and Solum

1 FOR AN ACT ENTITLED, An Act to amend provisions of the Uniform Commercial Code
2 relating to electronic funds transfers and to declare an emergency.

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

4 Section 1. That § 57A-4A-108 be amended to read as follows:

5 57A-4A-108. This (a) Except as provided in subsection (b), this article does not apply to a
6 funds transfer any part of which is governed by the Electronic Fund Transfer Act of 1978 (Title
7 XX, P.L. 95-630, 92 Stat. 3728, 15 U.S.C. § 1693 et seq.) as amended from time to time.

8 (b) This article does apply to a funds transfer that is a remittance transfer, as defined in the
9 Electronic Fund Transfer Act of 1978 (Title XX, P.L. 95-630, 92 Stat. 3728, 15 U.S.C. § 1693
10 o-1) as amended from time to time, unless the remittance transfer is an electronic fund transfer,
11 as defined in the Electronic Fund Transfer Act of 1978 (Title XX, P.L. 95-630, 92 Stat. 3728,
12 15 U.S.C. § 1693a) as amended from time to time.

13 (c) If there is an inconsistency between an applicable provision of this article and an
14 applicable provision of the Electronic Fund Transfer Act of 1978 (Title XX, P.L. 95-630, 92



1 Stat. 3728, 15 U.S.C. § 1693 et seq.) the provision of the Electronic Fund Transfer Act of 1978
2 (Title XX, P.L. 95-630, 92 Stat. 3728, 15 U.S.C. § 1693 et seq.) governs to the extent of the
3 inconsistency.

4 Section 2. Whereas, this Act is necessary for the support of the state government and its
5 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
6 full force and effect from and after its passage and approval.