**South Carolina General Assembly**

120th Session, 2013-2014

**A128, R133, H3623**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Atwater and Toole

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Introduced in the House on February 26, 2013

Introduced in the Senate on April 16, 2013

Last Amended on April 11, 2013

Passed by the General Assembly on February 25, 2014

Governor's Action: March 4, 2014, Signed

Summary: Automobile insurance

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/26/2013 House Introduced and read first time ([House Journal‑page 10](file:///H:\HJ%20Archive\2013\02-26-13.docx))

2/26/2013 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 10](file:///H:\HJ%20Archive\2013\02-26-13.docx))

3/21/2013 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 5](file:///H:\HJ%20Archive\2013\03-21-13.docx))

4/9/2013 House Member(s) request name added as sponsor: Toole

4/10/2013 House Debate adjourned until Thur., 4‑11‑13 ([House Journal‑page 39](file:///H:\HJ%20Archive\2013\04-10-13.docx))

4/11/2013 House Amended ([House Journal‑page 56](file:///H:\HJ%20Archive\2013\04-11-13.docx))

4/11/2013 House Read second time ([House Journal‑page 56](file:///H:\HJ%20Archive\2013\04-11-13.docx))

4/11/2013 House Roll call Yeas‑109 Nays‑0 ([House Journal‑page 57](file:///H:\HJ%20Archive\2013\04-11-13.docx))

4/11/2013 House Unanimous consent for third reading on next legislative day ([House Journal‑page 58](file:///H:\HJ%20Archive\2013\04-11-13.docx))

4/12/2013 House Read third time and sent to Senate ([House Journal‑page 2](file:///H:\HJ%20Archive\2013\04-12-13.docx))

4/16/2013 Senate Introduced and read first time ([Senate Journal‑page 17](file:///H:\SJ%20Archive\2013\04-16-13.docx))

4/16/2013 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 17](file:///H:\SJ%20Archive\2013\04-16-13.docx))

2/19/2014 Senate Committee report: Favorable **Transportation** ([Senate Journal‑page 23](file:///H:\SJ%20Archive\2014\02-19-14.docx))

2/20/2014 Senate Read second time ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\02-20-14.docx))

2/20/2014 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\02-20-14.docx))

2/25/2014 Senate Read third time and enrolled ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\02-25-14.docx))

2/27/2014 Ratified R 133

3/4/2014 Signed By Governor

3/11/2014 Effective date 03/04/14

3/14/2014 Act No. 128

**VERSIONS OF THIS BILL**

[2/26/2013](file:///p:\pprever\2013-14\3623_20130226.docx)

[3/21/2013](file:///p:\pprever\2013-14\3623_20130321.docx)

[4/11/2013](file:///p:\pprever\2013-14\3623_20130411.docx)

[2/19/2014](file:///p:\pprever\2013-14\3623_20140219.docx)

(A128, R133, H3623)

**AN ACT** **TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑77‑127 SO AS TO PROVIDE THAT AN AUTOMOBILE INSURER MAY VERIFY THE COVERAGE OF AN INSURED BY ELECTRONIC FORMAT TO A MOBILE ELECTRONIC DEVICE UPON REQUEST OF THE INSURED, AND TO PROVIDE A NECESSARY DEFINITION; AND TO AMEND SECTION 56‑10‑225, RELATING TO REQUIREMENTS FOR MAINTAINING PROOF OF FINANCIAL RESPONSIBILITY IN AN AUTOMOBILE, SO AS TO PERMIT THE USE OF A MOBILE ELECTRONIC DEVICE TO SATISFY THESE REQUIREMENTS, TO PROVIDE AN INSURER IS NOT REQUIRED TO ISSUE THIS VERIFICATION IN AN ELECTRONIC FORMAT, TO PROVIDE THAT PRESENTING AN ELECTRONIC MOBILE DEVICE TO LAW ENFORCEMENT TO SATISFY PROOF OF AUTOMOBILE FINANCIAL RESPONSIBILITY DOES NOT SUBJECT INFORMATION CONTAINED OR STORED IN THE DEVICE TO SEARCH ABSENT A VALID SEARCH WARRANT OR CONSENT OF THE LAWFUL OWNER OF THE DEVICE.**

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

**Insurer may provide proof electronically**

SECTION 1. Article 3, Chapter 77, Title 38 of the 1976 Code is amended by adding:

“Section 38‑77‑127. (A) An automobile insurer may issue verification concerning the existence of coverage it provides an insured in an electronic format to a mobile electronic device upon request of the insured.

(B) For purposes of this section, ‘mobile electronic device’ means a portable computing and communication device that has a display screen with touch input or a miniature keyboard and is capable of receiving information transmitted in an electronic format.”

**Insured may prove electronically, device not subject to search, exceptions**

SECTION 2. Section 56‑10‑225(B) of the 1976 Code is amended to read:

“(B) The owner of a motor vehicle must maintain proof of financial responsibility in the motor vehicle at all times, and it must be displayed upon demand of a police officer or any other person duly authorized by law. Evidence of financial responsibility may be provided by use of a mobile electronic device in a format issued by an automobile insurer. This section does not require that an automobile insurer issue verification concerning the existence of coverage it provides an insured in an electronic format. Information contained or stored in a mobile electronic device presented pursuant to this subsection is not subject to a search by a law enforcement officer except pursuant to the provisions of Section 17‑13‑140 providing for the issuance, execution, and return of a search warrant or pursuant to the express written consent of the lawful owner of the device.”

**Savings clause**

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 27th day of February, 2014.

Approved the 4th day of March, 2014.

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