

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0352

## HOUSE BILL NO. 1042

Introduced by: The Committee on Transportation at the request of the Department of  
Revenue and Regulation

1 FOR AN ACT ENTITLED, An Act to provide limited immunity to persons that report certain  
2 vehicle dealer violations.

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

4 Section 1. That chapter 32-6B be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 Any person acting in good faith is immune from civil liability for filing a report furnishing  
7 any information relating to a suspected, anticipated, or completed violation of this chapter by  
8 a licensed vehicle dealer to:

- 9 (1) The Department of Revenue and Regulation;
- 10 (2) Law enforcement officials; and
- 11 (3) County officials.

12 If a civil action is commenced against a person for damages related to the filing of a report  
13 or the furnishing of information under this section and the court determines that the person acted  
14 in good faith in filing the report or furnishing the information, the person filing the report or  
15 furnishing the information may recover costs or disbursements under chapter 15-17, including



1 reasonable attorneys fees.

2 If the trier of fact concludes that the person filing the report or furnishing the information  
3 was not acting in good faith, the person filing a civil action may recover costs or disbursements  
4 under chapter 15-17, including reasonable attorney's fees.

5 This section does not abrogate or modify in any way any common law or statutory privilege  
6 or immunity.

7 Section 2. That chapter 32-6C be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 Any person acting in good faith is immune from civil liability for filing a report furnishing  
10 any information relating to a suspected, anticipated, or completed violation of this chapter by  
11 a licensed snowmobile dealer to:

- 12 (1) The Department of Revenue and Regulation;
- 13 (2) Law enforcement officials; and
- 14 (3) County officials.

15 If a civil action is commenced against a person for damages related to the filing of a report  
16 or the furnishing of information under this section and the court determines that the person acted  
17 in good faith in filing the report or furnishing the information, the person filing the report or  
18 furnishing the information may recover costs or disbursements under chapter 15-17, including  
19 reasonable attorneys fees.

20 If the trier of fact concludes that the person filing the report or furnishing the information  
21 was not acting in good faith, the person filing a civil action may recover costs or disbursements  
22 under chapter 15-17, including reasonable attorney's fees.

23 This section does not abrogate or modify in any way any common law or statutory privilege  
24 or immunity.

1 Section 3. That chapter 32-7A be amended by adding thereto a NEW SECTION to read as  
2 follows:

3 Any person acting in good faith is immune from civil liability for filing a report furnishing  
4 any information relating to a suspected, anticipated, or completed violation of this chapter by  
5 a licensed dealer to:

- 6 (1) The Department of Revenue and Regulation;
- 7 (2) Law enforcement officials; and
- 8 (3) County officials.

9 If a civil action is commenced against a person for damages related to the filing of a report  
10 or the furnishing of information under this section and the court determines that the person acted  
11 in good faith in filing the report or furnishing the information, the person filing the report or  
12 furnishing the information may recover costs or disbursements under chapter 15-17, including  
13 reasonable attorneys fees.

14 If the trier of fact concludes that the person filing the report or furnishing the information  
15 was not acting in good faith, the person filing a civil action may recover costs or disbursements  
16 under chapter 15-17, including reasonable attorney's fees.

17 This section does not abrogate or modify in any way any common law or statutory privilege  
18 or immunity.

19 Section 4. That chapter 32-7B be amended by adding thereto a NEW SECTION to read as  
20 follows:

21 Any person acting in good faith is immune from civil liability for filing a report furnishing  
22 any information relating to a suspected, anticipated, or completed violation of this chapter by  
23 a licensed boat dealer to:

- 24 (1) The Department of Revenue and Regulation;

1       (2)    Law enforcement officials; and

2       (3)    County officials.

3       If a civil action is commenced against a person for damages related to the filing of a report  
4   or the furnishing of information under this section and the court determines that the person acted  
5   in good faith in filing the report or furnishing the information, the person filing the report or  
6   furnishing the information may recover costs or disbursements under chapter 15-17, including  
7   reasonable attorneys fees.

8       If the trier of fact concludes that the person filing the report or furnishing the information  
9   was not acting in good faith, the person filing a civil action may recover costs or disbursements  
10   under chapter 15-17, including reasonable attorney's fees.

11       This section does not abrogate or modify in any way any common law or statutory privilege  
12   or immunity.