

State of South Dakota

EIGHTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2008

400P0231

HOUSE BILL NO. 1038

Introduced by: The Committee on Transportation at the request of the Department of
Transportation

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding accident reports and
2 insurance premium increases involving the operators of emergency snow removal
3 equipment.

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

5 Section 1. That § 32-35-101 be amended to read as follows:

6 32-35-101. The Department of Public Safety shall furnish to any person upon request a
7 certified abstract of the operating record for the last three years of any person subject to the
8 provisions of this chapter. The abstract shall include enumeration of any motor vehicle accidents
9 in which the person has been involved and reference to any convictions of the person for a
10 violation of the motor vehicle laws as reported to the department. No accident may be entered
11 on the driving record of a law enforcement officer, firefighter, or emergency medical technician
12 if ~~such~~ the accident resulted from the law enforcement officer's, firefighter's, or emergency
13 medical technician's response to a call of duty as a law enforcement officer, firefighter, or
14 emergency medical technician and the law enforcement officer, firefighter, or emergency
15 medical technician was lawfully engaged in the performance of official duties and was driving



1 an official vehicle. ~~Such~~ The accident shall be recorded separately. No accident may be entered
2 on the driving record of an operator of emergency snow removal equipment if the accident
3 resulted from the operator's response to a call of duty as an operator of emergency snow removal
4 equipment and the operator was lawfully engaged in the performance of official duties in
5 support of a call of duty by a law enforcement officer, firefighter, or emergency medical
6 technician and was driving official snow removal equipment. The accident shall be recorded
7 separately. The department shall collect four dollars for each abstract. The fee shall be credited
8 to the state motor vehicle fund. Any governmental entity or subdivision is exempt from this fee.

9 Section 2. That § 58-24-75 be amended to read as follows:

10 58-24-75. No insurer may increase the premium or rate of an insured at policy issuance,
11 during the term of a policy, or at renewal because of an accident if the insured was responding
12 to a call of duty as a law enforcement officer, firefighter, ~~or~~ emergency medical technician, or
13 operator of emergency snow removal equipment in support of a law enforcement officer,
14 firefighter, or emergency medical technician's call to duty for any accident:

15 (1) That occurred while the law enforcement officer, firefighter, ~~or~~ emergency medical
16 technician, or operator of emergency snow removal equipment was lawfully engaged
17 in the performance of official duties; and

18 (2) That occurred while the law enforcement officer, firefighter, ~~or~~ emergency medical
19 technician, or operator of emergency snow removal equipment was driving an official
20 vehicle; and

21 (3) For which the law enforcement officer, firefighter, ~~or~~ emergency medical technician,
22 or operator of emergency snow removal equipment furnishes notice to the insurer that
23 the accident occurred under circumstances identified in subdivisions (1) and (2) of
24 this section.

1 This section is not applicable to commercial lines policies. Any premium or rate increase in
2 violation of this section, which is made erroneously and does not constitute a continuing
3 business practice of the insurer, may not be the basis of any disciplinary action by the division
4 against the insurer if the insurer refunds any excess premium promptly upon discovery of the
5 error or upon request by the insured.