

# State of South Dakota

SEVENTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2002

562H0395

## HOUSE BILL NO. 1164

Introduced by: Representatives Van Etten, Brown (Jarvis), Eccarius, Madsen, Michels,  
Monroe, Murschel, and Olson (Mel) and Senators Bogue, Craddock, Everist,  
and Hutmacher

1 FOR AN ACT ENTITLED, An Act to abrogate the loss of chance doctrine as set forth in

2 Jorgenson v. Vener.

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

4 Section 1. The Legislature finds that in those actions founded upon an alleged want of  
5 ordinary care or skill the conduct of the responsible party must be shown to have been the  
6 proximate cause of the injury complained of. The Legislature also finds that the application of  
7 the so called loss of chance doctrine in such cases improperly alters or eliminates the requirement  
8 of proximate causation. Therefore, the rule in Jorgenson v. Vener, 2000 SD 87, 616 N.W. 2<sup>nd</sup>  
9 366 (2000) is hereby abrogated.

