

AN ACT

ENTITLED, An Act to allow the disclosure of the status of certain insurance investigations and examinations.

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

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

The status, existence, or outcome of any ongoing or completed investigation or examination performed pursuant to this title may be disclosed by the director to any person who has filed a complaint or report to the director pertaining to the specific investigation or examination. Confidential information shared with the director may not be disclosed. However, nothing in this section prevents the director from providing a copy of licensee responses or other materials submitted by a licensee to complaints or inquiries if the response or materials are not specifically marked confidential. This Act does not apply to investigations conducted pursuant to chapter 58-4A.

Section 2. That chapter 58-4 be amended by adding thereto a NEW SECTION to read as follows:

Terms used in sections 2 to 6, inclusive of this Act, mean:

- (1) "Return information," any information collected, prepared or received by the division which relates to a return, including the nature or amount of a taxpayer's income, receipts, deductions, net worth, tax liability, or deficiencies, or any part of any written determination or background file documents relating to such information. The term does not include data in a form which cannot be associated with or otherwise identify, directly or indirectly, a particular taxpayer;
- (2) "Returns," all tax returns, tax reports or claims for refund which are filed with the division.

Section 3. That chapter 58-4 be amended by adding thereto a NEW SECTION to read as follows:

Each list of premium taxpayers compiled by the division is confidential. It is a Class 2

misdemeanor to disclose any list except to the extent necessary to carry out the official duties of the division.

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

A premium tax return and premium tax return information is confidential. It is a Class 1 misdemeanor to disclose this information except pursuant to sections 2 through 6 of this Act.

Section 5. That chapter 58-4 be amended by adding thereto a NEW SECTION to read as follows:

A premium tax return and premium tax return information may be disclosed to the following:

- (1) The taxpayer who is required to submit the information to the division, or his designee appointed in writing; or
- (2) As otherwise authorized by Title 58.

Section 6. That chapter 58-4 be amended by adding thereto a NEW SECTION to read as follows:

A premium tax return and premium tax return information may be disclosed in a judicial or administrative proceeding:

- (1) If the information is directly related to the resolution of an issue in the proceeding; or
- (2) To the extent required by a judicial or administrative order.

An Act to allow the disclosure of the status of certain insurance investigations and examinations.

=====

I certify that the attached Act
originated in the

HOUSE as Bill No. 1035

Chief Clerk

=====

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1035

File No. _____

Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

=====

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