

State of South Dakota

NINETY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2016

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HOUSE BILL NO. 1070

Introduced by: Representatives Jensen (Alex), Bartling, Conzet, Cronin, Dryden, Gosch, Hagggar (Don), Hawley, Johns, Langer, Latterell, Mickelson, Partridge, Peterson (Kent), Romkema, Schoenbeck, Stevens, Westra, and Wollmann and Senators Shorma, Brown, Buhl O'Donnell, Curd, Haverly, Heinert, Novstrup (David), Parsley, Peters, Solano, Tidemann, and White

1 FOR AN ACT ENTITLED, An Act to establish venue for certain actions arising out of real
2 property lease agreements.

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

4 Section 1. That chapter 15-5 be amended by adding a NEW SECTION to read:

5 Any breach of contract action between a lessor and a lessee that arises out of a real property
6 lease agreement shall be tried in the county in which any portion of the real property subject to
7 the lease agreement is located.

8 Section 2. That § 15-5-6 be amended to read:

9 15-5-6. In all other cases, except as provided in § 15-5-7 ~~or~~, 15-5-8, or in section 1 of this
10 Act, the action shall be tried in the county in which the defendant or defendants, or any of them,
11 shall reside at the commencement of the action. However, if none of the defendants reside in
12 the state, the action may be tried in any county which the plaintiff shall designate in his
13 complaint, subject, however, to the power of the court to change the place of trial in the cases



1 provided by statute. In the second event, the jurors' fees and mileage payments shall be paid by
2 the parties in such proportions as the court may order. If the parties stipulate to a venue which
3 is not specified in §§ 15-5-1 to 15-5-5, inclusive, the first sentence of this section, § 15-5-7 or
4 15-5-8, the stipulation must be approved by a court order which also provides for the payment
5 of jurors' fees and mileage payments by the parties.