

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

257C0257

## HOUSE BILL NO. 1161

Introduced by: Representatives Kazmerzak, Broderick, Kooistra, and Solum and Senators  
Moore and Flowers

1 FOR AN ACT ENTITLED, An Act to increase the amount of motor vehicle liability insurance  
2 or proof of financial responsibility the owner of a motor vehicle must maintain to cover  
3 certain property damages occurring in an accident.

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

5 Section 1. That § 32-35-70 be amended to read as follows:

6 32-35-70. An owner's policy of liability insurance referred to in § 32-35-68 shall insure the  
7 person named therein and any other person as insured, using any insured vehicle or vehicles with  
8 the express or implied permission of the named insured, against loss from the liability imposed  
9 by law for damages arising out of the ownership, maintenance, or use of the vehicle or vehicles  
10 within the United States of America or the Dominion of Canada, subject to limits exclusive of  
11 interests and costs, with respect to each insured vehicle, as follows: twenty-five thousand dollars  
12 because of bodily injury to or death of one person in any one accident and, subject to the limit  
13 for one person, fifty thousand dollars because of bodily injury to or death of two or more persons  
14 in any one accident, and ~~twenty-five~~ fifty thousand dollars because of injury to or destruction of  
15 property of others in any one accident. If the policy complies with the filing and form  
16 requirements of Title 58 and has been approved by the Division of Insurance, the driver and

1 owner has complied with this chapter. The policy may exclude liability coverage if the  
2 policyholder certifies in writing that the vehicle will not be operated during the policy period. The  
3 policy may exclude or limit coverage pursuant to § 58-11-9.3, or for a relative residing in the  
4 named insured's household. Policies issued after January 1, 1987, and owners who have  
5 purchased such policies are in compliance with this chapter. Date of compliance does not affect  
6 any pending litigation.

7 Section 2. That § 32-35-2 be amended to read as follows:

8 32-35-2. The term, proof of financial responsibility for the future, as used in this chapter  
9 means proof of ability to respond in damages for liability, on account of accidents occurring after  
10 the effective date of the proof, arising out of the ownership, maintenance, or use of a vehicle of  
11 a type subject to registration under the laws of this state, in the amount of twenty-five thousand  
12 dollars because of bodily injury to or death of one person in any one accident, and, subject to the  
13 limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death  
14 of two or more persons in any one accident, and in the amount of ~~twenty-five~~ fifty thousand  
15 dollars because of injury to or destruction of property of others in any one accident. Wherever  
16 used in this chapter the terms, proof of financial responsibility, or, proof, are synonymous with  
17 the term, proof of financial responsibility for the future.

18 Section 3. That § 32-35-59 be amended to read as follows:

19 32-35-59. Judgments referred to in §§ 32-35-43 to 32-35-62, inclusive, ~~shall~~ are, for the  
20 purpose of this chapter only, ~~be~~ deemed satisfied:

- 21 (1) If twenty-five thousand dollars ~~has been~~ was credited upon any judgment or  
22 judgments rendered in excess of that amount because of bodily injury to or death of  
23 one person as the result of any one accident; or
- 24 (2) If, subject to the limit of twenty-five thousand dollars because of bodily injury to or  
25 death of one person, the sum of fifty thousand dollars ~~has been~~ was credited upon any

1 judgment or judgments rendered in excess of that amount because of bodily injury to  
2 or death of two or more persons as the result of any one accident; or

3 (3) If ~~twenty-five~~ fifty thousand dollars ~~has been~~ was credited upon any judgment or  
4 judgments rendered in excess of that amount because of injury to or destruction of  
5 property of others as a result of any one accident.

6 However, payments made in settlements of any claims because of bodily injury, death, or  
7 property damage arising from the accident shall be credited to reduce the amounts provided for  
8 in this section.