

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

400A0254

HOUSE ENGROSSED NO. **HB1046** - 1/29/97

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

1 FOR AN ACT ENTITLED, An Act to define unfair discrimination in the business of insurance.

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

3 Section 1. That § 58-11-55 be amended to read as follows:

4 58-11-55. No insurer ~~shall~~ may refuse to issue or to renew a policy or certificate solely

5 because of the age, residence, race, color, creed, national origin, ancestry, occupation, or marital

6 status of the applicant or the insured ~~according to such rules and regulations as promulgated by~~

7 ~~the director of the Division of Insurance.~~ Except as provided by § 58-15-45, this section applies

8 to all types of insurance issued by all insurers under Title 58. The director may promulgate rules

9 for the purpose of carrying out this section. The rules may include definition of terms,

10 identification of specific underwriting or nonrenewal guidelines used by insurers which would

11 violate or be in compliance with this section, and application practices which violate this section.

12 In considering the adoption of any rule pursuant to this section the director shall consider how

13 the rule may serve to implement the purpose of preventing unfair discrimination as prohibited by

14 this section and how the rule may impact the availability and price of insurance in this state.

- 1 Violation of this section is a Class 2 misdemeanor.

1 **BILL HISTORY**

2 January 14 - First read in House and referred to Commerce. H.J. 31

3 January 21 - Scheduled for hearing.

4 January 21 - Passed as amended, AYES 13, NAYS 0. H.J. 73

5 January 21 - Placed on Consent.

6 January 22 - Second reading of consent calendar items.

7 January 24 - Second reading House. H.J. 116

8 January 28 - Second reading House. H.J. 175

9 January 28 - Passed as amended, AYES 68, NAYS 1. H.J. 175