

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

934Q0499

HOUSE BILL NO. 1246

Introduced by: Representatives Gosch, Cutler, Hunt, and Schlekeway and Senators Hansen (Tom), Nesselhuf, Turbak Berry, and Vehle

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to service of garnishee
2 summons, affidavit, and garnishment disclosure.

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

4 Section 1. That § 21-18-11 be amended to read as follows:

5 21-18-11. Such garnishee summons, affidavit, and garnishment disclosure may be served
6 by certified mail, return receipt requested, or personally by the sheriff of the county where any
7 garnishee or defendant may be found, or by any other person not a party to the action. If, after
8 reasonable diligence, service by certified mail or personal service by the sheriff is unsuccessful
9 within the time period provided for in § 21-18-10, the plaintiff may file an affidavit stating that
10 fact and may serve such garnishee summons, affidavit, and garnishment disclosure on the
11 defendant by mailing a copy of the documents, together with a copy to the garnishee, to the
12 defendant's last known address by registered mail. The service shall be made and the same
13 returned, with proof of the service, to the person whose name is subscribed thereto, with
14 reasonable diligence. The person subscribing such garnishee summons may, at his option, by
15 an endorsement thereon fix a time for the service thereof, and the service shall then be made



1 accordingly.