

# State of South Dakota

SEVENTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 1998

400B0224

## SENATE BILL NO. 53

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

1 FOR AN ACT ENTITLED, An Act to require the reporting of criminal convictions, to provide  
2 certain licensing penalties, and to allow certain cooperation in a multi-state waiver process  
3 regarding persons engaged in the insurance business.

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

5 Section 1. Any person, owner, or officer of an entity licensed pursuant to chapter 58-30 is  
6 subject to the provisions of this Act.

7 Section 2. Any person, owner, or officer of an entity licensed pursuant to chapter 58-30, who  
8 is convicted of a crime, shall report the conviction to the division within thirty days of the date  
9 of the conviction. The report shall include either a copy of the judgment of conviction or provide  
10 sufficient information so as to enable the division to obtain a copy.

11 Section 3. Any person required to report pursuant to this Act shall notify the division within  
12 thirty days of the effective date of any enforcement action taken with respect to that person's  
13 license by any other state insurance regulatory authority. Enforcement actions include fines,  
14 suspensions, cease and desist orders, revocations, surrenders of license and any other action  
15 concluded through an order by the regulatory authority or a settlement entered into with that

1 regulatory authority.

2 Section 4. The division may revoke the license of any person failing to notify the division as  
3 required by this Act or impose a lesser penalty if there are mitigating factors which warrant a  
4 lesser penalty.

5 Section 5. The division may access the criminal files of any licensee without any authorization  
6 from the licensee. Any law enforcement agency that possesses criminal records shall provide  
7 reasonable access by the division to such records.

8 Section 6. The division may participate with the National Association of Insurance  
9 Commissioners and the insurance regulatory offices of other states regarding the issuance of  
10 waivers pursuant to 18 U.S.C. §§ 1033 and 1034 as amended to January 1, 1998. The issuance  
11 of a waiver by any state is not in any manner binding upon any licensing determination made or  
12 to be made by the division.