

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

823A0449

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB1090 - 2/3/97

Introduced by: Representatives Jorgensen, Brooks, Chicoine, Cutler, Fischer-Clemens,
Gleason, Monroe, Moore, Richter, Roe, and Schaunaman and Senators Olson,
Aker, Halverson, Hunhoff, and Rounds

1 FOR AN ACT ENTITLED, An Act to exclude uninsured and underinsured motorist coverage
2 from excess or umbrella insurance policies.

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

4 Section 1. That chapter 58-11 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 Any excess or umbrella policy of insurance offered in this state is not required to provide
7 uninsured motorist coverage pursuant to § 58-11-9 or underinsured motorist coverage pursuant
8 to § 58-11-9.4, if the excess or umbrella coverage is first offered to and rejected by the insured.

9 Section 2. That chapter 58-11 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 For the purposes of this Act, an excess or umbrella policy of insurance is a policy of
12 insurance which does not provide primary motor vehicle insurance for liabilities arising out of
13 the ownership, maintenance, operation, or use of a specifically identified motor vehicle.

14 Section 3. That chapter 58-11 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 This Act may not be construed to allow insurers to exclude uninsured or underinsured
3 motorist coverage under an existing excess or umbrella policy if the uninsured or underinsured
4 motorist coverage is in force on the effective date of this Act unless such excess or umbrella
5 coverage is first offered to and rejected by the insured.

1 **BILL HISTORY**

2 January 27 - First read in House and referred to Judiciary. H.J. 151

3 January 31 - Deferred to another day.

4 January 31 - Passed.

5 January 31 - Passed as amended, AYES 12, NAYS 1. H.J. 235