

Session 114 - (2001-2002)

H*5105 (Rat #0415, Act #0324 of 2002) General Bill, By Cato and A. Young

Summary: Motorist Insurance Identification Database Program Act; Motor Vehicle Division shall request proof of insurance from persons identified by Database

A BILL TO AMEND CHAPTER 10, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MOTOR VEHICLE REGISTRATION AND FINANCIAL SECURITY BY ADDING ARTICLE 7 SO AS TO ENACT THE "MOTORIST INSURANCE IDENTIFICATION DATABASE PROGRAM ACT", TO PROVIDE DEFINITIONS FOR CERTAIN TERMS, TO PROVIDE THAT THE INTENT OF THIS ARTICLE IS TO HELP REDUCE THE UNINSURED MOTORIST POPULATION IN THE STATE AND TO MEASURE THE EFFECTIVENESS OF THE MOTORIST INSURANCE DATABASE ESTABLISHED PURSUANT TO THIS ARTICLE, AND TO ESTABLISH A DATABASE TO BE USED WHEN VERIFYING COMPLIANCE WITH THE STATE'S MOTOR VEHICLE FINANCIAL SECURITY REQUIREMENTS, TO PROVIDE THAT THE MOTORIST INSURANCE DATABASE PROGRAM SHALL BE ADMINISTERED BY THE MOTOR VEHICLES DIVISION IN THE DEPARTMENT OF PUBLIC SAFETY, TO PROVIDE THAT THE MOTOR VEHICLES DIVISION SHALL DISCLOSE AN INDIVIDUAL'S REPORTED DATABASE INFORMATION UPON REQUEST BY CERTAIN PERSONS AND AGENCIES FOR A FEE THAT MUST BE USED TO DEFRAY THE DIVISION'S EXPENSES, TO PROVIDE THAT THE STATE AND INSURERS ARE NOT LIABLE FOR PERFORMING THEIR LEGAL DUTIES PURSUANT TO THIS ARTICLE; TO AMEND SECTION 56-10-553, AS AMENDED, RELATING TO THE COLLECTION OF CERTAIN DATA BY THE DEPARTMENT OF PUBLIC SAFETY THROUGH THE USE OF RANDOM SAMPLING, SO AS TO ELIMINATE THE RANDOM SAMPLING PROCEDURE; TO AMEND SECTION 56-10-225, AS AMENDED, RELATING TO PROOF OF INSURANCE AND FINANCIAL RESPONSIBILITY BY A PERSON WHO HAS A MOTOR VEHICLE REGISTERED IN HIS NAME, SO AS TO MAKE TECHNICAL CHANGES, TO EXTEND THE DEADLINE UPON WHICH A PERSON WHO IS CHARGED WITH FAILING TO MAINTAIN PROOF OF INSURANCE IN HIS MOTOR VEHICLE MAY HAVE THE CHARGE DISMISSED UPON SHOWING THE COURT THAT THE MOTOR VEHICLE WAS INSURED AT THE TIME HE WAS CHARGED, AND TO REVISE THE PENALTY FOR THIS OFFENSE; TO AMEND SECTION 56-10-520, AS AMENDED, RELATING TO THE REQUIREMENT THAT A PERSON WHO SEEKS TO REGISTER A MOTOR VEHICLE MUST DECLARE THAT THE VEHICLE TO BE REGISTERED IS INSURED, SO AS TO REVISE THE PENALTIES FOR A PERSON WHO OPERATES AN UNINSURED MOTOR VEHICLE, AND A PERSON WHO PRESENTS A FALSE CERTIFICATE THAT A MOTOR VEHICLE IS AN INSURED MOTOR VEHICLE OR FALSE EVIDENCE THAT A MOTOR VEHICLE SOUGHT TO BE REGISTERED IS AN INSURED MOTOR VEHICLE, TO DELETE THE PROVISION THAT MAKES CERTAIN PORTIONS OF THIS SECTION INAPPLICABLE IF THE MOTOR VEHICLE OWNER HAD GOOD CAUSE TO BELIEVE AND BELIEVED THAT THE MOTOR VEHICLE WAS INSURED, TO MAKE TECHNICAL CHANGES, TO SUBSTITUTE THE TERM "NOTICE OF VIOLATION" FOR THE TERM "RECORD OF HIS CONVICTION OF VIOLATION", TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY MAY RELIEVE A PERSON OF THE REQUIREMENT OF FURNISHING PROOF OF FUTURE FINANCIAL RESPONSIBILITY WHEN THREE YEARS HAVE ELAPSED FROM THE DATE PROOF WAS REQUIRED INSTEAD OF FROM THE DATE OF SUSPENSION; TO AMEND SECTION 56-10-40, AS AMENDED, RELATING TO THE REQUIREMENT THAT PROVIDERS OF LIABILITY INSURANCE AND PROVIDERS OF SECURITY IN LIEU OF LIABILITY INSURANCE MUST NOTIFY THE DEPARTMENT OF PUBLIC SAFETY OF THE LAPSE OR TERMINATION OF AN INSURANCE POLICY OR SECURITY IT HAS ISSUED, AND THAT PROVIDES THAT THE DEPARTMENT MUST NOTIFY THE PERSON WHOSE INSURANCE POLICY OR SECURITY HAS LAPSED OR HAS BEEN TERMINATED, SO AS TO REVISE THE PROCEDURE IN WHICH AN INSURANCE PROVIDER MUST NOTIFY THE DEPARTMENT WHEN AN INSURANCE POLICY OR SECURITY HAS LAPSED OR HAS BEEN TERMINATED; TO AMEND SECTION 56-10-240, AS AMENDED, RELATING TO THE REQUIREMENT THAT AN UNINSURED MOTOR VEHICLE MUST BE INSURED WITHIN A SPECIFIC PERIOD OF TIME OR THE OWNER MUST SURRENDER ITS REGISTRATION AND LICENSE PLATE, SO AS TO DELETE THE PROVISION THAT PROVIDES THE PROCEDURE AN INSURER MUST INFORM THE DEPARTMENT OF PUBLIC SAFETY WHEN A MOTOR VEHICLE BECOMES UNINSURED, TO PROVIDE THAT THE DEPARTMENT MAY AUTHORIZE INSURERS TO UTILIZE ALTERNATIVE METHODS OF PROVIDING NOTICE OF NEW POLICIES WRITTEN AND RENEWALS TO THE DEPARTMENT, TO DELETE THE PROVISION THAT REQUIRES LICENSE PLATES SURRENDERED PURSUANT TO THIS SECTION BE FORWARDED TO THE DEPARTMENT OF REVENUE, AND TO ELIMINATE THE REINSTATEMENT FEE CHARGED TO A PERSON WHO VOLUNTARILY SURRENDERS HIS LICENSE PLATES AND REGISTRATION CERTIFICATE BEFORE THEIR SUSPENSION; BY ADDING SECTION 56-10-46 SO AS TO PROVIDE THAT A PERSON WHO RESPONDS TO THE NOTICE CONTAINED IN SECTION 56-10-40 WHO PURCHASED INSURANCE AFTER RECEIVING THE NOTICE SHALL HAVE HIS MOTOR VEHICLE RECORD NOTED TO INDICATE THAT HE WILL BE SUBJECT TO REGULAR REQUESTS FOR PROOF OF INSURANCE FROM THE MOTOR VEHICLES

DIVISION; BY ADDING SECTION 56-10-615 SO AS TO PROVIDE THAT THE MOTOR VEHICLES DIVISION SHALL OBTAIN INFORMATION FROM INSURERS REGARDING CANCELLATIONS OF AUTOMOBILE INSURANCE POLICIES, TO PROVIDE THAT THE DIVISION SHALL REQUEST PROOF OF INSURANCE FROM PERSONS IDENTIFIED BY THE MOTORIST INSURANCE DATABASE, AND TO PROVIDE A PENALTY FOR A PERSON WHO FAILS TO RESPOND TO THE DIVISION; TO AMEND SECTION 38-73-470, RELATING TO THE DISPOSITION OF THE UNINSURED MOTORIST PREMIUM, SO AS TO INCREASE THE FEE AND REVISE THE DISTRIBUTION OF THE FEE; TO REPEAL SECTION 56-10-270, RELATING TO THE OPERATION OF AN UNINSURED MOTOR VEHICLE; AND TO REPEAL SECTION 56-3-220, RELATING TO DEALER SOLD CARDS.-amended title

04/11/02	House	Introduced and read first time HJ-43
04/11/02	House	Referred to Committee on Labor, Commerce and Industry HJ-44
04/24/02	House	Committee report: Favorable with amendment Labor, Commerce and Industry HJ-7
04/30/02	House	Amended HJ-16
04/30/02	House	Read second time HJ-27
05/01/02	House	Read third time and sent to Senate HJ-10
05/01/02	Senate	Introduced and read first time SJ-9
05/01/02	Senate	Referred to Committee on Banking and Insurance SJ-9
05/15/02	Senate	Recalled from Committee on Banking and Insurance SJ-4
05/16/02	Senate	Amended SJ-73
05/16/02	Senate	Read second time SJ-73
05/21/02	Senate	Read third time and returned to House with amendments SJ-12
05/23/02	House	Concurred in Senate amendment and enrolled HJ-37
05/30/02		Ratified R 415
06/04/02		Signed By Governor
07/03/02		Effective date 07/01/02; See act for exceptions to effective date
07/03/02		Copies available
07/25/02		Act No. 324