

# State of South Dakota

SEVENTY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 1997

400A0254

SENATE COMMERCE COMMITTEE  
ENGROSSED NO. **HB1046** - 2/19/97

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.~~ An insurer may use age in determining whether to issue  
8 or renew life, health, or annuity policies. An insurer may use occupation in determining whether  
9 to issue or renew a life or disability policy. Except as provided by § 58-15-45, this section applies  
10 to all types of insurance issued by all insurers under Title 58. The director may promulgate rules  
11 for the purpose of carrying out this section. The rules may include definition of terms,  
12 identification of general practices or nonrenewal guidelines used by insurers which would violate  
13 or be in compliance with this section, and application practices which violate this section. In  
14 considering the adoption of any rule pursuant to this section the director shall consider how the

1 rule may serve to implement the purpose of preventing unfair discrimination as prohibited by this  
2 section and how the rule may impact the availability and price of insurance in this state. Violation  
3 of this section is a Class 2 misdemeanor.

1 **BILL HISTORY**

2 1/14/97 First read in House and referred to Commerce. H.J. 31

3 1/21/97 Scheduled for Committee hearing on this date.

4 1/21/97 Commerce Do Pass Amended, Passed, AYES 13, NAYS 0.

5 1/21/97 Commerce Place on Consent Calendar.

6 1/24/97 Deferred to another day. H.J. 116

7 1/28/97 Motion to Amend. H.J. 175

8 1/28/97 House of Representatives Do Pass Amended, Passed, AYES 68, NAYS 1. H.J. 175

9 1/29/97 First read in Senate and referred to Commerce. S.J. 228

10 2/18/97 Scheduled for Committee hearing on this date.

11 2/18/97 Commerce Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 485