

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 421

BY BUSINESS COMMITTEE

AN ACT

RELATING TO ORDERS AND NOTICES OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; AMENDING SECTION 41-212, IDAHO CODE, TO CLARIFY THE METHODS BY WHICH SERVICE OF ORDERS AND NOTICES MAY BE MADE AND WHEN SAID SERVICE IS COMPLETE AND TO PROVIDE FOR ELECTRONIC SERVICE WHERE AGREED TO BY PARTIES IN CONTESTED CASES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 41-212, Idaho Code, be, and the same is hereby amended to read as follows:

41-212. ORDERS, NOTICES. (1) Orders and notices of the director shall be effective only when in writing signed by him or by his authority.

(2) Every such order shall state its effective date, and shall concisely state:

(a) Its intent or purpose.

(b) The grounds on which based.

(c) The provisions of this code pursuant to which action is taken or proposed to be taken; but failure to so designate a particular provision shall not deprive the director of the right to rely thereon.

(3) Except as may be provided in this code respecting particular procedures, an order or notice may be given by ~~delivery to:~~

(a) Personal service upon the person to be ordered or notified or by;

(b) Mmailing it, postage prepaid, by regular United States mail, or by certified mail, return receipt requested, addressed to him the person at his residence or principal place of business as last of record in the department. Notice so mailed shall be deemed to have been given when deposited in a letter depository of a United States post office; or

(c) Where a party has appeared in a contested case or has not yet appeared but has consented or agreed in writing to service by facsimile transmission (FAX) or e-mail as an alternative to personal service or service by mail, such orders or notices may be served by FAX or by e-mail in lieu of service by mail or personal service.

(4) Service of orders and notices is complete when a copy is personally served upon the person to be served, or when a copy properly addressed and postage prepaid is deposited in the United States mail or the statehouse mail, if the person is a state employee or state agency, or when there is an electronic verification that a FAX or an e-mail has been sent.