

AN ACT

ENTITLED, An Act to revise certain provisions regarding consent for correspondence through electronic mail by enrolled customers of portable electronics.

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

Section 1. That § 58-47-1 be amended to read:

58-47-1. Terms used in this chapter mean:

- (1) "Customer," any person who purchases portable electronics;
- (2) "Enrolled customer," any customer who elects coverage under a portable electronics insurance policy issued to a vendor of portable electronics;
- (3) "Location," any physical location in the state or any website, call center site, or similar location directed to residents of this state;
- (4) "Portable electronics," electronic devices and their accessories that are easily carried by a person;
- (5) "Portable electronics transaction," the sale or lease of portable electronics by a vendor to a customer, or the sale of a service related to the use of portable electronics by a vendor to a customer;
- (6) "Supervising entity," any licensed insurer, licensed business entity, or licensed insurance producer that is appointed by an insurer to supervise the administration of a portable electronics insurance program;
- (7) "Vendor," any person in the business of engaging in portable electronics transactions directly or indirectly.

Section 2. That § 58-47-13 be amended to read:

58-47-13. If any notice or correspondence with respect to a policy of portable electronics insurance is required, the notice or correspondence shall be in writing and mailed within any notice

period specified within the statute or regulation requiring the notice or correspondence. Notwithstanding any other law, any notice or correspondence may be mailed by postal or electronic means. If the notice or correspondence is mailed through any postal service, the notice or correspondence shall be sent to the vendor of portable electronics at the vendor's mailing address specified for that purpose and to its affected enrolled customer's last known mailing address on file with the insurer. Either the insurer or vendor of portable electronics shall maintain proof of mailing in a form authorized or accepted by the United States Postal Service or any other commercial mail delivery service. If the notice or correspondence is mailed by electronic means, the notice or correspondence shall be sent to the vendor of portable electronics at the vendor's electronic mail address specified for that purpose and to its affected enrolled customer's last known electronic mail address as provided by each enrolled customer to the insurer or vendor of portable electronics. An enrolled customer's provision of an electronic mail address to the insurer or vendor of portable electronics is deemed to be consent to receive notice or correspondence by electronic means so long as a disclosure is provided to the customer within a reasonable time following purchase of the portable electronics. The insurer or vendor of portable electronics shall maintain proof that any notice or correspondence was electronically mailed to an enrolled customer. Notice or correspondence may be sent on behalf of any insurer or vendor, by the supervising entity appointed by the insurer.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1061

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. 1061
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