

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

277Y0378

SENATE BILL NO. 145

Introduced by: Senators Rusch, Cammack, Ewing, Kennedy, Soholt, and Stalzer and Representatives Tieszen, Ahlers, Bartling, Haggar, Hawley, Jensen (Kevin), Lesmeister, McCleerey, Mickelson, Reed, Ring, Smith, Soli, Willadsen, and Wismer

1 FOR AN ACT ENTITLED, An Act to provide limitation on liability for certain architects and
2 engineers.

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

4 Section 1. That chapter 36-18A be amended by adding a NEW SECTION to read:

5 No architect or engineer may be held liable for personal injury, wrongful death, property
6 damage, or other loss related to any architectural, structural, electrical, mechanical, or other
7 professional design service provided by the architect or engineer, voluntarily or without
8 compensation, at the request or approval of a national, state, or local public official in response
9 to a declared national, state, or local emergency caused by a tornado, fire, explosion, collapse
10 or other similar disaster or catastrophic event. This section applies to services rendered within
11 ninety days following the end of the declared emergency, disaster, or catastrophic event unless
12 extended by executive order of the Governor. Limited liability under this section does not apply
13 if the injury, death, or damage is the result of gross negligence or willful or wanton misconduct.
14 For purpose of this section compensation does not include reimbursement for expenses.

