

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

400V0241

HOUSE BILL NO. 1048

Introduced by: The Committee on Commerce and Energy at the request of the Department
of Labor and Regulation

1 FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding property and casualty
2 insurance.

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

4 Section 1. That § 58-33-72 be repealed.

5 ~~—58-33-72. No insurance company and no insurance producer or adjuster for such insurance~~
6 ~~company, that issues or renews in this state any policy of insurance covering, in whole or in part,~~
7 ~~any motor vehicle, may require or recommend that any person insured under that policy use a~~
8 ~~particular company or location for the providing of automobile glass replacement or repair~~
9 ~~services or products insured in whole or in part by that policy.~~

10 ~~—No such insurance company, insurance producer, or adjuster may engage in any act or~~
11 ~~practice of intimidation, coercion, threat, incentive, or inducement for or against any such~~
12 ~~insured person to use a particular company or location to provide such services or products.~~

13 Section 2. That § 58-33-73 be repealed.

14 ~~—58-33-73. Nothing in § 58-33-72 prohibits any such insurance company, insurance producer,~~
15 ~~or adjuster from providing to such insured person or entity a list that includes the names of~~



1 ~~automobile glass companies or locations, if all of the listed companies or locations are~~
2 ~~reasonably close and convenient to the insured person and if none of the listed companies or~~
3 ~~locations is affiliated with another in any way, with which arrangements may have been made~~
4 ~~in advance with respect to prices or other aspects of the furnishing of the automobile glass~~
5 ~~services or products. However, no insurance company, insurance producer, or adjuster may~~
6 ~~require, recommend, urge, or encourage use of the listed automobile glass companies or~~
7 ~~locations. If a list is provided, the insurance company, agent, or adjuster, shall make oral and~~
8 ~~written disclosure at the time of any claim reimbursable in whole or in part under the insurance~~
9 ~~policy, to the insured person that any nonlisted automobile glass company or location may be~~
10 ~~used at the insured person's sole discretion and that the insurance company will fully and~~
11 ~~promptly pay for the cost of the automobile glass replacement or repair services or products, less~~
12 ~~only any applicable deductible amount payable according to the terms of the insurance policy~~
13 ~~by the insured person, at no less than the lowest prevailing market price in the local area for~~
14 ~~similarly-situated automobile glass companies or locations providing comparable automobile~~
15 ~~glass replacement or repair services or products without taking into consideration any special~~
16 ~~arrangements offered by the listed automobile glass companies or locations. If the insured~~
17 ~~person elects to use a nonlisted automobile glass company or location, the insurance company~~
18 ~~may not impose any obligations or requirements upon the insured person, including the~~
19 ~~obtaining of written estimates, not required if the insured person elects to use a listed~~
20 ~~automobile glass company or location.~~