

State of South Dakota

SEVENTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2002

292H0658

HOUSE BILL NO. 1281

Introduced by: Representative Derby

1 FOR AN ACT ENTITLED, An Act to lengthen the period required for notice of cancellation
2 of certain insurance policies.

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

4 Section 1. That § 58-1-14 be amended to read as follows:

5 58-1-14. Notice of refusal to renew an insurance policy as defined in §§ 58-9-5 to 58-9-33,
6 inclusive, except a policy of homeowner's insurance, is not effective unless mailed or delivered
7 by the insurer to the named insured at least ~~thirty~~ sixty days before the effective renewal date.
8 The policy provisions control if the policy provides for a notice of refusal to renew that exceeds
9 ~~thirty~~ sixty days. This section does not apply to the cancellation and nonrenewal of automobile
10 policies or coverages as defined in § 58-11-45. A notice of nonrenewal is not required if the
11 policyholder is transferred to an insurer that is a member of the same insurance group as the
12 previous insurer and notice of such transfer is given in the form adopted by rule by the Division
13 of Insurance pursuant to chapter 1-26.

14 Section 2. That § 58-33-60 be amended to read as follows:

15 58-33-60. A notice of cancellation of insurance coverage by an insurer shall be mailed or



1 delivered by the insurer to the named insured at least ~~twenty~~ sixty days before the effective
2 cancellation date and shall be accompanied by a written explanation of the specific reasons for
3 the cancellation.

4 Section 3. That § 58-20-14 be amended to read as follows:

5 58-20-14. No policy or contract of insurance issued by a stock insurer or mutual association
6 against compensation as provided by the title "Workers' Compensation" ~~shall~~ may be canceled
7 within the time limited in such contract for its expiration until at least ~~ten~~ sixty days after notice
8 of intention to cancel such contract, on a date specified in such notice, shall have been filed in
9 the office of the State Department of Labor or other officer in charge of the administration of
10 the workers' compensation law and shall also have been served on the employer. Such notice
11 shall be served on the employer by delivering it to ~~him~~ the employer or by sending it by mail, by
12 registered or certified letter addressed to the employer at ~~his or its~~ the last known place of
13 residence, but if the employer be a partnership, then such notice may be so given to any one of
14 the partners, and if the employer be a corporation, then the notice may be given to any agent or
15 officer of the corporation upon whom legal process may be served.