**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4039**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. White, Howard and Guffey

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Introduced in the House on February 19, 2025

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

 2/19/2025 House Introduced and read first time (House Journal‑page 10)

 2/19/2025 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 10)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4039&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[02/19/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4039_20250219.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38‑77‑5 SO AS TO REQUIRE ALL NEW OR RENEWED AUTOMOBILE INSURANCE POLICIES IN THIS STATE TO INCLUDE A PROVISION REFERENCING THIS ARTICLE; BY ADDING SECTION 38‑77‑15 SO AS TO ESTABLISH A TIME LIMIT FOR PURSUING A RESOLUTION; AND BY ADDING SECTION 38‑77‑780 SO AS TO REQUIRE INSURERS TO PAY THE INSURED’S REASONABLE OUT‑OF‑POCKET EXPENSES IN CERTAIN CIRCUMSTANCES.

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

SECTION 1. Article 1, Chapter 77, Title 38 of the S.C. Code is amended by adding:

 Section 38‑77‑5. Notwithstanding another provision of law, all new automobile insurance policies or renewals of automobile insurance policies must include a provision that complies with this article. Neither an insurer nor insured waive any rights under a policy by requesting a resolution under this article.

SECTION 2. Article 1, Chapter 77, Title 38 of the S.C. Code is amended by adding:

 Section 38‑77‑15. Upon the disagreement of the insurer and the insured as to the amount of loss under a property damage liability claim of an automobile insurance policy, either party may seek the appointment of an arbitrator or arbitrators as prescribed in Section 8‑77‑10 no later than the ninetieth day after the date a proof of loss is filed with the insurer.

SECTION 3. Article 7, Chapter 77, Title 38 of the S.C. Code is amended by adding:

 Section 38‑77‑780. Each party is responsible for their own costs and fees associated with establishing their loss amount. If the decision of the arbitrator sets the loss of more than one dollar greater than the amount of the insurer’s proposed loss statement, the insurer must refund the insured’s out‑of‑pocket expenses, attorneys’ fees, and costs associated with establishing the amount of loss.

SECTION 4. This act takes effect upon approval by the Governor.

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