**South Carolina General Assembly**

120th Session, 2013-2014

**A47, R55, S464**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hayes and Malloy

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Introduced in the Senate on February 28, 2013

Introduced in the House on April 11, 2013

Last Amended on April 9, 2013

Passed by the General Assembly on May 22, 2013

Governor's Action: June 7, 2013, Signed

Summary: Automobile insurance

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/28/2013 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h%3A%5CSJ%20Archive%5C2013%5C02-28-13.docx))

 2/28/2013 Senate Referred to Committee on **Banking and Insurance** ([Senate Journal‑page 7](file:///h%3A%5CSJ%20Archive%5C2013%5C02-28-13.docx))

 3/20/2013 Senate Committee report: Favorable with amendment **Banking and Insurance** ([Senate Journal‑page 14](file:///h%3A%5CSJ%20Archive%5C2013%5C03-20-13.docx))

 3/21/2013 Scrivener's error corrected

 4/9/2013 Senate Committee Amendment Adopted ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2013%5C04-09-13.docx))

 4/9/2013 Senate Read second time ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2013%5C04-09-13.docx))

 4/9/2013 Senate Roll call Ayes‑38 Nays‑1 ([Senate Journal‑page 27](file:///h%3A%5CSJ%20Archive%5C2013%5C04-09-13.docx))

 4/10/2013 Scrivener's error corrected

 4/10/2013 Senate Read third time and sent to House ([Senate Journal‑page 31](file:///h%3A%5CSJ%20Archive%5C2013%5C04-10-13.docx))

 4/11/2013 House Introduced and read first time ([House Journal‑page 45](file:///h%3A%5CHJ%20Archive%5C2013%5C04-11-13.docx))

 4/11/2013 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 45](file:///h%3A%5CHJ%20Archive%5C2013%5C04-11-13.docx))

 5/16/2013 House Committee report: Favorable **Labor, Commerce and Industry** ([House Journal‑page 4](file:///h%3A%5CHJ%20Archive%5C2013%5C05-16-13.docx))

 5/17/2013 Scrivener's error corrected

 5/21/2013 House Read second time ([House Journal‑page 47](file:///h%3A%5CHJ%20Archive%5C2013%5C05-21-13.docx))

 5/21/2013 House Roll call Yeas‑95 Nays‑18 ([House Journal‑page 47](file:///h%3A%5CHJ%20Archive%5C2013%5C05-21-13.docx))

 5/22/2013 House Read third time and enrolled ([House Journal‑page 21](file:///h%3A%5CHJ%20Archive%5C2013%5C05-22-13.docx))

 6/4/2013 Ratified R 55

 6/7/2013 Signed By Governor

 6/18/2013 Effective date See Act for Effective Date

 6/18/2013 Act No. 47

**VERSIONS OF THIS BILL**

[2/28/2013](file:///p%3A%5Cpprever%5C2013-14%5C464_20130228.docx)

[3/20/2013](file:///p%3A%5Cpprever%5C2013-14%5C464_20130320.docx)

[3/21/2013](file:///p%3A%5Cpprever%5C2013-14%5C464_20130321.docx)

[4/9/2013](file:///p%3A%5Cpprever%5C2013-14%5C464_20130409.docx)

[4/10/2013](file:///p%3A%5Cpprever%5C2013-14%5C464_20130410.docx)

[5/16/2013](file:///p%3A%5Cpprever%5C2013-14%5C464_20130516.docx)

[5/17/2013](file:///p%3A%5Cpprever%5C2013-14%5C464_20130517.docx)

(A47, R55, S464)

**AN ACT** **TO AMEND SECTION 38‑77‑150, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATORY MINIMUM UNINSURED MOTORIST INSURANCE COVERAGE, SO AS TO INCREASE THE MINIMUM COVERAGE TO TWENTY‑FIVE THOUSAND DOLLARS; TO AMEND SECTION 56‑9‑20, RELATING TO DEFINITIONS IN THE MOTOR VEHICLE RESPONSIBILITY ACT, SO AS TO REVISE THE DEFINITION OF “PROOF OF FINANCIAL RESPONSIBILITY” TO CONFORM AND TO INCREASE THE AMOUNT OF COVERAGE REQUIRED FOR MULTIPLE BODILY INJURIES; AND TO AMEND SECTION 56‑9‑353, RELATING TO POLICIES AND BONDS, AND SECTION 56‑9‑480, RELATING TO SATISFACTION OF JUDGMENTS, SO AS TO MAKE CONFORMING CHANGES.**

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

**Mandatory uninsured motorist coverage, minimum increased**

SECTION 1. Section 38‑77‑150(A) of the 1976 Code is amended to read:

 “(A) No automobile insurance policy or contract may be issued or delivered unless it contains a provision by endorsement or otherwise, herein referred to as the uninsured motorist provision, undertaking to pay the insured all sums which he is legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle, within limits which may be no less than the requirements of Section 38‑77‑140. The uninsured motorist provision also must provide for no less than twenty‑five thousand dollars’ coverage for injury to or destruction of the property of the insured in any one accident but may provide an exclusion of the first two hundred dollars of the loss or damage. The director or his designee may prescribe the form to be used in providing uninsured motorist coverage and when prescribed and promulgated no other form may be used.”

**Motor Vehicle Responsibility Act definitions, conforming changes**

SECTION 2. Section 56‑9‑20(11) of the 1976 Code is amended to read:

 “(11) ‘Proof of financial responsibility’: Proof of ability to respond to damages for liability, as provided in Section 38‑77‑150, or, on account of accidents occurring after the effective date of this proof, arising out of the ownership, maintenance, or use of a motor vehicle in the amount of twenty‑five thousand dollars because of bodily injury to or death of one person in any one accident and, subject to this limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident and in the amount of twenty‑five thousand dollars because of injury to or destruction of property of others in any one accident;”

**Policies and bonds, conforming changes**

SECTION 3. Section 56‑9‑353 of the 1976 Code is amended to read:

 “Section 56‑9‑353. No policy or bond shall be effective under Sections 56‑9‑351 and 56‑9‑352 unless issued by an insurance company or surety company licensed and authorized by the South Carolina Department of Insurance to do business in this State, except that if the motor vehicle was not registered in this State or was a motor vehicle which was registered elsewhere than in this State at the effective date of the policy or bond or the most recent renewal thereof, the policy or bond shall not be effective under Sections 56‑9‑351 and 56‑9‑352 unless the insurance company or surety company if not authorized to do business in this State shall execute a power of attorney authorizing the Department of Motor Vehicles to accept service on its behalf of notice of process in any action upon the policy or bond arising out of the accident. Every policy or bond must be subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than twenty‑five thousand dollars because of bodily injury to or death of one person in any one accident, and subject to this limit for one person, to a limit of not less than fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in injury to or destruction of property, to a limit of not less than twenty‑five thousand dollars because of injury to or destruction of property of others in any one accident.”

**Satisfaction of judgments, conforming changes**

SECTION 4. Section 56‑9‑480 of the 1976 Code is amended to read:

 “Section 56‑9‑480. Judgments referred to in this article must, for the purpose of this article only, be considered satisfied:

 (1) when twenty‑five thousand dollars has been credited upon any judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

 (2) when, subject to the limit of twenty‑five thousand dollars because of bodily injury to or death of one person, the sum of fifty thousand dollars has been credited upon any judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

 (3) when twenty‑five thousand dollars has been credited upon any judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident.

 Payments made in settlement of any claims because of bodily injury, death, or property damage arising from a motor vehicle accident must be credited in reduction of the amounts provided for in this section.”

**New offer of uninsured motorist insurance not required**

SECTION 5. An automobile liability insurer is not required to make a new offer of coverage or obtain a new prescribed form on any automobile insurance policy, within the contemplation of Section 38‑77‑350, to comply with statutory changes to the minimum required limits set forth in Section 38‑77‑140 and Section 38‑77‑150.

**Time effective**

SECTION 6. This act takes effect January 1, 2014, and applies to all policies of automobile insurance issued or renewed on or after the effective date of this act.

Ratified the 4th day of June, 2013.

Approved the 7th day of June, 2013.

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