

AN ACT

ENTITLED, An Act to authorize certain insurance transactions and policies in a language other than English.

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

Section 1. That chapter 58-1 be amended by adding a NEW SECTION to read:

The controlling version of any insurance policy offered in South Dakota shall be the English version. An authorized insurer, as defined in subdivision 58-1-2(2), may conduct transactions in a language other than English through an employee or agent acting as interpreter or through an interpreter provided by the customer.

Section 2. That chapter 58-1 be amended by adding a NEW SECTION to read:

An authorized insurer, as defined in subdivision 58-1-2(2), may provide insurance policies, endorsements, riders, and any explanatory or advertising materials in a language other than English. If there is a dispute or complaint regarding the insurance or advertising material, the English language version of the insurance coverage shall control the resolution of the dispute or complaint.

Section 3. That chapter 58-1 be amended by adding a NEW SECTION to read:

An authorized insurer, as defined in subdivision 58-1-2(2), providing a policy as authorized in section 2 of this Act may only offer that policy after the insurer has first filed a statement with the Division of Insurance attesting that the policy in a language other than English is the translation of a policy form already filed and approved by the division.

Section 4. That chapter 58-1 be amended by adding a NEW SECTION to read:

A policy offered in a language other than English must clearly state in the language of that policy being marketed, that if a dispute or complaint occurs regarding the meaning of the policy, the dispute shall be resolved by the English version interpretation.

Section 5. That chapter 58-1 be amended by adding a NEW SECTION to read:

Nothing contained in this Act shall abrogate or supersede the provisions set forth in chapter 58-33 relating to unfair trade practices.

An Act to authorize certain insurance transactions and policies in a language other than English.

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I certify that the attached Act  
originated in the

HOUSE as Bill No. 1093

\_\_\_\_\_  
Chief Clerk

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\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

House Bill No. 1093

File No. \_\_\_\_\_

Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor

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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State