

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0805

HOUSE BILL NO. 1315

Introduced by: The Committee on Judiciary at the request of the Governor

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 ~~his~~ that
6 person's property caused by the negligence of another, ~~the fact that the plaintiff may have been~~
7 ~~guilty of contributory negligence shall not bar a recovery when the contributory negligence of~~
8 ~~the plaintiff was slight in comparison with the negligence of the defendant, but in such case, the~~
9 ~~damages shall be reduced in proportion to the amount of plaintiff's contributory negligence~~ any
10 contributory negligence chargeable to the plaintiff shall diminish proportionately the amount
11 awarded as damages for an injury attributable to the plaintiff's contributory negligence but does
12 not bar recovery. However, if the contributory negligence of the plaintiff is equal to or greater
13 than the total negligence of all persons against whom recovery is sought, the plaintiff is totally
14 barred from recovery. The jury shall be instructed on the effects of the allocation of negligence.