

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

535T0685

SENATE BILL NO. 147

Introduced by: Senators Peters, Gray, and Olson (Russell) and Representatives Novstrup (David), Cronin, Hawley, Moser, Rausch, Tulson, and Verchio

1 FOR AN ACT ENTITLED, An Act to limit compensatory damages in civil actions related to
2 death or injury.

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 an action to recover damages resulting from death or injury, the damages that may be
7 recovered by a claimant for reasonable and necessary health care services or treatment received
8 shall include only:

9 (1) Amounts actually paid by or on behalf of the claimant; and

10 (2) Amounts actually necessary to satisfy unpaid charges still due and payable to the
11 health care service provider for which the claimant or a third party on behalf of the
12 claimant has a legal obligation to pay.

13 Section 2. That chapter 21-3 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Unpaid charges under section 1 of this Act shall not exceed amounts customarily accepted



1 by health care service providers for the health care services or treatment at issue in satisfaction
2 of their bills.

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

5 The gross amounts of a claimant's medical bills are inadmissible as evidence of damages
6 where such gross amounts are not reflective of the actual amounts paid or that remain actually
7 owed to satisfy those bills.

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

10 This Act is in addition to, and does not otherwise affect, any other limitation on damages.