

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

481P0566

SENATE BILL NO. 137

Introduced by: Senators Knudson, Hansen (Tom), Hauge, Hunhoff, and Olson (Ed) and
Representatives Peters, Deadrick, Dykstra, Van Etten, and Willadsen

1 FOR AN ACT ENTITLED, An Act to identify medical expenses recoverable in personal injury
2 actions.

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

4 Section 1. That chapter 21-3 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In any action for damages for personal injury or death under the laws of this state, whether
7 taken through the court system or by binding arbitration, the damages that may be awarded for
8 medical expenses are limited to the amounts actually paid by, or on behalf of, the plaintiff. Any
9 amounts reduced or cancelled pursuant to agreements between health care providers and private
10 insurers, government programs, or patients are not recoverable.

