**South Carolina General Assembly**

119th Session, 2011-2012

**A281, R315, S1229**

**STATUS INFORMATION**

General Bill

Sponsors: Senators O'Dell and Ford

Document Path: l:\council\bills\agm\19440ab12.docx

Introduced in the Senate on February 16, 2012

Introduced in the House on April 26, 2012

Last Amended on June 19, 2012

Passed by the General Assembly on June 19, 2012

Governor's Action: June 26, 2012, Signed

Summary: Licenses for adjusters

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/16/2012 Senate Introduced and read first time ([Senate Journal‑page 2](file:///h:\sj%20archive\2012\02-16-12.docx))

2/16/2012 Senate Referred to Committee on **Banking and Insurance** ([Senate Journal‑page 2](file:///h:\sj%20archive\2012\02-16-12.docx))

2/28/2012 Scrivener's error corrected

4/18/2012 Senate Committee report: Favorable with amendment **Banking and Insurance** ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\04-18-12.docx))

4/19/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 58](file:///h:\sj%20archive\2012\04-19-12.docx))

4/20/2012 Scrivener's error corrected

4/24/2012 Senate Amended ([Senate Journal‑page 28](file:///h:\sj%20archive\2012\04-24-12.docx))

4/24/2012 Senate Read second time ([Senate Journal‑page 28](file:///h:\sj%20archive\2012\04-24-12.docx))

4/24/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 28](file:///h:\sj%20archive\2012\04-24-12.docx))

4/25/2012 Senate Amended ([Senate Journal‑page 26](file:///h:\sj%20archive\2012\04-25-12.docx))

4/25/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 26](file:///h:\sj%20archive\2012\04-25-12.docx))

4/25/2012 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 26](file:///h:\sj%20archive\2012\04-25-12.docx))

4/26/2012 House Introduced and read first time ([House Journal‑page 23](file:///h:\hj%20archive\2012\04-26-12.docx))

4/26/2012 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 23](file:///h:\hj%20archive\2012\04-26-12.docx))

5/17/2012 House Committee report: Favorable with amendment **Labor, Commerce and Industry** ([House Journal‑page 6](file:///h:\hj%20archive\2012\05-17-12.docx))

5/23/2012 House Debate adjourned until Thur., 05‑24‑12 ([House Journal‑page 31](file:///h:\hj%20archive\2012\05-23-12.docx))

5/24/2012 House Debate adjourned until Tues., 05‑29‑12 ([House Journal‑page 119](file:///h:\hj%20archive\2012\05-24-12.docx))

5/29/2012 House Amended ([House Journal‑page 7](file:///h:\hj%20archive\2012\05-29-12.docx))

5/29/2012 House Read second time ([House Journal‑page 7](file:///h:\hj%20archive\2012\05-29-12.docx))

5/29/2012 House Roll call Yeas‑105 Nays‑0 ([House Journal‑page 9](file:///h:\hj%20archive\2012\05-29-12.docx))

5/30/2012 House Debate adjourned until Thur., 05‑31‑12 ([House Journal‑page 14](file:///h:\hj%20archive\2012\05-30-12.docx))

5/31/2012 House Read third time and returned to Senate with amendments ([House Journal‑page 21](file:///h:\hj%20archive\2012\05-31-12.docx))

6/7/2012 Senate Non‑concurrence in House amendment ([Senate Journal‑page 158](file:///h:\sj%20archive\2012\06-07-12.docx))

6/7/2012 Senate Roll call Ayes‑1 Nays‑41 ([Senate Journal‑page 158](file:///h:\sj%20archive\2012\06-07-12.docx))

6/7/2012 House House insists upon amendment and conference committee appointed Reps. Sandifer, Brady, Bales

6/7/2012 Senate Conference committee appointed Setzler, O'Dell, and Hayes ([Senate Journal‑page 160](file:///h:\sj%20archive\2012\06-07-12.docx))

6/19/2012 Senate Conference report adopted ([Senate Journal‑page 139](file:///h:\sj%20archive\2012\06-19-12.docx))

6/19/2012 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 139](file:///h:\sj%20archive\2012\06-19-12.docx))

6/19/2012 House Conference report received and adopted ([House Journal‑page 78](file:///h:\hj%20archive\2012\06-19-12.docx))

6/19/2012 House Roll call Yeas‑111 Nays‑0 ([House Journal‑page 79](file:///h:\hj%20archive\2012\06-19-12.docx))

6/19/2012 House Ordered enrolled for ratification ([House Journal‑page 84](file:///h:\hj%20archive\2012\06-19-12.docx))

6/22/2012 Ratified R 315

6/26/2012 Signed By Governor

7/17/2012 Effective date 06/26/12

7/17/2012 Act No. 281

**VERSIONS OF THIS BILL**

[2/16/2012](file:///p:\pprever\2011-12\1229_20120216.docx)

[2/28/2012](file:///p:\pprever\2011-12\1229_20120228.docx)

[4/18/2012](file:///p:\pprever\2011-12\1229_20120418.docx)

[4/19/2012](file:///p:\pprever\2011-12\1229_20120419.docx)

[4/20/2012](file:///p:\pprever\2011-12\1229_20120420.docx)

[4/24/2012](file:///p:\pprever\2011-12\1229_20120424.docx)

[4/25/2012](file:///p:\pprever\2011-12\1229_20120425.docx)

[5/17/2012](file:///p:\pprever\2011-12\1229_20120517.docx)

[5/29/2012](file:///p:\pprever\2011-12\1229_20120529.docx)

[6/19/2012](file:///p:\pprever\2011-12\1229_20120619.docx)

(A281, R315, S1229)

**AN ACT** **TO AMEND SECTION 38‑47‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LICENSURE OF INSURANCE ADJUSTERS, SO AS TO PROVIDE SPECIFIC EXEMPTIONS FROM LICENSURE, TO DEFINE TERMS, AND TO PROVIDE AN ADJUSTER LICENSED UNDER THIS CHAPTER MUST REVIEW THE DENIAL OF A CLAIM CONTESTED BY AN INSURED.**

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

**Licensure of insurance adjusters, exemptions, definitions, and reviews**

SECTION 1. Section 38‑47‑10 of the 1976 Code is amended to read:

“Section 38‑47‑10. (A) An individual commonly called an adjuster, adjusting losses for an insurer licensed to do business in this State, must be licensed by the director or his designee. These individuals shall apply for a license on a form prescribed by the director or his designee. The director or his designee shall satisfy himself that each applicant for an adjuster’s license is an individual of good moral character, has sufficient knowledge of the insurance business and his duties as an adjuster, has not violated the insurance laws of the State, and is a fit and proper individual for the position. No license may be issued to a nonresident adjuster who resides in a state refusing to license South Carolina adjusters.

(B) The following individuals are exempt from licensure as an adjuster:

(1) A producer licensed under Chapter 43 is not required to comply with this section.

(2) An individual who, for portable electronics insurance, collects claim information from, or furnishes claim information to, insureds or claimants and who conducts data entry, including entering data into an automated claims adjudication system, provided that no more than twenty‑five such persons are under the supervision of a licensed adjuster or a licensed producer who is otherwise exempt from licensure pursuant to paragraph (1).

(C) For purposes of this section, ‘automated claims adjudication system’ means a preprogrammed computer system designed for the collection, data entry, calculation, and final resolution of portable electronics insurance claims that:

(1) only may be used by a licensed adjuster, licensed producer, or supervised individuals operating pursuant to this paragraph;

(2) must comply with all claims payment requirements of the insurance code; and

(3) must be certified as compliant with this section by a licensed independent adjuster who is an officer of the entity or an affiliate of the entity that employs an individual operating pursuant to this section.

(D) If the insured’s claim is denied and the insured contests the denial, an individual licensed under this section must review the denial with the insured.”

**Time effective**

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

Ratified the 22nd day of June, 2012.

Approved the 26th day of June, 2012.

\_\_\_\_\_\_\_\_\_\_