

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

770C0787

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **SB186** - 2/9/99

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

Introduced by: Senators Everist and Halverson and Representatives Peterson, Brooks, Brown (Richard), Chicoine, Fiegen, and Solum

1 FOR AN ACT ENTITLED, An Act to limit the liability of certain persons for year 2000
2 litigation.

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

4 Section 1. Terms used in this Act mean:

5 (1) "Computer," any electronic device or group, network, or other combination of
6 devices using silicon chips, embedded chips, or other electronic systems or processes
7 to store, process, or manipulate information whether independently or in connection
8 with other electronic devices or other machinery or any other device included under
9 § 43-43B-2;

10 (2) "Computer software," any set of instructions, computations, or other data stored or
11 recorded on an electronic or other medium that causes or allows a computer to
12 perform specific functions, calculations, or other activities or any other device
13 included under § 43-43B-2;

14 (3) "Year 2000 disruption," any malfunction or failure of a computer or computer
15 software due to an inability or failure to properly perform operations, computations,

1 or other functions or to properly store, display, transmit, or otherwise manipulate data
2 as a result of an inability or failure to recognize or process dates using the year 2000
3 or any subsequent year;

4 (4) "Year 2000 compliance," reasonable consultation, analysis, testing, or contingency
5 planning in conformance with generally accepted computer or computer software
6 standards that indicates that any computer or computer software will not suffer any
7 Year 2000 disruption; or installation of any new computer or computer software or
8 any upgrade to any computer or computer software which is warranted, guaranteed,
9 or otherwise marketed to comply with generally accepted design standards to avoid
10 Year 2000 disruption.

11 Section 2. In any lawsuit based on any Year 2000 disruption, evidence of Year 2000
12 compliance creates a rebuttable presumption that any injury based on a Year 2000 disruption was
13 not caused by negligence of the defendant or that, in any action based on breach of contract
14 resulting from a Year 2000 disruption, failure to perform under the contract was not the fault of
15 the defendant.

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

1 **BILL HISTORY**

2 1/27/99 First read in Senate and referred to State Affairs. S.J. 218

3 2/1/99 Scheduled for Committee hearing on this date.

4 2/5/99 Scheduled for Committee hearing on this date.

5 2/8/99 State Affairs Hog Housed.

6 2/8/99 Scheduled for Committee hearing on this date.

7 2/8/99 State Affairs Do Pass Amended, Passed, AYES 8, NAYS 0. S.J. 362