

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 421

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO ORDERS AND NOTICES OF THE DIRECTOR OF THE DEPARTMENT OF INSUR-
2 ANCE; AMENDING SECTION 41-212, IDAHO CODE, TO CLARIFY THE METHODS BY
3 WHICH SERVICE OF ORDERS AND NOTICES MAY BE MADE AND WHEN SAID SERVICE IS
4 COMPLETE AND TO PROVIDE FOR ELECTRONIC SERVICE WHERE AGREED TO BY PAR-
5 TIES IN CONTESTED CASES.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 41-212, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 41-212. ORDERS, NOTICES. (1) Orders and notices of the director shall
11 be effective only when in writing signed by him or by his authority.

12 (2) Every such order shall state its effective date, and shall con-
13 cisely state:

14 (a) Its intent or purpose.

15 (b) The grounds on which based.

16 (c) The provisions of this code pursuant to which action is taken or
17 proposed to be taken; but failure to so designate a particular provision
18 shall not deprive the director of the right to rely thereon.

19 (3) Except as may be provided in this code respecting particular proce-
20 dures, an order or notice may be given by delivery to:

21 (a) Personal service upon the person to be ordered or notified ~~or by;~~

22 (b) M~~ma~~ailing it, postage prepaid, by regular United States mail, or by
23 certified mail, return receipt requested, addressed to ~~him~~ the person
24 at his residence or principal place of business as last of record in the
25 department. Notice so mailed shall be deemed to have been given when de-
26 posited in a letter depository of a United States post office; or

27 (c) Where a party has appeared in a contested case or has not yet ap-
28 peared but has consented or agreed in writing to service by facsimile
29 transmission (FAX) or e-mail as an alternative to personal service or
30 service by mail, such orders or notices may be served by FAX or by e-mail
31 in lieu of service by mail or personal service.

32 (4) Service of orders and notices is complete when a copy is person-
33 ally served upon the person to be served, or when a copy properly addressed
34 and postage prepaid is deposited in the United States mail or the statehouse
35 mail, if the person is a state employee or state agency, or when there is an
36 electronic verification that a FAX or an e-mail has been sent.