

AN ACT

ENTITLED, An Act to provide immunity from liability for certain owners of anhydrous ammonia.

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

Section 1. Any person tampering with or assisting in tampering with anhydrous ammonia assumes the risk of personal injury, death, and any other economic or noneconomic loss or damage arising from tampering with or assisting in tampering with anhydrous ammonia. An owner of anhydrous ammonia is not liable to such person for personal injury, death, or any other economic or noneconomic loss or damage arising out of tampering with or assisting in tampering with anhydrous ammonia, except in any case in which such loss or damage was caused by conduct of the owner that was willful, wanton, reckless, or grossly negligent.

Section 2. For purposes of this Act, the term, owner of anhydrous ammonia, means any person who, for any lawful purpose:

- (1) Owns anhydrous ammonia;
- (2) Owns a container, equipment, or storage facility containing anhydrous ammonia;
- (3) Is responsible for the installation or operation of a container, equipment, or storage facility containing anhydrous ammonia;
- (4) Sells anhydrous ammonia;
- (5) Purchases anhydrous ammonia; or
- (6) Operates or uses anhydrous ammonia containers, equipment, or storage facilities.

Section 3. For the purposes of this Act, the term, tampering, means unlawfully releasing, transferring, or attempting to release or transfer anhydrous ammonia from its present container, equipment, or storage facility to another container, equipment, or storage facility or the subsequent transport of such anhydrous ammonia.

An Act to provide immunity from liability for certain owners of anhydrous ammonia.

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I certify that the attached Act
originated in the
SENATE as Bill No. 167

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 167
File No. _____
Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,
20__ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20__

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State