

Disclaimer (effective July 2010)

SDCL 1-27-1. Public records open to inspection and copying. Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts there from during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=1-27-1>

SDCL 1-27-1.14. Redaction of records of office of register of deeds recorded prior to July 1, 2010. This chapter does not require the redaction of any record, or any portion of a record, which is recorded in the office of the register of deeds prior to July 1, 2010.

<http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=1-27-1.14>

SB 141 (Signed into Law Effective March 2010)

Section 2. Terms used in sections 2 to 6, inclusive, of this Act mean:

(1) "Personally identifiable information," any information that includes one or more of the following specific unique identifiers when combined with an individual's name:

(a) A social security number. This term does not, however, include the last four digits of a social security number;

(b) Checking, savings, or share account number; or

(c) Credit, debit, or charge card number;

(2) "Preparer," any person who creates, drafts, edits, revises, or changes the document or instrument that is recorded with the register of deeds. The term, preparer, does not include any person who hires, requires, refers, pays, or requests that the document or instrument be drafted or recorded.

Section 3. The preparer of a document or instrument may not include an individual's personally identifiable information in any document or instrument that is prepared and presented for recording in the county office of the register of deeds. This section does not apply to any document or instrument that was executed by an individual prior to July 1, 2010.

Section 4. The provisions of sections 2 to 6, inclusive, of this Act do not apply to a state or federal tax lien or release relating to a state or federal tax lien, a military separation or discharge record, a uniform commercial code filing in the county office of the register of deeds, or any governmental certified copy of a document or instrument.

Section 5. The register of deeds shall post a notice in the county office of the register of deeds and on any website provided by the register of deeds. The notice shall include the information provided in sections 2 to 4, inclusive, of this Act.

Section 6. The register of deeds may not reject a document or instrument presented for recording solely because the document or instrument fails to comply with sections 2 to 6, inclusive, of this Act.