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COMMITTEE REPORT

April 14, 2016

**H. 4817**

Introduced by Rep. Gambrell

S. Printed 4/14/16--S. [SEC 4/15/16 2:25 PM]

Read the first time March 17, 2016.

**THE COMMITTEE ON BANKING AND INSURANCE**

To whom was referred a Bill (H. 4817) to amend the Code of Laws of South Carolina, 1976, by adding Section 38‑53‑95 so as to require an individual who applies for a bondsman or runner, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

ROBERT W. HAYES, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑53‑95 SO AS TO REQUIRE AN INDIVIDUAL WHO APPLIES FOR A BONDSMAN OR RUNNER LICENSE TO PROVIDE HIS BUSINESS, EMAIL, MAILING, AND RESIDENTIAL STREET ADDRESS TO THE DEPARTMENT; TO AMEND SECTION 38‑43‑107, RELATING TO THE ADDRESS REQUIREMENT FOR AN INSURANCE PRODUCER’S LICENSE, SO AS TO REQUIRE AN APPLICANT TO PROVIDE AN EMAIL ADDRESS TO THE DEPARTMENT; TO AMEND SECTION 38‑45‑30, RELATING TO REQUIREMENTS FOR A NONRESIDENT TO BE LICENSED AS AN INSURANCE BROKER, SO AS TO DELETE THE AFFIDAVIT REQUIREMENTS; TO AMEND SECTION 38‑45‑110, RELATING TO WARNING STAMPS ON POLICIES OF ELIGIBLE SURPLUS LINES INSURANCE, SO AS TO NO LONGER REQUIRE A BROKER TO WRITE OR STAMP A WARNING ON THE FACE OF AN APPLICATION FOR ELIGIBLE SURPLUS LINES INSURANCE; TO AMEND SECTION 38‑47‑15, RELATING TO THE ADDRESS REQUIREMENT FOR AN INSURANCE ADJUSTER’S LICENSE, SO AS TO REQUIRE AN APPLICANT TO PROVIDE AN EMAIL ADDRESS TO THE DEPARTMENT; TO AMEND SECTION 38‑48‑30, RELATING TO THE ADDRESS REQUIREMENT FOR A PUBLIC INSURANCE ADJUSTER’S LICENSE, SO AS TO REQUIRE AN APPLICANT TO PROVIDE AN EMAIL ADDRESS TO THE DEPARTMENT; TO AMEND SECTION 38‑49‑25, RELATING TO THE ADDRESS REQUIREMENT FOR A MOTOR VEHICLE PHYSICAL DAMAGE APPRAISER’S LICENSE, SO AS TO REQUIRE AN APPLICANT TO PROVIDE AN EMAIL ADDRESS TO THE DEPARTMENT.

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

SECTION 1. Chapter 53, Title 38 of the 1976 Code is amended by adding:

“Section 38‑53‑95. (A) If an individual applies for a professional or surety bondsman or runner license, he shall supply the department his business, email, mailing, and residential street addresses. The bondsman or runner also shall notify the department within thirty days of any change in legal name or any of these addresses.

(B) Failure to inform the director or his designee of a change in legal name or addresses within thirty days is a violation of this title and the bondsman or runner is subject to the penalties provided in Section 38‑2‑10.”

SECTION 2. Section 38‑43‑107(A) of the 1976 Code is amended to read:

“(A) If an individual applies for an insurance producer’s license, he shall supply the department his business, email, mailing, and ~~residence~~ residential street ~~address~~ addresses. The producer also shall notify the department within thirty days of any change in legal name or in these addresses.”

SECTION 3. Section 38‑45‑30 of the 1976 Code is amended to read:

“Section 38‑45‑30. A nonresident may be licensed as an insurance broker by the director or his designee if the following requirements are met:

(1) filing an application on a form prescribed by the director or his designee;

(2) ~~filing an affidavit stating he will not during the period of the license place, directly or indirectly, insurance on a risk located in this State except through licensed producers of insurers licensed to do business in this State;~~

~~(3)~~ ~~filing an affidavit stating he is a licensed broker in another state;~~

~~(4)~~ paying a biennial license fee of two hundred dollars fully earned when received, not refundable;

~~(5)~~(3) an aggrieved person may institute an action in the county of his residence against the broker to recover damages. A copy of the summons and complaint in the action must be served on the director, who is not required to be made a party to the action;

~~(6)~~(4) paying the department, within thirty days after March thirty‑first, June thirtieth, September thirtieth, and December thirty‑first each year, the broker’s premium tax rate upon premiums for policies of insurers not licensed in this State. In computing total premiums, return premiums on risks and dividends paid or credited to policyholders are excluded. The credit must be refunded to the policyholder.”

SECTION 4. Section 38‑45‑110 of the 1976 Code is amended to read:

“Section 38‑45‑110. The broker shall write or stamp upon the face of each policy ~~and application~~ of an eligible surplus lines insurer the words, ‘This company has been approved by the director or his designee of the South Carolina Department of Insurance to write business in this State as an eligible surplus lines insurer, but it is not afforded guaranty fund protection’.”

SECTION 5. Section 38‑47‑15 of the 1976 Code is amended to read:

“Section 38‑47‑15. When an individual applies for an adjuster’s license he shall supply the department his business, email, and ~~residence address~~ residential addresses. The adjuster shall notify the department within thirty days of any change in these addresses.”

SECTION 6. Section 38‑48‑30 of the 1976 Code is amended to read:

“Section 38‑48‑30. When an individual applies for a public adjuster’s license, he shall supply the department his business, email, and ~~residence~~ residential addresses and telephone numbers. The public adjuster shall notify the department within thirty days of any change in these addresses.”

SECTION 7. Section 38‑49‑25 of the 1976 Code is amended to read:

“Section 38‑49‑25. When an individual applies for a motor vehicle physical damage appraiser’s license he shall supply the department his business, email, and ~~residence address~~ residential addresses. The appraiser shall notify the department within thirty days of any change in these addresses.”

SECTION 8. Section 38‑43‑100(F) of the 1976 Code is amended to read:

“(F) A person applying for a resident insurance producer license or a person applying on behalf of the applicant shall make application to the director or his designee on the Uniform Application and declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the applicant’s knowledge and belief. Before approving the application, the director or his designee shall find that the applicant:

(1) is at least eighteen years of age;

(2) is a person of good moral character and has not been convicted of a felony or any crime involving moral turpitude within the last ten years that is a ground for denial, suspension, or revocation as provided for in Section 38‑43‑130;

(3) has paid the fees provided for in Section 38‑43‑80; and

(4) has successfully passed the examination or examinations for the line or lines of insurance for which the person has applied.

(5) Effective January 1, 2017, before a license is issued to an applicant or is renewed permitting him to act as a resident producer, the applicant shall comply with the licensing and renewal requirements set for in this section and by regulation. In addition to those licensing requirements, the applicant shall:

(a) furnish a complete set of his fingerprints to the director or his designee; and

(b) undergo a state criminal records check, supported by his fingerprints, by the South Carolina Law Enforcement Division (SLED) and a national criminal records check, supported by his fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal records checks must be reported to the department. The cost associated with the criminal history records must be borne by the applicant. The applicant’s fingerprints must be certified by a law enforcement officer authorized by SLED.”

SECTION 9. This act takes effect upon approval by the Governor.

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