



2020 South Dakota Legislature

House Bill 1275

Introduced by: **Representative Ring**

1 **An Act to revise provisions regarding a judgment not collected from an underinsured**
 2 **motorist.**

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

4 **Section 1.** That § 58-11-9.5 be AMENDED:

5 **58-11-9.5. Uncompensated damages--Underinsured motorist--Limitations.**

6 Subject to the terms and conditions of ~~such the~~ underinsured motorist coverage,
 7 the insurance company agrees to pay its own insured for uncompensated damages as its
 8 insured may recover on account of bodily injury or death arising out of an automobile
 9 accident because the judgment recovered against the owner of the other vehicle exceeds
 10 the policy limits thereon. Coverage shall be limited to the underinsured motorist coverage
 11 limits on the vehicle of the party recovering ~~less~~plus the amount paid by the liability
 12 insurer of the party recovered against. The total amount paid may not exceed the total
 13 judgment awarded or settlement recovered.