

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

554L0394

SENATE COMMERCE COMMITTEE ENGROSSED NO.

**SB 104** - 02/01/2005

Introduced by: Senators McCracken, Abdallah, Bartling, Bogue, Broderick, Duenwald, Gray, Kelly, Koetzle, Olson (Ed), Peterson (Jim), Schoenbeck, and Sutton (Dan) and Representatives Rounds, Dennert, Faehn, Garnos, Haley, Hennies, Hills, Hunt, Koistinen, Miles, Rhoden, Sebert, and Turbiville

1 FOR AN ACT ENTITLED, An Act to require evidence of financial responsibility at the time  
2 of vehicle registration, to provide for a motor vehicle insurance data base, and to provide  
3 for the administration thereof.

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

5 Section 1. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 No motor vehicle may be registered as a noncommercial motor vehicle until the applicant  
8 presents evidence of financial responsibility as defined by §§ 32-35-115 and 32-35-119 to the  
9 county treasurer showing that the motor vehicle is covered by one of the forms of financial  
10 responsibility required by § 32-35-113.

11 Section 2. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 Any person who intentionally provides false information of financial responsibility for the  
14 purpose of complying with the provisions of section 1 of this Act is guilty of a Class 1



1 misdemeanor.

2 Section 3. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
3 follows:

4 However, in lieu of the evidence required by section 1 of this Act, the department may verify  
5 financial responsibility by checking the motor vehicle insurance data base created by section 4  
6 of this Act.

7 Section 4. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
8 follows:

9 The motor vehicle insurance data base is created. The Division of Motor Vehicles shall  
10 develop and administer the data base. The data base shall include the information provided by  
11 insurance companies as required by the division pursuant to this Act. The division and county  
12 treasurers shall use the data base to facilitate registration of motor vehicles in this state. The  
13 division shall implement the motor vehicle insurance data base no later than July 1, 2006.

14 Section 5. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
15 follows:

16 Each insurance company doing business in this state shall provide information shown on  
17 each motor vehicle liability policy issued in this state to the Division of Motor Vehicles for  
18 inclusion in the motor vehicle insurance data base in a form and manner acceptable to the  
19 division.

20 Section 6. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
21 follows:

22 The information provided to the Division of Motor Vehicles by insurance companies for  
23 inclusion in the motor vehicle insurance data base is the property of the insurance company and  
24 the department. The department may disclose whether a motor vehicle has the required

1 insurance coverage pursuant to §§ 32-5-143 to 32-5-151, inclusive. The department may not  
2 provide any insurance coverage information for purposes of resale, for purposes of solicitation,  
3 or as bulk listings.

4 Section 7. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 The state or any county is not liable to any person for gathering, managing, or using  
7 information in the motor vehicle insurance data base.

8 Section 8. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
9 follows:

10 No insurance company is liable to any person for performing its duties pursuant to this Act.

11 Section 9. That chapter 32-5 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 The Division of Motor Vehicles shall promulgate rules pursuant to chapter 1-26 to carry out  
14 the provisions of this Act. The rules shall include specifications for the information to be  
15 transmitted by the insurance companies to the division for inclusion in the motor vehicle  
16 insurance data base and specifications for the form and manner of transmission of data for  
17 inclusion in the data base.

18 Section 10. That chapter 58-33 be amended by adding thereto a NEW SECTION to read as  
19 follows:

20 If an insurance company fails to comply with the provisions of this Act and the rules  
21 promulgated pursuant to this Act, it is an unfair trade practice pursuant to chapter 58-33.