

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

770J0096

HOUSE BILL NO. 1121

Introduced by: Representatives LaRue, Garnos, Hennies, McLaughlin, Novstrup, Weems,
and Wick and Senators Kelly, Duenwald, Duniphan, Olson (Ed), Sutton
(Dan), and Vitter

1 FOR AN ACT ENTITLED, An Act to increase the minimum amounts of financial
2 responsibility that must be maintained on a licensed motor vehicle.

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

4 Section 1. That § 32-35-2 be amended to read as follows:

5 32-35-2. The term, proof of financial responsibility for the future, as used in this chapter
6 means proof of ability to respond in damages for liability, on account of accidents occurring
7 after the effective date of the proof, arising out of the ownership, maintenance, or use of a
8 vehicle of a type subject to registration under the laws of this state, in the amount of ~~twenty-five~~
9 fifty thousand dollars because of bodily injury to or death of one person in any one accident,
10 and, subject to the limit for one person, in the amount of ~~fifty~~ one hundred thousand dollars
11 because of bodily injury to or death of two or more persons in any one accident, and in the
12 amount of ~~twenty-five~~ fifty thousand dollars because of injury to or destruction of property of
13 others in any one accident. Wherever used in this chapter the terms, proof of financial
14 responsibility, or, proof, are synonymous with the term, proof of financial responsibility for the
15 future.



1 Section 2. That § 32-35-59 be amended to read as follows:

2 32-35-59. Judgments referred to in §§ 32-35-43 to 32-35-62, inclusive, shall, for the purpose
3 of this chapter only, be deemed satisfied:

4 (1) If ~~twenty-five~~ fifty thousand dollars has been credited upon any judgment or
5 judgments rendered in excess of that amount because of bodily injury to or death of
6 one person as the result of any one accident; or

7 (2) If, subject to the limit of ~~twenty-five~~ fifty thousand dollars because of bodily injury
8 to or death of one person, the sum of ~~fifty~~ one hundred thousand dollars has been
9 credited upon any judgment or judgments rendered in excess of that amount because
10 of bodily injury to or death of two or more persons as the result of any one accident;
11 or

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

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

18 Section 3. That § 32-35-70 be amended to read as follows:

19 32-35-70. An owner's policy of liability insurance referred to in § 32-35-68 shall insure the
20 person named therein and any other person as insured, using any insured vehicle ~~or vehicles~~
21 with the express or implied permission of the named insured, against loss from the liability
22 imposed by law for damages arising out of the ownership, maintenance, or use of the vehicle
23 or vehicles within the United States of America or the Dominion of Canada, subject to limits
24 exclusive of interests and costs, with respect to each insured vehicle, as follows: ~~twenty-five~~

1 fifty thousand dollars because of bodily injury to or death of one person in any one accident and,
2 subject to the limit for one person, ~~fifty~~ one hundred thousand dollars because of bodily injury
3 to or death of two or more persons in any one accident, and ~~twenty-five~~ fifty thousand dollars
4 because of injury to or destruction of property of others in any one accident. If the policy
5 complies with the filing and form requirements of Title 58 and has been approved by the
6 Division of Insurance, the driver and owner has complied with this chapter. The policy may
7 exclude liability coverage if the policyholder certifies in writing that the vehicle will not be
8 operated during the policy period. The policy may exclude or limit coverage pursuant to
9 § 58-11-9.3, or for a relative residing in the named insured's household. ~~Policies issued after~~
10 ~~January 1, 1987, and owners who have purchased such policies are in compliance with this~~
11 ~~chapter. Date of compliance does not affect any pending litigation.~~