

## 2025 South Dakota Legislature

# Senate Bill 30

### AMENDMENT 30A FOR THE INTRODUCED BILL

1 **An Act to remove outdated provisions within the insurance code.**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