

2024 South Dakota Legislature

House Bill 1158**AMENDMENT 1158A
FOR THE INTRODUCED BILL**

1 **An Act to limit reliance upon secondary sources as statements of law.**

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

3 **Section 1. That a NEW SECTION be added to chapter 2-14:**

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5 ~~A secondary source, including any legal treatise, scholarly publication, textbook,~~
6 ~~or other explanatory text, does not constitute the law or public policy of this state and is~~
7 ~~not authoritative if the secondary source purports to create, eliminate, expand, or restrict~~
8 ~~a cause of action, right, or remedy, or if it conflicts with, or is not otherwise addressed~~
9 ~~by:~~

10 ~~(1) The Constitution of the United States or of this state;~~

11 ~~(2) A statute of this state;~~

12 ~~(3) Case law precedent of this state; or~~

13 ~~(4) Other common law that may have been adopted by this state~~ In an action
14 ~~brought in a court in the state, the court may not apply a principle from the American Law~~
15 ~~Institute's Restatement of the Law, Liability Insurance, in ruling on an issue in the case~~
16 ~~unless the principle is clearly expressed in a statute of the state, the common law, or case~~
17 ~~law precedent of the state.~~