**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4268**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. McLeod, Frye, Parks and Pinson

Document Path: l:\council\bills\dka\3662sd11.docx

Introduced in the House on May 25, 2011

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

Summary: Insurer may not require the use of a specific car rental facility

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/25/2011 House Introduced and read first time ([House Journal‑page 5](file:///h:\hj%20archive\2011\05-25-11.docx))

5/25/2011 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 5](file:///h:\hj%20archive\2011\05-25-11.docx))

**VERSIONS OF THIS BILL**

[5/25/2011](file:///p:\pprever\2011-12\4268_20110525.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑77‑165 SO AS TO PROVIDE THAT IF A MOTOR VEHICLE COLLISION OR COMPREHENSIVE LOSS IS SUFFERED BY AN INSURED, AN INSURER PROVIDING RENTAL VEHICLE REIMBURSEMENT COVERAGE SHALL NOT REQUIRE THAT THE INSURED UTILIZE A PARTICULAR RENTAL VEHICLE COMPANY, RENTAL VEHICLE COMPANY LOCATION, OR A VENDOR ENGAGED IN THE BUSINESS OF RENTING OR LEASING MOTOR VEHICLES, AND TO PROVIDE THAT A VIOLATION OF THIS SECTION BY AN INSURER IS CONSIDERED AN UNFAIR TRADE PRACTICE WITHIN THE MEANING OF SECTION 38‑77‑341.

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

SECTION 1. Article 3, Chapter 77, Title 38 of the 1976 Code is amended by adding:

“Section 38‑77‑165. (A) For the purposes of this section, ‘rental vehicle reimbursement coverage’ means coverage for the cost of renting a vehicle used as substitute transportation if the insured vehicle is damaged and is temporarily out of use due to a covered loss until the damaged vehicle is repaired or is declared a total loss.

(B) If a motor vehicle collision or comprehensive loss is suffered by an insured, an insurer providing rental vehicle reimbursement coverage shall not require that the insured utilize a particular rental vehicle company, rental vehicle company location, or a vendor engaged in the business of renting or leasing motor vehicles.

(C) In processing this claim, the insurer shall disclose to the insured that the insured has the right, as provided by this section, to utilize any rental vehicle company, rental vehicle company location, or a vendor engaged in the business of renting or leasing motor vehicles.

(D) An insurer writing automobile insurance that includes rental vehicle reimbursement coverage also shall inform the consumer of his right, as provided by this section, to choose any rental vehicle company to utilize if he chooses to use this coverage. This disclosure, in addition to the requirements of subsection (C), must be provided to an insured at the inception and renewals of the policy.

(E) Violation of this section by an insurer is considered an unfair trade practice within the meaning of Section 38‑77‑341.”

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

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