

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

480A0571

SENATE ENGROSSED NO. **SB149** - 2/20/97

Introduced by: Senator Staggers and Representative Hagg

1 FOR AN ACT ENTITLED, An Act to resolve certain conflicting provisions regarding workers'
2 compensation and health insurance coverage.

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

4 Section 1. That § 62-1-1.3 be amended to read as follows:

5 62-1-1.3. If an ~~injury is determined not to be~~ employer denies coverage of a claim on the
6 basis that the injury is not compensable under this title due to the provisions of subsections
7 62-1-1(7)(a), (b), or (c), such injury is presumed to be nonwork related for other insurance
8 purposes, and any other insurer covering bodily injury or disease of the injured employee shall
9 pay according to the policy provisions. If coverage is denied by an insurer without a full
10 explanation of the basis in the insurance policy in relation to the facts or applicable law for denial,
11 the director of the Division of Insurance may determine such denial to be an unfair practice under
12 chapter 58-33. If it is later determined that the injury is compensable under this title, the
13 employer shall immediately reimburse the parties not liable for all payments made, including
14 interest at the category B rate specified in § 54-3-16.

1 **BILL HISTORY**

2 1/28/97 First read in Senate and referred to Commerce. S.J. 191

3 2/4/97 Scheduled for Committee hearing on this date.

4 2/4/97 Deferred to 41st legislative day, AYES 5, NAYS 0. S.J. 303

5 2/11/97 Commerce Removed from Table, AYES 7, NAYS 0.

6 2/13/97 Scheduled for Committee hearing on this date.

7 2/13/97 Commerce Do Pass Amended, Passed, AYES 6, NAYS 1. S.J. 421

8 2/15/97 Deferred to another day. S.J. 480

9 2/18/97 Deferred to another day. S.J. 496

10 2/19/97 Motion to Amend. S.J. 531

11 2/19/97 Senate Do Pass Amended, Passed, AYES 33, NAYS 0. S.J. 531