

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

400I0278

HOUSE BILL NO. 1045

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

1 FOR AN ACT ENTITLED, An Act to provide certain protections to insurance complainants
2 and witnesses.

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

4 Section 1. That chapter 58-33 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 No person may retaliate in any manner against someone for filing a complaint or otherwise
7 seeking the services of the division, nor through use of threat, whether actual or implied, trick,
8 or artifice attempt to have someone withdraw a complaint filed with the division or to decline
9 to testify or change their testimony in any matters before the division. Any notice sent by the
10 division shall be limited so as to allow normal insurance functions that require contact with the
11 insured or claimant such as claim handling to continue. Nothing in this section requires a licensee
12 to continue to do business with a person or prohibits the cancellation or nonrenewal of a policy
13 or contract of insurance if otherwise permitted by this Title. It is a violation of this section for
14 any person to make contact with a complainant or witness after having received notice from the
15 division not to contact that complainant or witness and the contact is not in compliance with that



1 notice.