



## 2025 South Dakota Legislature

# Senate Bill 30

*Introduced by: The Chair of the Committee on Commerce and Energy at the request of the Department of Labor and Regulation*

1 **An Act to remove outdated provisions within the insurance code.**

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

3 **Section 1. That § 58-6-75 be AMENDED:**

4 **58-6-75.** Each domestic insurer and those domestic insurers subject to chapters  
 5 58-34, 58-37A, 58-38, 58-39, 58-40, and 58-41, and foreign insurers if required by the  
 6 director, shall annually, on or before March first, and quarterly, on or before May fifteenth,  
 7 August fifteenth, and November fifteenth, unless the time is extended by the director for  
 8 good cause shown, file with the director a true statement of its financial condition,  
 9 transactions, and affairs as of the December thirty-first preceding for an annual statement  
 10 and as of March thirty-first, June thirtieth, and September thirtieth, for a quarterly  
 11 statement. Any statement is to be in a form and content as is approved or adopted for  
 12 current use by the National Association of Insurance Commissioners, or its successor  
 13 organization, for use as to the type of insurer and kinds of insurance to be reported upon.  
 14 The director may require any additional information considered necessary to be supplied  
 15 with the annual or quarterly statement. The statement of an alien insurer, if required by  
 16 the director, ~~shall~~ must be filed annually on or before September first and ~~shall~~ must relate  
 17 only to its transactions and affairs in the United States, unless the director requires  
 18 otherwise. Any annual and quarterly statement ~~and~~ amendments and addenda to any  
 19 annual and quarterly statement, and any interim statement or amendments ~~thereto~~ ~~shall~~  
 20 also must be filed with the National Association of Insurance Commissioners. ~~Any~~  
 21 ~~statement filed with the National Association of Insurance Commissioners shall also be~~  
 22 ~~submitted on diskette.~~

23 Any statement ~~shall~~ must be prepared in accordance with the Annual Statement  
 24 Instructions Manual and the Accounting Practices and Procedures Manual prescribed by  
 25 the National Association of Insurance Commissioners, ~~as adopted~~ promulgated by rule by  
 26 the director ~~pursuant to~~ in accordance with chapter 1-26. The director may also, ~~by rule~~

1 ~~promulgated pursuant to~~ promulgate rules, in accordance with chapter 1-26, to establish  
 2 additional practices and procedures the director considers necessary.

3 Unless the time for filing has been extended, an insurer ~~shall~~ must pay a penalty  
 4 of one hundred dollars per day for every day the statement is late, not to exceed  
 5 twenty-five thousand dollars.

6 For purposes of this section, only a statement with a postmark date of the due date  
 7 or earlier is considered timely filed.

8 **Section 2. That § 58-20-1 be AMENDED:**

9 **58-20-1.** Terms used in this chapter, ~~unless the context otherwise plainly requires,~~  
 10 shall mean:

11 (1) "Compensation," ~~shall relate to~~ all insurances effected by virtue of statutes  
 12 providing ~~compensation to employees~~ payment to an employee for personal  
 13 ~~injuries~~ injury irrespective of fault of the employer;

14 (2) "Earned premiums," ~~shall include~~ gross premiums charged on all policies written,  
 15 including all determined excess and additional premiums, less return premiums,  
 16 other than premiums returned to policyholders as dividends, and less reinsurance  
 17 premiums and premiums on policies canceled, and less unearned premiums on  
 18 policies in force. Any participating insurer ~~which that~~ has charged in its premiums  
 19 a loading solely for dividends, ~~shall not be~~ is not required to include ~~such the~~  
 20 loading in its earned premiums, provided a statement of the amount of ~~such the~~  
 21 loading has been filed with and approved by the director;

22 (3) "Liability," ~~shall relate to~~ all insurance except compensation insurance against loss  
 23 or damage from an accident to or injury suffered by an employee or other person  
 24 and for which the insured is liable; and

25 (4) "Loss payments" and "loss expense payments," ~~shall include~~ payments to  
 26 claimants, ~~including payments for medical;~~

27 (a) Medical or surgical attendants, ~~legal;~~

28 (b) Legal expenses, ~~salaries;~~

29 (c) Salaries and expenses of investigators, adjusters and field ~~men,~~ rents,  
 30 support personnel;

31 (d) Rents, stationery, ~~telegraph and telephone charges,~~ and postage, ~~salaries;~~

32 (e) Salaries and expenses of office employees, ~~home;~~

33 (f) Home office expenses, ~~and all;~~ and

1           (g) All other payments made on account of claims, whether ~~such~~ payments  
2           ~~shall be~~ are allocated to specific claims or unallocated.

3   **Section 3. That § 58-29B-51 be AMENDED:**

4           **58-29B-51.** Unless the court otherwise directs, the liquidator ~~shall~~ must give  
5           notice of the liquidation order as soon as possible but in no event more than ten days from  
6           the date of entry of the order to liquidate:

- 7           (1) By ~~first-class~~ first-class mail or ~~by telegram or telephone~~ electronic communication  
8           to the insurance director of each jurisdiction in which the insurer is doing business;  
9           (2) By ~~first-class~~ first-class mail to any guaranty association or foreign guaranty  
10           association ~~which~~ that is or may become obligated as a result of the liquidation;  
11           (3) By ~~first-class~~ first-class mail to any insurance producer of the insurer;  
12           (4) By ~~first-class~~ first-class mail to any person or policyholder known or reasonably  
13           expected to have claims against the insurer ~~including any policyholder~~, at the  
14           person's or policyholder's last known address, as indicated by the records of the  
15           insurer; and  
16           (5) By publication in a newspaper of general circulation in the county ~~in which~~ the  
17           insurer has its principal place of business and ~~in such~~ other locations as the  
18           liquidator considers appropriate.

19   **Section 4. That § 58-30-114 be AMENDED:**

20           **58-30-114.** Terms, as used in §§ 58-30-114 to ~~58-30-121~~ 58-30-123, inclusive,  
21           mean:

- 22           (1) "Director," the director of the Division of Insurance;  
23           (2) "Instructor," any individual who teaches, lectures, or otherwise instructs an  
24           insurance education offering;  
25           (3) "Licensee," any individual who is licensed by the Division of Insurance as a resident  
26           insurance producer; and  
27           (4) "~~Sponsor~~Provider," any person, offering or providing insurance education or related  
28           activity.

29   **Section 5. That § 58-30-117 be AMENDED:**

30           **58-30-117.** The director ~~of the Division of Insurance,~~ may promulgate, ~~pursuant~~  
31           to rules, in accordance with chapter 1-26, ~~rules as are necessary for effective~~

1 ~~administration of continuing education for insurance producers. The rules may include~~  
2 ~~provisions concerning regarding insurance producer continuing education requirements,~~  
3 ~~exemptions, programs, courses, sponsors providers, definitions, extensions, fees and~~  
4 ~~funding, instructors, applications, advertising, and administration.~~

5 **Section 6. That § 58-30-122 be AMENDED:**

6 **58-30-122.** The director may approve or disapprove ~~sponsors or instructors~~ a  
7 provider or instructor. Each ~~sponsor provider~~ is responsible for the actions of the ~~sponsor's~~  
8 ~~instructors. Sponsors and instructors~~ provider's instructor. The provider and the instructor  
9 shall conduct themselves in a professional manner and may not ~~offer~~;

10 (1) Offer or teach any course not approved by the director or not complying with any  
11 insurance statute or rule, ~~may not deviate~~;

12 (2) Deviate from approved course outlines, ~~and may not misrepresent~~; or

13 (3) Misrepresent any course material or other information.

14 The director may promulgate rules, ~~pursuant to~~ in accordance with chapter 1-26,  
15 establishing to establish the necessary criteria for disapproval of a ~~sponsor provider~~ or  
16 instructor.

17 **Section 7. That § 58-30-123 be AMENDED:**

18 **58-30-123.** If the director determines that a ~~course sponsor provider~~ or instructor  
19 has violated the provisions of § 58-30-117 or 58-30-122, the director may withdraw  
20 approval of the ~~course sponsor provider~~ or instructor, ~~or may order a refund of course~~  
21 ~~fees to licensees who attended the course, or both. The director may also refuse to~~  
22 ~~approve courses conducted by specific sponsors or instructors a provider or instructor if~~  
23 ~~the director determines that past offerings by those sponsors or instructors the provider~~  
24 ~~or instructor have not been in compliance with insurance continuing education laws and~~  
25 ~~rules.~~

26 **Section 8. That § 58-17-145.1 be REPEALED.**

27 ~~Any person covered under a risk pool established pursuant to the provisions of~~  
28 ~~§ 58-17-113 in the State of South Dakota may submit a health claim within six months~~  
29 ~~from June 30, 2015. Each claim shall be submitted in writing to the Bureau of Human~~  
30 ~~Resources and Administration. A claim shall be paid in accordance with the South Dakota~~  
31 ~~risk pool plan document in effect July 1, 2014, through June 30, 2015, inclusive.~~