

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

770C0787

SENATE ENGROSSED NO. **SB186** - 2/11/99

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

Introduced by: Senators Everist and Halverson and Representatives Peterson, Brooks, Brown (Richard), Chicoine, Fiegen, and Solum

1 FOR AN ACT ENTITLED, An Act to limit the liability of certain persons for year 2000
2 litigation.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Computer," any electronic device or group, network, or other combination of
6 devices using silicon chips, embedded chips, or other electronic systems or processes
7 to store, process, or manipulate information whether independently or in connection
8 with other electronic devices or other machinery or any other device included under
9 § 43-43B-2;

10 (2) "Computer software," any set of instructions, computations, or other data stored or
11 recorded on an electronic or other medium that causes or allows a computer to
12 perform specific functions, calculations, or other activities or any other device
13 included under § 43-43B-2;

14 (3) "Year 2000 disruption," any malfunction or failure of a computer or computer
15 software due to an inability or failure to properly perform operations, computations,
16 or other functions or to properly store, display, transmit, or otherwise manipulate data

1 as a result of an inability or failure to recognize or process dates using the year 2000
2 or any subsequent year;

3 (4) "Year 2000 compliance," reasonable consultation, assessment, analysis, testing, or
4 contingency planning in conformance with generally accepted computer or computer
5 software standards that indicates that any computer or computer software will not
6 suffer a material Year 2000 disruption; or installation of any new computer or
7 computer software or any upgrade to any computer or computer software which is
8 warranted, guaranteed, or otherwise marketed to comply with generally accepted
9 design standards to avoid Year 2000 disruption.

10 Section 2. In any lawsuit based on any Year 2000 disruption, evidence of Year 2000
11 compliance creates a rebuttable presumption that any injury based on a Year 2000 disruption was
12 not caused by negligence of the defendant or that, in any action based on breach of contract
13 resulting from a Year 2000 disruption, failure to perform under the contract was not the fault of
14 the defendant.

15 Section 3. Nothing in this Act abrogates or limits rights under § 57A-2-318.

1 **BILL HISTORY**

2 1/27/99 First read in Senate and referred to State Affairs. S.J. 218

3 2/1/99 Scheduled for Committee hearing on this date.

4 2/5/99 Scheduled for Committee hearing on this date.

5 2/8/99 State Affairs Hog Housed.

6 2/8/99 Scheduled for Committee hearing on this date.

7 2/8/99 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 0. S.J. 362

8 2/8/99 Scheduled for Committee hearing on this date.

9 2/10/99 Motion to Amend, Passed. S.J. 433

10 2/10/99 Senate Do Pass Amended, Passed, AYES 30, NAYS 3. S.J. 433