

AN ACT

ENTITLED, An Act to limit the liability of certain persons for year 2000 litigation.

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

Section 1. Terms used in this Act mean:

- (1) "Computer," any electronic device or group, network, or other combination of devices using silicon chips, embedded chips, or other electronic systems or processes to store, process, or manipulate information whether independently or in connection with other electronic devices or other machinery or any other device included under § 43-43B-2;
- (2) "Computer software," any set of instructions, computations, or other data stored or recorded on an electronic or other medium that causes or allows a computer to perform specific functions, calculations, or other activities or any other device included under § 43-43B-2;
- (3) "Year 2000 disruption," any malfunction or failure of a computer or computer software due to an inability or failure to properly perform operations, computations, or other functions or to properly store, display, transmit, or otherwise manipulate data as a result of an inability or failure to recognize or process dates using the year 2000 or any subsequent year;
- (4) "Year 2000 compliance," reasonable consultation, assessment, analysis, testing, or contingency planning in conformance with generally accepted computer or computer software standards that indicates that any computer or computer software will not suffer a material Year 2000 disruption; or installation of any new computer or computer software or any upgrade to any computer or computer software which is warranted, guaranteed, or otherwise marketed to comply with generally accepted design standards to avoid Year 2000 disruption.

Section 2. In any lawsuit based on any Year 2000 disruption, evidence of Year 2000 compliance

creates a rebuttable presumption that any injury based on a Year 2000 disruption was not caused by negligence of the defendant or that, in any action based on breach of contract resulting from a Year 2000 disruption, failure to perform under the contract was not the fault of the defendant.

Section 3. Nothing in this Act abrogates or limits rights under § 57A-2-318.

An Act to limit the liability of certain persons for year 2000 litigation.

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I certify that the attached Act
originated in the

SENATE as Bill No. 186

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 186

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

19____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 19____

Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 19____
at _____ o'clock __ M.

Secretary of State

By _____
Ass. Secretary of State