

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

664B0689

SENATE BILL NO. 229

Introduced by: Senators Reedy, Aker, Albers, Dunn (Jim), Dunn (Rebecca), Everist, Hainje, Hutmacher, Lange, Lawler, and Olson and Representatives Fischer-Clemens, Belatti, Collier, Duniphan, Haley, Jorgensen, Koetzle, and Lucas

1 FOR AN ACT ENTITLED, An Act to prohibit insurance discrimination against victims of
2 domestic violence.

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

4 Section 1. No insurer may refuse to insure, refuse to continue to insure, limit the amount,
5 extent or kind of coverage available for accident and health and life insurance to an applicant
6 who is the proposed insured, charge a different rate for the same coverage, exclude or limit
7 coverage for losses, or deny a claim incurred by an insured as a result of domestic violence or
8 abuse based on the fact that the applicant who is the proposed insured is, has been, or may be
9 the subject of domestic violence or abuse.

10 Section 2. No insurer may ask an applicant for life or accident and health insurance who is
11 the proposed insured if the individual is, has been, or may be the subject of domestic violence or
12 abuse, or is seeking, has sought, or had reason to seek medical or psychological treatment or
13 counseling specifically for domestic violence or abuse, protection from domestic violence or
14 abuse or shelter from domestic violence or abuse.

15 Section 3. Nothing in this Act prohibits a person from declining to issue an insurance policy

1 insuring the life of an individual who is, has been, or has the potential to be the subject of abuse
2 if the perpetrator of the abuse is the applicant or would be the owner of the insurance policy.

3 Section 4. No insurer that issues a life or accident and health policy to an individual who is,
4 has been, or may be the subject of domestic abuse is subject to civil or criminal liability for the
5 death or any injuries suffered by that individual as a result of domestic violence or abuse.