State of South Dakota

EIGHTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2013

870U0540

HOUSE JUDICIARY ENGROSSED NO. HB 1151 - 02/06/2013

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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
- 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
- operation of any motor vehicle in connection with any such care or services.
- Nothing in this section grants any such relief to any person causing any damage by his

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- 1 willful, wanton or reckless act of commission or omission.
- 2 Section 2. That chapter 20-9 be amended by adding thereto a NEW SECTION to read as
- 3 follows:
- 4 Any action for recovery of damages for personal injury or death caused by the negligence
- 5 of directors and officers of a nonprofit fire, ambulance, or search and rescue entity organized
- 6 or incorporated in the State of South Dakota, or its employees and volunteers authorized by the
- 7 nonprofit organization at the time of the alleged negligent act shall be commenced within two
- 8 years from the occurrence of the accident causing the injury or death. This section applies
- 9 whether such person is classified, unclassified, licensed, certified, permanent, temporary,
- 10 compensated, or not compensated.
- 11 Section 3. That chapter 20-9 be amended by adding thereto a NEW SECTION to read as
- 12 follows:
- A nonprofit fire, ambulance, or search and rescue entity organized or incorporated in the
- 14 State of South Dakota and its volunteer officers and directors are immune from civil liability
- 15 for any action brought in any court in this state on the basis of any act or omission resulting in
- 16 damage or injury if:
- 17 (1) The individual was acting in good faith and within the scope of such individual's
- official functions and duties for the nonprofit organization or corporation; and
- 19 (2) The damage or injury was not caused by gross negligence or willful and wanton
- 20 misconduct by such individual.