

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

634H0312

SENATE BILL NO. 96

Introduced by: Senators Bogue, Koetzle, Koskan, Staggers, and Vitter and Representatives Madsen, Brown (Jarvis), Flowers, Juhnke, Kloucek, Michels, and Monroe

1 FOR AN ACT ENTITLED, An Act to limit the damages that may be awarded in a medical
2 malpractice action against an optometrist.

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

4 Section 1. That § 21-3-11 be amended to read as follows:

5 21-3-11. In any action for damages for personal injury or death alleging malpractice against
6 any physician licensed pursuant to chapter 36-4, chiropractor, optometrist, dentist, dental
7 hygienist, dental assistant, hospital, critical access hospital, registered nurse, licensed practical
8 nurse, certified registered nurse anesthetist, clinical nurse specialist, nurse practitioner, nurse
9 midwife, or physician's assistant, or against the practitioner's corporate, limited liability
10 partnership, or limited liability company employer based upon the acts or omissions of the
11 practitioner, under the laws of this state, whether taken through the court system or by binding
12 arbitration, the total general damages which may be awarded may not exceed the sum of five
13 hundred thousand dollars. There is no limitation on the amount of special damages which may
14 be awarded. This section applies only to causes of action arising from injuries or death occurring
15 after July 1, 1976. However, in the case of chiropractors, it applies only to the causes of action



- 1 arising from injuries or death occurring after July 1, 1978. In the case of optometrists, it applies
- 2 only to causes of action arising from injuries or death occurring after July 1, 2002.