

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

400H0202

HOUSE COMMERCE COMMITTEE ENGROSSED NO.

HB 1020 - 01/15/2002

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.



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

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

5 58-15-59.2. 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
16 insurer ~~or insurance producer~~ for ~~three~~ five years. If a producer obtains the delivery receipt, the
17 producer shall forward the signed delivery receipt to the insurer.

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

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

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

1 number and the date of the delivery;

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

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

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

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

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

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

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