

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0805

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **HB1315** - 2/24/98

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsors.

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~~ does not bar a recovery when the contributory negligence
8 of the plaintiff was slight in comparison with the negligence of the defendant, but in such case,
9 the damages shall be reduced in proportion to the amount of plaintiff's contributory negligence.
10 Notwithstanding *Woods vs. City of Crooks*, 559 N.W.2d 558 (SD 1997), the determination
11 of whether the contributory negligence of the plaintiff was slight in comparison with the
12 negligence of the defendant shall be made without disclosing any determination of percentage
13 of plaintiff's fault by special interrogatory.

1 **BILL HISTORY**

2 1/26/98 First read in House and referred to Judiciary. H.J. 231

3 2/9/98 Scheduled for Committee hearing on this date.

4 2/9/98 Judiciary Do Pass, Passed, AYES 7, NAYS 6. H.J. 448

5 2/10/98 House of Representatives Deferred to another day. H.J. 532

6 2/11/98 House of Representatives Deferred to another day. H.J. 588

7 2/12/98 Motion to Amend, Passed, AYES 60, NAYS 8. H.J. 619

8 2/12/98 House of Representatives Do Pass Amended, Passed, AYES 48, NAYS 20. H.J. 620

9 2/13/98 First read in Senate and referred to State Affairs. S.J. 511

10 2/14/98 Scheduled for Committee hearing on this date.

11 2/18/98 Scheduled for Committee hearing on this date.

12 2/20/98 Scheduled for Committee hearing on this date.

13 2/20/98 State Affairs Tabled, AYES 5, NAYS 4. S.J. 614

14 2/23/98 State Affairs Hog Housed.

15 2/23/98 State Affairs Removed from Table, AYES 8, NAYS 1. S.J. 647

16 2/23/98 State Affairs Do Pass Amended, Passed, AYES 9, NAYS 0. S.J. 647

17 2/23/98 State Affairs Place on Consent Calendar. S.J. 647

18 2/24/98 Second reading of consent calendar items.