

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

643R0130

HOUSE BILL NO. 1068

Introduced by: Representatives Verchio, Brunner, Jensen, Kirkeby, Kopp, Olson (Betty), and
Sly and Senators Schmidt and Maher

1 FOR AN ACT ENTITLED, An Act to revise the limitation on damages for medical malpractice
2 actions.

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

4 Section 1. That § 21-3-11 be amended to read as follows:

5 21-3-11. In any action for damages for personal injury or death alleging malpractice against
6 any physician licensed pursuant to chapter 36-4, chiropractor, optometrist, podiatrist, dentist,
7 dental hygienist, dental assistant, hospital, critical access hospital, registered nurse, licensed
8 practical nurse, certified registered nurse anesthetist, clinical nurse specialist, nurse practitioner,
9 nurse midwife, or physician's assistant, or against the practitioner's corporate, limited liability
10 partnership, or limited liability company employer based upon the acts or omissions of the
11 practitioner, under the laws of this state, whether taken through the court system or by binding
12 arbitration, the total general damages which may be awarded may not exceed the sum of five
13 hundred thousand dollars. There is no limitation on the amount of special damages which may
14 be awarded. This section applies only to causes of action arising from injuries or death occurring
15 after July 1, 1976. However, in the case of chiropractors, it applies only to the causes of action



1 arising from injuries or death occurring after July 1, 1978. In the case of optometrists, it applies
2 only to causes of action arising from injuries or death occurring after July 1, 2002. In the case
3 of podiatrists, it applies only to causes of action arising from injuries or death occurring after
4 July 1, 2005. For any causes of action arising from injuries or death occurring after June 30,
5 2010, the total general damages which may be awarded may not exceed the sum of one hundred
6 thousand dollars.