

AN ACT

ENTITLED, An Act to provide that incontestability provisions in certain life insurance policies do not apply in cases of fraud.

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

Section 1. That § 58-16-35 be amended to read as follows:

58-16-35. A policy of group life insurance shall contain a provision that the validity of the policy may not be contested, except for nonpayment of premiums, after it has been in force for two years from its date of issue; and that no statement made by any person insured under the policy relating to the person's insurability may be used in contesting the validity of the insurance with respect to which such statement was made, after such insurance has been in force prior to the contest for a period of two years during such person's lifetime. No statement made by the group policyholder or any person insured under the group policy may be contested unless it is contained in a written instrument signed by that person. The two-year limitation for contesting the validity of the insurance for any person insured under the policy does not apply to fraud on the part of the applicant or insured.

Section 2. That § 58-15-10 be amended to read as follows:

58-15-10. There shall be a provision that the policy, exclusive of provisions relating to health benefits or to additional benefits in the event of death by accident or accidental means, is incontestable, except for nonpayment of premiums or fraud on the part of the applicant or insured, after it has been in force during the lifetime of the insured for a period of two years from its date of issue.

An Act to provide that incontestability provisions in certain life insurance policies do not apply in cases of fraud.

=====

I certify that the attached Act originated in the

HOUSE as Bill No. 1206

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1206
File No. _____
Chapter No. _____

=====

Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State