**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3607**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Atwater

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Introduced in the House on February 26, 2013

Currently residing in the House Committee on **Education and Public Works**

Summary: Motor Vehicle Operator Insurance Reform Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/26/2013 House Introduced and read first time ([House Journal‑page 5](file:///h:\HJ%20Archive\2013\02-26-13.docx))

2/26/2013 House Referred to Committee on **Education and Public Works** ([House Journal‑page 5](file:///h:\HJ%20Archive\2013\02-26-13.docx))

**VERSIONS OF THIS BILL**

[2/26/2013](file:///p:\pprever\2013-14\3607_20130226.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “MOTOR VEHICLE OPERATOR INSURANCE REFORM ACT”; BY ADDING SECTION 56‑1‑11 SO AS TO PROVIDE THAT AUTOMOBILE INSURANCE FOLLOWS THE DRIVER OF A MOTOR VEHICLE REGARDLESS OF THE MOTOR VEHICLE DRIVEN AND DOES NOT FOLLOW A MOTOR VEHICLE, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY NOT ISSUE A DRIVER’S LICENSE TO A PERSON WHO LACKS MOTORIST LIABILITY COVERAGE, AND TO PROVIDE AUTOMOBILE INSURERS MUST PROVIDE THIS COVERAGE; TO AMEND SECTION 56‑1‑10, AS AMENDED, RELATING TO DEFINITIONS CONCERNING DRIVERS’ LICENSES, SO AS TO ADD NECESSARY DEFINITIONS; TO AMEND SECTION 56‑3‑210, RELATING TO MOTOR VEHICLE LICENSE PLATES, SO AS TO PROVIDE THE SECTION DOES NOT DISPLACE OR EFFECT THE RESPONSIBILITY OF A PERSON TO OBTAIN MOTORIST LIABILITY INSURANCE COVERAGE OR OTHER SIMILAR INSURANCE COVERAGE THAT COVERS A DRIVER REGARDLESS OF THE VEHICLE HE IS DRIVING AND NOT A PARTICULAR VEHICLE ITSELF; AND TO REPEAL CHAPTER 9, TITLE 56 RELATING TO FINANCIAL RESPONSIBILITY MANDATES FOR MOTOR VEHICLE OPERATORS.

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

SECTION 1. This act must be known and may be cited as the “Motor Vehicle Operator Insurance Reform Act”.

SECTION 2. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56‑1‑11. (A) The Department of Motor Vehicles may not issue a drivers license to an uninsured motorist or other person who does not have coverage under a motorist liability policy.

(B) An automobile insurer must offer motorist liability coverage to insure an individual for his operation of any motor vehicle rather than a specific motor vehicle. Motorist liability insurance or other similar automobile insurance must follow the person regardless of the motor vehicle he is operating and must not follow the vehicle.

(C) The provisions of this section apply notwithstanding another provision of law.”

SECTION 3. Section 56‑1‑10 of the 1976 Code, as last amended by Act 216 of 2010, is further amended by adding appropriately numbered items at the end to read:

“( ) ‘Insured motorist’ means an operator of a motor vehicle who:

(a) obtains a motorist liability policy or other bodily injury liability insurance and property damage liability insurance in the amount required in Section 38‑77‑140; or

(b) qualifies as a self‑insurer.

( ) ‘Motorist liability policy’ means a policy of liability insurance of an owner or an operator that fulfills all the requirements of Sections 38‑77‑140 through 38‑77‑230 and is issued by an insurance carrier duly authorized to transact business in this State, to or for the sole benefit of the person named in the policy as the insured.

( ) ‘Uninsured motorist’ means the operator of a motor vehicle who is not an insured motorist.”

SECTION 4. Section 56‑3‑210(F) of the 1976 Code is amended to read:

“(F) Nothing in this section may be construed to displace or effect the responsibility of a person ~~to~~ who wants to operate a motor vehicle to first obtain ~~insurance before operating a vehicle~~ motorist liability insurance coverage or other similar insurance coverage that insures an operator of a motor vehicle regardless of the vehicle he is operating and not a particular motor vehicle itself.”

SECTION 5. Chapter 9, Title 56 of the 1976 Code is repealed.

SECTION 6. This act takes effect upon approval by the Governor.

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