**A** **BILL**

TO AMEND SECTION 38‑77‑280, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COLLISION AND COMPREHENSIVE AUTOMOTIVE INSURANCE COVERAGE, SO AS TO PROHIBIT AN AUTOMOBILE INSURANCE COMPANY FROM RAISING AN INSURED’S RATES FOR AN AUTOMOBILE ACCIDENT THAT WAS NOT THE FAULT OF THE INSURED.

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

SECTION 1. Section 38‑77‑280 of the 1976 Code is amended to read:

“Section 38‑77‑280. (A) Any automobile insurer may, at its own election, make collision coverage and either comprehensive or fire, theft, and combined additional coverage available to an insured or qualified applicant who requests the coverage at such rates and under such rules as have been approved by the director. Automobile insurers contracted pursuant to Section 38‑77‑590 for risks written by them through producers assigned by the facility governing board pursuant to that section may make available collision coverage and either comprehensive or fire, theft, and combined additional coverage available to an insured or qualified applicant who requests the coverage. Notwithstanding Section 38‑77‑590(g), a designated producer may have one or more voluntary outlets for automobile physical damage.

(B) Any automobile physical damage insurance coverage deductible or policy deductible does not apply to automobile safety glass.

(C) Notwithstanding Section 38‑77‑111, automobile physical damage insurance coverage may be ceded to the facility. However, automobile physical damage coverages ceded to the facility by an insurer or servicing carrier must be at the facility physical damage rate as defined in Section 38‑77‑30.

(D) In determining the premium rates to be charged on physical damage coverage or single interest collision coverage, it is unlawful to consider race, color, creed, religion, national origin, ancestry, location of residence in this State, economic status, or income level. Nor may an insurer, agent, or broker refuse to write or renew physical damage insurance coverage or single interest collision coverage based upon race, color, creed, religion, national origin, ancestry, location of residence in this State, economic status, or income level. However, nothing in this subsection may preclude the use of a territorial plan approved by the director. If the director of the Department of Insurance or the director’s designee finds that an insurer, agent, or broker is participating in a pattern of unfair discrimination, the director or the director’s designee may impose a fine of up to two hundred thousand dollars. The director or the director’s designee at any time may examine an insurer, agent, or broker to enforce this section. The expense of examination must be paid by the insurer, agent, or broker.

(E) It is unlawful for an automobile insurer to raise an insured’s premium rates as a result of a motor vehicle collision or accident for which the insured was not at fault. If the director of the Department of Insurance or the director’s designee finds that an insurer, agent, or broker is raising premium rates as a result of a motor vehicle collision or accident for which the insured was not at fault, the director or the director’s designee may impose a fine of up to two hundred thousand dollars. The director or the director’s designee at any time may examine an insurer, agent, or broker to enforce this section. The expense of examination must be paid by the insurer, agent, or broker.”

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

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