**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3638**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Herbkersman

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Introduced in the House on February 9, 2011

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

Summary: Automobile insurance

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/9/2011 House Introduced and read first time ([House Journal‑page 10](file:///h:\hj%20archive\2011\02-09-11.docx))

2/9/2011 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 10](file:///h:\hj%20archive\2011\02-09-11.docx))

**VERSIONS OF THIS BILL**

[2/9/2011](file:///p:\pprever\2011-12\3638_20110209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑59‑22 SO AS TO PROVIDE IT IS AN IMPROPER CLAIM PRACTICE FOR AN AUTOMOBILE INSURANCE POLICY TO REQUIRE A CLAIMANT TO USE A PARTICULAR REPAIR SERVICE FOR AN ESTIMATE OR REPAIR OF A COVERED CLAIM, ENGAGE IN CERTAIN INTIMIDATING OR THREATENING CONDUCT TOWARD A CLAIMANT, OR UNILATERALLY AND ARBITRARILY DISREGARD A REPAIR PROCEDURE OR REPAIR COST IDENTIFIED BY AN ESTIMATING SYSTEM TO WHICH THE INSURER AND AN AUTOMOBILE REPAIR FACILITY HAVE AGREED TO USE TO DETERMINE THE COST OF A PARTICULAR REPAIR.

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

SECTION 1. Article 1, Chapter 59, Title 38 of the 1976 Code is amended by adding:

“Section 38‑59‑22. In addition to the provisions of Section 38‑59‑20, an insurer issuing an automobile insurance policy under Chapter 77 of this title engages in an improper claim practice if it:

(1) requires a claimant under the policy to use a particular automobile repair facility for a mechanical or body repair or an estimate for the cost of a repair made pursuant to the claim;

(2) engages in an act or practice that intimidates, coerces, or threatens a reasonable claimant;

(3) provides an incentive or inducement to encourage a claimant to use a particular repair facility; or

(4) unilaterally and arbitrarily disregards a repair procedure or repair cost identified by an estimating system to which the insurer and an automobile repair facility have agreed to use to determine the cost of a particular automobile repair.”

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

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