

LEGAL ISSUES

1. Whether, under South Dakota law, an insurer may restrict payments of uninsured motorist benefits to its policy holder when the policy holder has already obtained identical benefits from other insurance?

The trial court ruled in the negative.

2. Whether, under South Dakota law, an insurer may be liable for damages for bad faith by asserting its policy provisions forbidding the payment of uninsured motorist benefits when the policy holder has already obtained identical benefits from other insurance?

The trial court ruled in the affirmative.