

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0184

## HOUSE BILL NO. 1041

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

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the recovery of  
2 certain insurance company premium and annuity taxes.

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

4 Section 1. That § 10-55A-2 be amended to read:

5 10-55A-2. ~~Beginning with the tax year 1993, a~~ A person seeking recovery of an allegedly  
6 overpaid tax shall file a claim for recovery, with the secretary, within one year from the due date  
7 of the annual statement under § 58-6-75. A claim for recovery not filed within one year of the  
8 due date is barred. ~~For claims correctly filed prior to July 1, 1993, the director shall send by~~  
9 ~~certified mail to each insurer a summary of the amount shown on file with the Division of~~  
10 ~~Insurance for the 1992 tax year and all prior years. The insurer has thirty days from receipt of~~  
11 ~~the summary to file a protest of that amount together with a corrected amount and substantiating~~  
12 ~~documentation. If the insurer fails to file a protest within the thirty days, the amount set by the~~  
13 ~~director of insurance is correct and any further claim by the insurer is barred. An insurer may~~  
14 ~~request an extension of thirty days in writing and the director may grant an extension of not~~  
15 ~~more than thirty days. This does not allow an insurer which did not file correctly under the~~



1 ~~provisions of this section before July 1, 1993, to now file for any overpayment of taxes.~~

2 Section 2. That § 10-55A-11 be repealed.

3 ~~—10-55A-11. This chapter is effective on June 30, 1982, and does not apply to any claim for~~

4 ~~the recovery of taxes paid on or before June 29, 1982.~~