

State of South Dakota

EIGHTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2007

717N0352

HOUSE BILL NO. 1143

Introduced by: Representatives Cutler and Moore and Senators Albers, Knudson, and Turbak

1 FOR AN ACT ENTITLED, An Act to repeal the limitation on liability of local government
2 agencies and their employees for year 2000 litigation.

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

4 Section 1. That § 3-21-12 be repealed.

5 ~~—3-21-12. No unit of local government or any political subdivision of the state and no~~
6 ~~employee of any unit of local government or political subdivision of the state is liable for losses~~
7 ~~from any failure or malfunction occurring on or before December 31, 2002, which is caused~~
8 ~~directly or indirectly by the failure of computer software or any device containing a computer~~
9 ~~processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates~~
10 ~~or times, if the failure or malfunction causing the loss was unforeseeable; or, if foreseeable, the~~
11 ~~plan, design, or both, for identifying and preventing the failure or malfunction was prepared in~~
12 ~~substantial compliance with generally accepted computer and information system design~~
13 ~~standards in effect at the time of the preparation of the plan or design; and if the employee~~
14 ~~exercised due diligence in the operation of such computer software or device.~~

