1. How do your Courts balance privacy and public safety in considering the discoverability and admissibility of a defendant-driver’s health records?

Not directly addressed in South Dakota. Health records are not privileged if the defendant-driver relies on a medical condition as a defense. See S.D.C.L. § 19-13-11. Parties may generally obtain discovery of all nonprivileged information that relates to any party’s claim or defense. See S.D.C.L. § 15-6-26(b)(1).

2. What is recoverable and admissible in your state: billed or paid medical bills? Are any offsets available?

Paid medical bills are admissible. Offset to preclude double recovery under underinsured motorist coverage is available. Likewise, offset to preclude double recover for workers’ compensation is available.

3. How do your Courts address “day-in-the-life” videos? Are there any viable objections or other means to limit this evidence at trial?

Not directly addressed in South Dakota. Objections of relevance, or pertinent objections under Rule 403, could potentially limit admission at trial. See S.D.C.L. § 19-12-1; S.D.C.L. § 19-12-2; S.D.C.L. § 19-12-3.

4. How do your Courts handle the admissibility of decisions by the FMCSA modifying a CSA score based upon the outcome of an adjudicated citation?

Not specifically addressed by any court or statute in South Dakota.

5. What were the significant trucking verdicts and rulings in your state in the last two years?

There were no significant South Dakota trucking decisions within the last two years.