

State of South Dakota

NINETIETH SESSION
LEGISLATIVE ASSEMBLY, 2015

864W0110

SENATE COMMERCE AND ENERGY ENGROSSED NO. **HB 1103** - 03/03/2015

Introduced by: Representatives Stevens, Bartling, Conzet, Gibson, Gosch, Hunt, Johns, Kaiser, Kirschman, Langer, Westra, and Wink and Senators Rusch, Bradford, Buhl O'Donnell, Frerichs, Lederman, Monroe, Rampelberg, Rave, and Solano

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to comparative
2 negligence.

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

4 Section 1. That § 20-9-2 be amended to read as follows:

5 20-9-2. In all actions brought to recover damages for injuries to a person or to that person's
6 property caused by the negligence of another, the ~~fact that the plaintiff may have been guilty of~~
7 plaintiff's contributory negligence does not bar a recovery ~~when~~ if the contributory negligence
8 of the plaintiff was ~~slight in comparison with~~ less than the negligence of the defendant, but in
9 such case, the damages shall be reduced in proportion to the amount of plaintiff's contributory
10 negligence.

11 ~~— Notwithstanding Woods vs. City of Crooks, 559 N.W.2d 558 (SD 1997), the determination~~
12 ~~of whether the contributory negligence of the plaintiff was slight in comparison with the~~
13 ~~negligence of the defendant shall be made without disclosing any determination of percentage~~
14 ~~of plaintiff's fault by special interrogatory.~~

