DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2013 session. The unannotated South Carolina Code, consisting only of Code text, numbering, and history may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify the Legislative Services Agency at [LSA@scstatehouse.gov](mailto:LPITS@scstatehouse.net) regarding any apparent errors or omissions in content of Code sections on this website, in which case LSA will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 35.

MUTUAL BENEVOLENT AID ASSOCIATIONS

**SECTION 38‑35‑10.** Formation of mutual associations.

Members of religious denominations, local lodges, or fraternal orders under the control and supervision of a representative governing body within this State or of local labor organizations with a national or international charter or any number of persons, not less than twenty, a majority of whom must be bona fide residents of this State may, when investigated and approved by the director or his designee, form mutual associations, incorporated or unincorporated, for the purpose of aiding their members or their beneficiaries in times of sickness and death by levying equitable assessments for the payment of sick relief or death benefits upon compliance with this chapter.

HISTORY: Former 1976 Code Section 38‑35‑10 [1962 Code Section 37‑441; 1968 (55) 2584; 1971 (57) 474; 1972 (57) 3116] has no comparable provisions in 1987 Act No. 155; Former 1976 Code Section 38‑23‑10 [1947 (45) 322; 1952 Code Section 37‑1001; 1962 Code Section 37‑1001] recodified as Section 38‑35‑10 by 1987 Act No. 155, Section 1; 1993 Act No. 181, Section 634.

**SECTION 38‑35‑20.** Conduct of associations.

A mutual association may not have paid agents for the soliciting of business or members and must be conducted without profit.

HISTORY: Former 1976 Code Section 38‑35‑20 [1962 Code Section 37‑442; 1968 (55) 2584] recodified as Section 38‑71‑10 by 1987 Act No. 155, Section 1; Former 1976 Code Section 38‑23‑20 [1947 (45) 322; 1952 Code Section 37‑1002; 1962 Code Section 37‑1002] recodified as Section 38‑35‑20 by 1987 Act No. 155, Section 1.

**SECTION 38‑35‑30.** Assessments.

Assessments must be made by a mutual association at the time an individual becomes a member or at the time of death or sickness of a member and for the purpose of paying benefits due the member because of death or sickness.

HISTORY: Former 1976 Code Section 38‑35‑30 [1962 Code Section 37‑443; 1968 (55) 2584] no comparable provisions in 1987 Act No. 155; Former 1976 Code Section 38‑23‑30 [1947 (45) 322; 1952 Code Section 37‑1003; 1962 Code Section 37‑1003; 1984 Act No. 330] recodified as Section 38‑35‑30 by 1987 Act No. 155, Section 1.

**SECTION 38‑35‑40.** Annual report; certificate of compliance.

Mutual associations shall file an annual report with the department. If, after examination of the report, the director or his designee determines that the mutual association has complied with the insurance laws, he may issue it a certificate showing compliance.

HISTORY: Former 1976 Code Section 38‑35‑40 [1947 (45) 322; 1952 Code Section 37‑453; 1962 Code Section 37‑453] recodified as Section 38‑71‑70 by 1987 Act No. 155, Section 1; Former 1976 Code Section 38‑23‑40 [1947 (45) 322; 1952 Code Section 37‑1004; 1962 Code Section 37‑1004] recodified as Section 38‑35‑40 by 1987 Act No. 155, Section 1; 1993 Act No. 181, Section 635.

**SECTION 38‑35‑50.** Examinations.

A mutual association is subject to any examination by the director or his designee which will enable him to determine that it has complied with the state insurance laws.

HISTORY: Former 1976 Code Section 38‑35‑50 [1962 Code Section 37‑444; 1968 (55) 2569] recodified as Section 38‑71‑20 by 1987 Act No. 155, Section 1; Former 1976 Code Section 38‑23‑50 [1947 (45) 322; 1952 Code Section 37‑1005; 1962 Code Section 37‑1005] recodified as Section 38‑35‑50 by 1987 Act No. 155, Section 1; 1993 Act No. 181, Section 636.

**SECTION 38‑35‑60.** Exemption from license fees.

Mutual associations shall not pay a license fee.

HISTORY: Former 1976 Code Section 38‑35‑60 [1962 Code Section 37‑445; 1968 (55) 2582] recodified as Section 38‑71‑120 by 1987 Act No. 155, Section 1; Former 1976 Code Section 38‑23‑60 [1947 (45) 322; 1952 Code Section 37‑1005; 1962 Code Section 37‑1005] recodified as Section 38‑35‑60 by 1987 Act No. 155, Section 1.