



NEWS RELEASE

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Legislation Strengthening Consumer Protection Laws and Protecting Businesses Signed into Law

PIERRE, S.D – Attorney General Marty Jackley extends his appreciation to the South Dakota Legislature and Governor Dennis Daugaard for signing SB 23 into law that will strengthen consumer protection laws and protect businesses.

“This legislation was aimed to better protect our consumers and legitimate businesses from annoying and costly scam artists by addressing new technologies and strengthening enforcement provisions for deceptive acts,” said Attorney General Jackley.

Last year the Attorney General’s Consumer Protection Division received approximately 30,000 consumer inquiries, including phone calls, emails, and correspondences and recovered \$9,446,810 for South Dakota consumers. Most of South Dakota’s consumer protection laws had not been updated since their inception in 1971. These laws:

- Increase the crime classification for deceptive acts to Class 1 misdemeanors if the person obtained under \$1,000 from a consumer, a Class 6 felony if that amount was over \$1,000 but under \$100,000, and a Class 5 felony if over \$100,000.
- Create the crime of organized retail theft. Estimated cost to South Dakota businesses approximately \$95 million a year with further loss of approximately \$3.6 million in sales tax revenue. The South Dakota Retailers Association has provided strong support in addressing organized retail theft against South Dakota businesses.
- Prohibits unordered merchandise or bills for service from being sent to both consumers and businesses.
- Allow the Attorney General’s office to recoup attorney’s fees if they prevail in a consumer protection case.
- Require a landlord give a tenant reasonable notice before they enter, with reasonable presumed to mean 24 hours unless different notice provisions are negotiated for between the landlord and tenant.
- Add protection for consumers that are the victim of identity theft through the use of their debit cards.
- Allow written confirmations for travel reservations to be sent to consumers through electronic means, instead of just through the mail.
- Allow innkeepers to collect a deposit in advance of an event only if the facility has a written policy on the issue or a separate contract is entered into by both parties.

Last summer, the Attorney General formed a consumer protection working group consisting of over 70 stakeholders including consumers, business owners, affected interest groups and legislators. The

Attorney General would like to thank the stakeholders as well as working group Chairman Senator Ernie Otten and Vice Chair Person Representative Peggy Gibson for their work on this legislation.

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