

# State of South Dakota

EIGHTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2007

717N0327

## HOUSE BILL NO. 1147

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding notices of claims  
2 against governmental entities.

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

4 Section 1. That § 3-21-2 be amended to read as follows:

5 3-21-2. No action for the recovery of damages for personal injury, property damage, error,  
6 or omission or death caused by a public entity or its employees may be maintained against the  
7 public entity or its employees unless written notice of the time, place, and cause of the injury  
8 is given to the public entity as provided by this chapter within one hundred eighty days after the  
9 injury. Nothing in this chapter tolls or extends any applicable limitation on the time for  
10 commencing an action.

11 Section 2. That § 3-21-6 be repealed.

12 ~~3-21-6. The claimant or the claimant's legal representative may file a suit if the public entity~~  
13 ~~does not accept or reject the claim within ninety days of receipt of the notice as provided in § 3-~~  
14 ~~21-2.~~

