

State of South Dakota

EIGHTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2013

870U0540

HOUSE BILL NO. 1151

Introduced by: Representatives Rounds, Campbell, Craig, Cronin, Greenfield, Hawley, Heinert, Hoffman, May, Nelson, Olson (Betty), Schaefer, and Verchio and Senators Maher, Lucas, Monroe, Rave, and Welke

1 FOR AN ACT ENTITLED, An Act to extend general immunity from liability for directors and
2 officers of certain nonprofit fire and ambulance departments and to limit certain actions for
3 personal injury or death.

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

5 Section 1. That § 20-9-4.1 be amended to read as follows:

6 20-9-4.1. No peace officer, conservation officer, member of any fire department, police
7 department and their first aid, rescue or emergency squad, or any citizen acting as such as a
8 volunteer, or any other person is liable for any civil damages as a result of their acts of
9 commission or omission arising out of and in the course of their rendering in good faith, any
10 emergency care and services during an emergency which is in their judgment indicated and
11 necessary at the time. Such relief from liability for civil damages ~~shall extend~~ extends to the
12 operation of any motor vehicle in connection with any such care or services. Such relief from
13 liability for civil damages also extends to the directors and officers of a nonprofit fire or
14 ambulance department recognized as an exempt corporation pursuant to section 501(c)(3) of the



1 Internal Revenue Code as amended on January 1, 2013.

2 Nothing in this section grants any ~~such~~ relief to any person causing any damage by ~~his a~~
3 willful, wanton, or reckless act of commission or omission.

4 Section 2. That chapter 20-9 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any action for recovery of damages for personal injury or death caused by the negligence
7 of directors and officers of a nonprofit fire or ambulance department recognized as an exempt
8 corporation pursuant to section 501(c)(3) of the Internal Revenue Code as amended on
9 January 1, 2013, or its employees and volunteers authorized by the nonprofit organization at the
10 time of the alleged negligent act shall be commenced within two years from the occurrence of
11 the accident causing the injury or death. This section applies whether such person is classified,
12 unclassified, licensed, certified, permanent, temporary, compensated, or not compensated.