**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4560**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hixon, Atkinson, Chapman and Taylor

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Introduced in the House on January 9, 2024

Currently residing in the House Committee on **Judiciary**

Summary: Garnishment for Underinsured Motorist Damages

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/16/2023 House Prefiled

 11/16/2023 House Referred to Committee on **Judiciary**

 1/9/2024 House Introduced and read first time (House Journal‑page 82)

 1/9/2024 House Referred to Committee on **Judiciary** (House Journal‑page 82)

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**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4560_20231116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56-9-495 SO AS TO PROVIDE THAT A COURT MAY ORDER PAYMENT FOR DAMAGES INVOLVING AN UNDERINSURED MOTOR VEHICLE TO BE GARNISHED FROM THE DEBTOR'S WAGES, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES GARNISH THE WAGES IN ACCORDANCE WITH THE TERMS OF THE JUDGMENT UTILIZING THE PROCESS ESTABLISHED IN CHAPTER 56, TITLE 12 OF THE S.C. CODE; AND BY AMENDING SECTION 12-56-20, RELATING TO DEFINITIONS, SO AS TO ADD THE DEPARTMENT OF MOTOR VEHICLES TO THE DEFINITION OF “CLAIMANT AGENCY” FOR THE PURPOSE OF CARRYING OUT ITS DUTIES PURSUANT TO SECTION 56‑9‑495.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 5, Chapter 9, Title 56 of the S.C. Code is amended by adding:

 Section 56-9-495. (A) A court may order damages due to a collision involving an underinsured motor vehicle that resulted in property damage, personal injury, or both, to be garnished from the debtor’s wages. If an order for garnishment is rendered, the clerk of court, or the judge of a court which has no clerk, must forward to the Department of Motor Vehicles a certified copy of the judgment and the department must garnish the wages in accordance with the terms of the judgment by utilizing the process established in Chapter 56, Title 12 of the S.C. Code. This section is in addition to any other remedy provided by law.

 (B) For purposes of this section, “underinsured motor vehicle” has the same meaning as in Section 38‑77‑30(15).

SECTION 2. Section 12-56-20(1) of the S.C. Code is amended to read:

 (1) “Claimant agency” means a state agency, board, committee, commission, public institution of higher learning, political subdivision, or other governmental or quasi-governmental entity of any state or the United States. It includes the South Carolina Student Loan Corporation, housing authorities established pursuant to Articles 5, 7, and 9 of Chapter 3, Title 31 and the Internal Revenue Service, and the United States Department of Education. It also includes a private institution of higher learning for the purpose of collecting debts related to default on authorized educational loans made pursuant to Chapter 111, 113, or 115, Title 59. It also includes the Department of Motor Vehicles for the purpose of carrying out its duties pursuant to Section 56‑9‑495. “Political subdivision” includes the Municipal Association of South Carolina and the South Carolina Association of Counties when these organizations submit claims on behalf of a county or local governmental or quasi-governmental entity. A political subdivision who submits a claim through an association is a claimant agency for the purpose of the notice and appeal provisions and other requirements of this chapter.

SECTION 3. This act takes effect upon approval by the Governor.

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