

State of South Dakota

SEVENTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2000

950D0189

SENATE BILL NO. 173

Introduced by: Senators Lange, Duxbury, Flowers, and Reedy and Representatives Waltman, Burg, Davis, Haley, Kazmerzak, Lockner, Lucas, McIntyre, Weber, and Wilson

1 FOR AN ACT ENTITLED, An Act to increase the amounts of financial responsibility to be
2 maintained on certain motor vehicles.

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

4 Section 1. That § 32-35-113 be amended to read as follows:

5 32-35-113. Every driver or owner of a motor vehicle shall at all times maintain in force one
6 of the forms of financial responsibility on the motor vehicle by one of the following methods:

7 (1) Having in force on the motor vehicle an owner's policy of liability insurance as
8 provided in § 32-35-70;

9 (2) Having in force a bond as provided in § 32-35-83;

10 (3) Having a certificate of deposit of money or securities as provided in § 32-35-87, but
11 in the amount of ~~fifty~~ one hundred thousand dollars; or

12 (4) Having a certificate of self-insurance, as provided in §§ 32-35-90 and 32-35-91,
13 supplemented by an agreement by the self-insurer that, with respect to accidents
14 occurring while the certificate is in force, ~~he~~ the self-insurer will pay the same
15 amounts that an insurer would have been obligated to pay under an owner's motor
16 vehicle liability policy if it had issued such a policy to ~~said~~ the self-insurer.

1 Failure to maintain financial responsibility is a Class 2 misdemeanor.

2 Section 2. That § 32-35-70 be amended to read as follows:

3 32-35-70. An owner's policy of liability insurance referred to in § 32-35-68 shall insure the
4 person named therein and any other person as insured, using any insured vehicle or vehicles with
5 the express or implied permission of the named insured, against loss from the liability imposed
6 by law for damages arising out of the ownership, maintenance, or use of the vehicle or vehicles
7 within the United States of America or the Dominion of Canada, subject to limits exclusive of
8 interests and costs, with respect to each insured vehicle, as follows: ~~twenty-five~~ fifty thousand
9 dollars because of bodily injury to or death of one person in any one accident and, subject to the
10 limit for one person, ~~fifty~~ one hundred thousand dollars because of bodily injury to or death of
11 two or more persons in any one accident, and twenty-five thousand dollars because of injury to
12 or destruction of property of others in any one accident. If the policy complies with the filing and
13 form requirements of Title 58 and has been approved by the Division of Insurance, the driver and
14 owner has complied with this chapter. The policy may exclude liability coverage if the
15 policyholder certifies in writing that the vehicle will not be operated during the policy period. The
16 policy may exclude or limit coverage pursuant to § 58-11-9.3, or for a relative residing in the
17 named insured's household. Policies issued after January 1, 1987, and owners who have
18 purchased such policies are in compliance with this chapter. Date of compliance does not affect
19 any pending litigation.

20 Section 3. That § 32-35-2 be amended to read as follows:

21 32-35-2. The term, proof of financial responsibility for the future, as used in this chapter
22 means proof of ability to respond in damages for liability, on account of accidents occurring after
23 the effective date of the proof, arising out of the ownership, maintenance, or use of a vehicle of
24 a type subject to registration under the laws of this state, in the amount of ~~twenty-five~~ fifty
25 thousand dollars because of bodily injury to or death of one person in any one accident, and,

1 subject to the limit for one person, in the amount of ~~forty~~ one hundred thousand dollars because
2 of bodily injury to or death of two or more persons in any one accident, and in the amount of
3 twenty-five thousand dollars because of injury to or destruction of property of others in any one
4 accident. Wherever used in this chapter the terms, proof of financial responsibility, or, proof, are
5 synonymous with the term, proof of financial responsibility for the future.