**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑13‑75 SO AS TO PROVIDE THAT THE DEPARTMENT OF INSURANCE SHALL MAINTAIN A PROFILE OF EACH INSURANCE ADJUSTER, AGENCY, BROKER, COMPANY, AND PRODUCER LICENSED UNDER A PROVISION OF TITLE 38, AND THAT THIS PROFILE MUST INDICATE SPECIFIC INFORMATION ABOUT ALL COMPLAINTS OF AN ALLEGED VIOLATION OF TITLE 38 FILED AGAINST THE LICENSEE BY A CITIZEN OR INITIATED BY THE DIRECTOR OF THE DEPARTMENT; TO PROVIDE THE DEPARTMENT SHALL MAKE COPIES OF THESE PROFILES AVAILABLE TO THE PUBLIC IN A PRINTED FORM AND ONLINE; TO PROVIDE THAT EVERY APPLICATION AND CONTRACT FOR INSURANCE COVERAGE IN THIS STATE MUST INCLUDE A COPY OF THE PROFILE OF THE AGENT, BROKER, COMPANY, AND PRODUCER DIRECTLY RELATED TO THE APPLICATION AND CONTRACT, ALONG WITH AN EXPLANATION OF THE PURPOSE OF THE INFORMATION; AND TO PROVIDE A PROCEDURE THAT A LICENSEE MAY FOLLOW TO REMOVE A COMPLAINT FROM HIS PROFILE.

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

SECTION 1. Article 1, Chapter 13, Title 38 of the 1976 Code is amended by adding:

“Section 38‑13‑75. (A) The Department of Insurance shall create and maintain a profile of each insurance adjuster, agency, broker, company, and producer licensed under a provision of this title in a standard format that the department shall develop. This profile must include the name, address, and telephone number of the licensee, the dates of issuance and expiration of his license, and all complaints of violations of this title filed against the licensee by a citizen or initiated by the director, and the status of these complaints.

(B) These profiles are public records subject to the South Carolina Freedom of Information Act, and the department must provide copies of these records to a member of the public accordingly. The department also shall create and maintain a publicly available database of these profiles on its Internet website, updated weekly.

(C) Every application and contract for insurance coverage issued in this State under a provision of this title must include a copy of the profile of the insurance agency, broker, company, and producer directly related to the policy in a standard form that the department shall develop, which must include all information required for a profile in subsection (A) and language developed by the department to explain the purpose of the profile with a reference to this section.

(D) An adjuster, agency, broker, company, and producer against whom a complaint for a violation of this title exists only may have the complaint removed from its profile:

(1) upon submission of a notarized request for this removal by the citizen who initiated the complaint, if the complaint was issued by a citizen; or

(2) by the director issuing an order specifically removing the complaint, if the complaint was issued by the director.”

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

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