**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3141**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Whipper

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Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Insurance

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Labor, Commerce and Industry**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑63

1/13/2009 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑63

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3141_20081216.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑55‑175 SO AS TO REQUIRE LIABILITY OR CASUALTY INSURANCE COVERAGE DISCLOSURES TO A CLAIMANT OR HIS AUTHORIZED REPRESENTATIVE IF THE REQUEST IS MADE IN WRITING, AND TO PROVIDE FOR PROCEDURES REQUIRED FOR THESE DISCLOSURES.

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

SECTION 1. Article 1, Chapter 55, Title 38 of the 1976 Code is amended by adding:

“Section 38‑55‑175. (A) Each insurer providing liability or casualty insurance coverage in this State, which is or may be liable to pay all or part of a claim, shall provide, within sixty days of receiving a written request from the claimant, a statement, under oath, of a corporate officer or the insurer’s claims manager stating with regard to each known policy of insurance issued by it, including excess or umbrella insurance, the name of the insurer, the name of each insured, and the limits of coverage. The insurer may provide a copy of the declaration page of a policy instead of providing this information. The claimant’s request shall set forth under oath the specific nature of the claim asserted and must be mailed to the insurer by certified mail.

(B) The insured, within thirty days of receiving a written request from a claimant or the claimant’s attorney, shall disclose to the claimant or his attorney the name of each known insurer which may be liable to the claimant upon this claim.

(1) If the request provided for in subsection (A) contains information insufficient to allow compliance, the insurer or insured upon whom the request was made may state in writing, specifically stating what additional information is needed, and this request constitutes compliance with this section.

(2) The information provided to a claimant or his attorney or as required by subsection (A) does not create a waiver of any defenses to coverage available to the insurer and is not admissible evidence unless otherwise permitted by law.

(3) The information provided to a claimant or his attorney as required by subsection (A) must be amended upon the discovery of facts inconsistent with or in addition to information provided.”

SECTION 2. This act takes effect upon approval by the Governor.

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