

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0202

HOUSE BILL NO. 1020

Introduced by: The Committee on Commerce at the request of the Department of Commerce
and Regulation

1 FOR AN ACT ENTITLED, An Act to revise the term of retention of certain records by insurers
2 and to require certain delivery receipts to be forwarded to an insurer.

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

4 Section 1. That § 58-15-8.2 be amended to read as follows:

5 58-15-8.2. An insurance company or fraternal benefit society shall issue policies in this state
6 for which an examination period is required in accordance with one of the following methods:

- 7 (1) If the policy is delivered by an insurance producer, a receipt shall be signed by the
8 policyowner acknowledging delivery of the policy. The receipt shall include the policy
9 number and the date of the delivery;
- 10 (2) If the policy is delivered by mail, it shall be sent by registered or certified mail, return
11 receipt requested, or a certificate of mailing shall be obtained showing the date the
12 policy was mailed to the policyowner. For policy issuances verified by a certificate of
13 mailing, it is presumed that the policy is received by the policyowner ten days from
14 the date of mailing.

15 The receipts and the certificates of mailing described in this section shall be retained by the



1 insurer or insurance producer for ~~three~~ five years. If a producer obtains the delivery receipt, the
2 producer shall forward the delivery receipt to the insurer.

3 Section 2. That § 58-15-59.2 be amended to read as follows:

4 58-15-59.2. An insurance company or fraternal benefit society shall issue policies in this state
5 for which an examination period is required in accordance with one of the following methods:

6 (1) If the policy is delivered by an insurance producer, a receipt shall be signed by the
7 policyowner acknowledging delivery of the policy. The receipt shall include the policy
8 number and the date of the delivery;

9 (2) If the policy is delivered by mail, it shall be sent by registered or certified mail, return
10 receipt requested, or a certificate of mailing shall be obtained showing the date the
11 policy was mailed to the policyowner. For policy issuances verified by a certificate of
12 mailing, it is presumed that the policy is received by the policyowner ten days from
13 the date of mailing.

14 The receipts and the certificates of mailing described in this section shall be retained by the
15 insurer or insurance producer for ~~three~~ five years. If a producer obtains the delivery receipt, the
16 producer shall forward the delivery receipt to the insurer.

17 Section 3. That § 58-17-11.1 be amended to read as follows:

18 58-17-11.1. An insurance company, nonprofit hospital service plan, medical service
19 corporation, health maintenance organization, or fraternal benefit society shall issue policies in
20 this state for which an examination period is required in accordance with one of the following
21 methods:

22 (1) If the policy is delivered by an insurance producer, a receipt shall be signed by the
23 policyowner acknowledging delivery of the policy. The receipt shall include the policy
24 number and the date of the delivery;

1 (2) If the policy is delivered by mail, it shall be sent by registered or certified mail, return
2 receipt requested, or a certificate of mailing shall be obtained showing the date the
3 policy was mailed to the policyowner. For policy issuances verified by a certificate of
4 mailing, it is presumed that the policy is received by the policyowner ten days from
5 the date of mailing.

6 The receipts and the certificates of mailing described in this section shall be retained by the
7 insurer ~~or insurance producer~~ for ~~three~~ five years. If a producer obtains the delivery receipt, the
8 producer shall forward the delivery receipt to the insurer.

9 Section 4. That § 58-28-24.2 be amended to read as follows:

10 58-28-24.2. An insurance company or fraternal benefit society shall issue policies in this state
11 for which an examination period is required in accordance with one of the following methods:

12 (1) If the policy is delivered by an insurance producer, a receipt shall be signed by the
13 policyowner acknowledging delivery of the policy. The receipt shall include the policy
14 number and the date of the delivery;

15 (2) If the policy is delivered by mail, it shall be sent by registered or certified mail, return
16 receipt requested, or a certificate of mailing shall be obtained showing the date the
17 policy was mailed to the policyowner. For policy issuances verified by a certificate of
18 mailing, it is presumed that the policy is received by the policyowner ten days from
19 the date of mailing.

20 The receipts and the certificates of mailing described in this section shall be retained by the
21 insurer ~~or insurance producer~~ for ~~three~~ five years. If a producer obtains the delivery receipt, the
22 producer shall forward the delivery receipt to the insurer.