

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

648Z0064

HOUSE BILL NO. 1093

Introduced by: Representatives Willadsen, Anderson, Barthel, Brunner, Campbell, Duvall, Glanzer, Gosch, Hawley, Jamison, Jensen (Kevin), Johns, Lake, Lesmeister, Lust, McCleerey, Otten (Herman), Pischke, Qualm, Rasmussen, Rhoden, Rounds, Schoenfish, Stevens, Turbiville, and Zikmund and Senators Peters, Bolin, Cronin, Haverly, Heinert, Langer, Nelson, Nesiba, Rusch, Soholt, Solano, Stalzer, Tidemann, White, and Youngberg

1 FOR AN ACT ENTITLED, An Act to authorize certain insurance transactions and policies in
2 a language other than English.

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

4 Section 1. That chapter 58-1 be amended by adding a NEW SECTION to read:

5 The official language of any insurance policy offered in South Dakota shall be printed in the
6 English language. An authorized insurer, as defined in subdivision 58-1-2(2), may conduct
7 transactions in a language other than English through an employee or agent acting as interpreter
8 or through an interpreter provided by the customer.

9 Section 2. That chapter 58-1 be amended by adding a NEW SECTION to read:

10 An authorized insurer, as defined in subdivision 58-1-2(2), may provide insurance policies,
11 endorsements, riders, and any explanatory or advertising materials in a language other than
12 English. If there is a dispute or complaint regarding the insurance or advertising material, the
13 English language version of the insurance coverage shall control the resolution of the dispute



1 or complaint.

2 Section 3. That chapter 58-1 be amended by adding a NEW SECTION to read:

3 An authorized insurer, as defined in subdivision 58-1-2(2), providing a policy as authorized
4 in section 2 of this Act may only offer that policy after the insurer has first filed a statement with
5 the Division of Insurance attesting that the policy in a language other than English is the
6 translation of a policy form already filed and approved by the division.

7 Section 4. That chapter 58-1 be amended by adding a NEW SECTION to read:

8 A policy offered in a language other than English must clearly state in the language of that
9 policy being marketed, that if a dispute or complaint occurs regarding the meaning of the policy,
10 the dispute shall be resolved by the English version interpretation.

11 Section 5. That chapter 58-1 be amended by adding a NEW SECTION to read:

12 Nothing contained in this Act shall abrogate or supersede the provisions set forth in chapter
13 58-33 relating to unfair trade practices.