

# State of South Dakota

## NINETY-THIRD SESSION LEGISLATIVE ASSEMBLY, 2018

648Z0064

### HOUSE ENGROSSED NO. **HB 1093** - 1/30/2018

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