

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0196

SENATE COMMERCE COMMITTEE ENGROSSED NO.

SB 37 - 01/17/2002

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

1 FOR AN ACT ENTITLED, An Act to modify the permissible exclusions for life insurance
2 policies.

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

4 Section 1. That § 58-15-45 be amended to read as follows:

5 58-15-45. No policy of life insurance may be delivered or issued for delivery in this state if
6 it contains any provision which excludes or restricts liability for death caused in a certain
7 specified manner or occurring while the insured has a specified status. However, a policy may
8 contain provisions excluding or restricting coverage as specified in the policy in the event of
9 death under any one or more of the following circumstances:

10 (1) Death as a result, directly or indirectly, of war, declared or undeclared, or of action
11 by military forces, or of any act or hazard of such war or action, or of service in the
12 military, naval, or air forces or in civilian forces auxiliary thereto, or from any cause
13 while a member of such military, naval, or air forces of any country at war, declared
14 or undeclared, or of any country engaged in such military action. However, this



1 exclusion is not enforceable unless the applicant is affirmatively advised at the time
2 of delivery of the policy that the policy in question contains war clause exclusions;

3 (2) Death as a result of aviation or any air travel or flight;

4 (3) Death as a result of a specified hazardous occupation or occupations;

5 (4) ~~Death while the insured is a resident outside continental United States and Canada;~~

6 or

7 ~~(5)~~ Death within two years from the date of issue of the policy as a result of suicide, while
8 sane or insane;

9 (5) Any other exclusion or restriction the director may adopt, by rule promulgated
10 pursuant to chapter 1-26, if the exclusion or restriction is in the best interest of the
11 insurance buying public.