

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0163

HOUSE BILL NO. 1034

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

1 FOR AN ACT ENTITLED, An Act to repeal the requirement for motor vehicle liability
2 insurance safety rating discounts for certain older motor vehicle drivers.

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

4 Section 1. That § 58-11-58 be repealed.

5 ~~— 58-11-58. Any schedule of rates or rating plan for private passenger motor vehicle bodily~~
6 ~~injury and property damage liability insurance and collision insurance submitted to, or filed~~
7 ~~with, the Division of Insurance shall provide for an appropriate reduction in premium charges~~
8 ~~for persons fifty-five years of age or older who have successfully completed a motor vehicle~~
9 ~~accident prevention course meeting the criteria approved by the Department of Revenue and~~
10 ~~Regulation.~~

11 ~~— However, insurers who offer a separate discount which is based upon the age of persons who~~
12 ~~are fifty-five years of age or older or upon their driving record, are exempt from the provisions~~
13 ~~of this section and are not required to make an additional filing with the Division of Insurance~~
14 ~~as a result of the discount required by this section.~~

15 Section 2. That § 58-11-59 be repealed.



1 ~~58-11-59. Upon successfully completing the approved course, each person shall be issued~~
2 ~~a certificate by the organization offering the course which shall be used to qualify for the~~
3 ~~premium discount required by § 58-11-58.~~

4 Section 3. That § 58-11-60 be repealed.

5 ~~58-11-60. A person shall take and pass the approved course every three years to continue~~
6 ~~to be eligible for the premium discount required by § 58-11-58.~~

7 Section 4. That § 58-11-61 be repealed.

8 ~~58-11-61. The premium discount required by § 58-11-58 shall be effective for an insured~~
9 ~~for a three-year period after successful completion of the approved course. However, the insurer~~
10 ~~may require, as a condition of providing and maintaining the discount, that the insured:~~

11 ~~(1) Has not been involved in an accident for which the insured is at fault;~~

12 ~~(2) Has not been convicted, pled guilty, or nolo contendere to a moving traffic violation,~~
13 ~~or to a traffic related alcohol or narcotics offense; and~~

14 ~~(3) Has maintained a driving record free of violations and accidents for which the~~
15 ~~insured has been found liable for a three-year period prior to course completion.~~

16 ~~This section does not apply if the approved course is taken as specified by a court or other~~
17 ~~governmental entity resulting from a moving traffic violation.~~