

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

400S0163

SENATE COMMERCE AND ENERGY

ENGROSSED NO. **HB 1034** - 2/8/2011

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

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

1 FOR AN ACT ENTITLED, An Act to revise 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 amended to read as follows:

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 A motor vehicle accident prevention course shall include at least four hours of online or
12 classroom instruction on the effects of aging on driving behavior; the effects of alcohol, drugs,
13 and medications on older drivers; laws relating to the proper use of a motor vehicle and safe
14 driving behavior; traffic crash avoidance and prevention measures; and driving hazards and risk



1 factors associated with traffic crash prevention.

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

6 Section 2. That § 58-11-59 be amended to read as follows:

7 58-11-59. Upon successfully completing the approved course, each person shall be issued
8 a certificate by the organization offering the course which shall be used to qualify for the
9 premium discount required by § 58-11-58.

10 Section 3. That § 58-11-60 be amended to read as follows:

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

13 Section 4. That § 58-11-61 be amended to read as follows:

14 58-11-61. The premium discount required by § 58-11-58 shall be effective for an insured
15 for a three-year period after successful completion of the approved course. However, the insurer
16 may require, as a condition of providing and maintaining the discount, that the insured:

- 17 (1) Has not been involved in an accident for which the insured is at fault;
- 18 (2) Has not been convicted, pled guilty, or nolo contendere to a moving traffic violation,
19 or to a traffic related alcohol or narcotics offense; and
- 20 (3) Has maintained a driving record free of violations and accidents for which the
21 insured has been found liable for a three-year period prior to course completion.

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