

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

48110634

## HOUSE BILL NO. 1128

Introduced by: Representatives Solum and Smidt and Senators Sutton (Dan) and Abdallah

1 FOR AN ACT ENTITLED, An Act to revise the requirements for notice of nonrenewal for  
2 surety insurance.

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

4 Section 1. That § 58-1-14 be amended to read as follows:

5 58-1-14. Notice of refusal to renew an insurance policy as defined in §§ 58-9-5 to 58-9-28,  
6 inclusive, and 58-9-33, inclusive, is not effective unless mailed or delivered by the insurer to the  
7 named insured at least sixty days before the effective renewal date. The policy provisions control  
8 if the policy provides for a notice of refusal to renew that exceeds sixty days. This section does  
9 not apply to the cancellation and nonrenewal of automobile policies or coverages as defined in  
10 § 58-11-45 or to a policy of homeowner's insurance. This section also does not apply to any  
11 other personal lines policy. A notice of refusal to renew any other personal lines policy is not  
12 effective unless mailed or delivered by the insurer to the named insured at least thirty days before  
13 the effective renewal date. A notice of nonrenewal is not required if the policyholder is  
14 transferred to an insurer that is a member of the same insurance group as the previous insurer  
15 and notice of such transfer is given in the form adopted by rule by the Division of Insurance  
16 pursuant to chapter 1-26.



1       Section 2. That chapter 58-1 be amended by adding thereto a NEW SECTION to read as  
2 follows:

3       Notice of refusal to renew an insurance policy as defined in §§ 58-9-29 to 58-9-32, inclusive,  
4 is not effective unless mailed or delivered by the insurer to the named insured at least thirty days  
5 before the effective renewal date. The policy provisions control if the policy provides for a notice  
6 of refusal to renew that exceeds thirty days.