CHAPTER 1

Title and Definitions

**SECTION 38‑1‑10.** Short title.

 This title may be cited and is known as “The Insurance Law”.

HISTORY: 1947 (45) 322; 1952 Code Section 37‑1; 1962 Code Section 37‑1; 1976 Code Section 38‑1‑10; 1987 Act No. 155, Section 1; 1993 Act No. 181, Section 528.

LAW REVIEW AND JOURNAL COMMENTARIES

“Regulation of Mail Order Insurance,” 7 SC LQ 338 (1954).

NOTES OF DECISIONS

In general 1

1. In general

By the enactment of the Insurance Law of 1947 and its incorporation in this Title, the General Assembly intended to vest in the Commissioner the power and duty of supervising and regulating the transaction of the business of insurance within this State, including the power to authorize the transaction of such business by foreign insurance companies (decided under former law). State v. National Postal Transport Ass’n (S.C. 1959) 234 S.C. 260, 107 S.E.2d 763. Insurance 1165

**SECTION 38‑1‑20.** Definitions.

 As used in this title, unless the context otherwise requires:

 (1) “Accident and health insurance” means insurance of human beings against death or personal injury by accident, and each insurance of human beings against sickness, ailment, and any type of physical disability resulting from accident or disease, and prepaid dental service, but not including coverages required by the Workers’ Compensation Law of this State.

 (2) “Accommodation bondsman” means as defined in Section 38‑53‑10.

 (3) “Adjuster” means an individual who determines the extent of insured losses and assists in settling or attempts to settle claims.

 (4) “Admitted assets” means assets of an insurer considered admitted on the most recent statutory financial statement of the insurer filed with the department pursuant to Section 38‑13‑80.

 (5) “Admitted insurer” means an insurer licensed to do business in this State.

 (6) “Alien insurer” means an insurer incorporated or organized under the laws of a country other than the United States of America, its states, commonwealths, territories, or insular possessions.

 (7) “Annuity” means each contract or agreement to make periodic payments, whether in fixed or variable dollar amounts, or both, at specified intervals.

 (8)(a) “Appointment” means an individual designated by an official or authorized representative of an authorized insurer to act on its behalf as a producer.

 (b) “General appointment” means an appointment of a person who, as a representative of an insurer or insurers, is vested with authority to supervise producers and to exercise this management authority as is delegated to him by the principal. A producer appointed as a general also may perform the duties of a producer who holds a local or special appointment.

 (c) “Local appointment” means an appointment of a producer who has been authorized by an insurer to sell, solicit, or negotiate policies on an insurer’s behalf.

 (d) “Special appointment” means an individual designated by an insurer to supervise and assist other producers in the proper discharge of their duties under an insurer’s policy contract. A special appointment grants no authority to sell, solicit, or negotiate policies of insurance on behalf of an insurer.

 (9) “Bail bondsman” means as defined in Section 38‑53‑10.

 (10) “By” means on or before.

 (11) “Casualty insurance” means each insurance against legal liability of the insured for bodily injury to or death of another person, including workers’ compensation insurance, and for damages to or loss or destruction of the property of another person; medical payments insurance when written in conjunction with insurance covering liability for the deaths or bodily injuries of another person; guaranteeing the fidelity of a person holding a position of public or private trust; loss of or damage to property caused by burglary, theft, larceny, robbery, fraud, or unlawful taking or secretion of property owned by or entrusted to the insured; loss of or damage to property of the insured resulting from the explosion of or damage to a fired or unfired boiler or other pressure vessel, engine, turbine, compressor, pump, wheel, or an apparatus generating, transmitting, or using electric power, and machinery or equipment connected with any of them; loss resulting from nonpayment of debts owed to merchants or another person extending credit.

 (12) “Certificate of insurance” means a memorandum copy, complete or abbreviated, of an insurance contract.

 (13) “Coinsurance” means a stipulation or requirement that the insured undertakes to be his own insurer to the extent that he fails to maintain insurance of a given percentage of the value of the property against loss or damage.

 (14) “Commission” means the part of the premium paid to the producer as compensation for his services.

 (15) “Company” includes a corporation, fraternal organization, burial association, other association, partnership, society, order, individual, or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations.

 (16) “Crop insurance” includes insurance providing protection against damage to crops from unfavorable weather conditions, fire, lightning, flood, hail, insect infestation, disease, or other yield‑reducing conditions or perils provided by the private insurance market, or that is subsidized by the Federal Crop Insurance Corporation, including Multi‑Peril Crop Insurance.

 (17) “Department” means the Department of Insurance of South Carolina.

 (18) “Designee or deputy director” means the person or persons appointed by the director, serving at the will and pleasure of the director as his designee, to supervise and carry out the functions and duties of the department as provided by law. A duty or function of the director to manage and supervise the department may be conferred by the director’s authority upon his designee or deputy director.

 (19) “Director” means the person who is appointed by the Governor upon the advice and consent of the Senate and who is responsible for the operation and management of the department. The director has the authority to appoint or designate the person or persons who shall serve at the pleasure of the director to carry out the objectives or duties of the department as provided by law. Furthermore, the director may bestow upon his designee or deputy director a duty or function required of him by law to manage and supervise the department.

 (20) “Domestic insurer” means an insurer incorporated or organized under the laws of this State.

 (21) “Eligible surplus lines insurer” means a nonadmitted insurer with which a licensed broker, or a licensed producer as provided in Section 38‑45‑10(8)(b)(ii), may place surplus lines insurance.

 (22) “Exempt commercial policies” means policies for commercial insureds as may be provided for in regulation issued by the director. Exempt commercial policies include all property and casualty coverages except for insurance related to credit transactions written through financial institutions.

 (23) “Foreign insurer” means an insurer incorporated or organized under the laws of the United States or of any jurisdiction within the United States other than this State.

 (24) “Home state” means the District of Columbia and a state or territory of the United States in which an insurance producer maintains his principal place of residence or principal place of business and is licensed to act as an insurance producer.

 (25) “Insurance” means a contract where one undertakes to indemnify another or pay a specified amount upon determinable contingencies. The term “insurance” includes annuities.

 (26) “Insurance agency” means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity in which more than one person has a financial interest.

 (27) “Insurance broker” means an individual licensed by the department to represent citizens of this State in placing their insurance. An insurance broker may place that insurance either with an eligible surplus lines insurer or with a licensed insurance producer in an insurance carrier licensed in this State.

 (28) “Insurance company” means an “insurer”.

 (29) “Insurance premium service company” means a person engaged in the business of entering into insurance premium service agreements.

 (30) “Insurance producer” or “producer” means a person who represents an insurance company and is required to be licensed pursuant to Section 38‑43‑10.

 (31) “Insurance rate” means the price of insurance for each unit of exposure.

 (32) “Insurance‑support organization” means a person who regularly engages, in whole or in part, in the practice of assembling or collecting information about natural persons for the primary purpose of providing the information to an insurer or agent for insurance transactions, including: (i) the furnishing of consumer reports or investigative consumer reports to an insurer or agent for use in connection with an insurance transaction; or (ii) the collection of personal information from insurers, agents, or other insurance‑support organizations for the purpose of detecting or preventing fraud, material misrepresentation, or material nondisclosure in connection with insurance underwriting or insurance claim activity. However, the following are not considered insurance‑support organizations for purposes of this chapter: agents, governmental institutions, insurers, modeling organizations, consumer reporting agencies, medical care institutions, and medical professionals.

 (33) “Insurer” includes a corporation, fraternal organization, burial association, other association, partnership, society, order, individual, or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations.

 (34) “License” means a document issued by the state’s director or his designee authorizing a person to act as an insurance producer for the lines of authority specified in the document. The license itself does not create any authority, actual, apparent or inherent, in the holder to represent or commit an insurance carrier.

 (35) “Life insurance” means a contract of insurance upon the lives of human beings. The following contracts are considered to be contracts of life insurance within the meaning of this definition:

 (a) a contract providing acceleration of life benefits, beginning on the contract’s original effective date, in advance of the time they otherwise would be payable for long‑term care as defined in Section 38‑72‑40;

 (b) a contract providing acceleration of life benefits, beginning on the contract’s original effective date, in advance of the time they otherwise would be payable for a life‑threatening illness or a terminal illness as specified in the contract.

 (36) “Limited line credit insurance” includes credit life, credit disability, credit property, credit unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed automobile protection insurance, and another form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation that the director or his designee determines should be designated a form of limited line credit insurance.

 (37) “Limited line credit insurance producer” means a person who sells, solicits, or negotiates one or more forms of limited line credit insurance coverage to individuals through a master, corporate, group, or individual policy.

 (38) “Limited line insurance” includes crop, travel surety, Federal Crop Insurance Program, and any other form of insurance that the director considers necessary in order to ensure compliance with the reciprocal provisions of this chapter.

 (39) “Limited line insurance producer” means a person authorized by the director or his designee to sell, solicit, or negotiate limited line insurance.

 (40) “Marine insurance” means each insurance against loss or destruction of or damage to aircraft, vessels, or watercraft and their cargoes; insurance covering the risks or perils of navigation, transit, or transportation of all forms of property, including the liability of a carrier for hire for the loss of property of shippers delivered for transporting; marine builder’s risks; bridges, tunnels, piers, wharves, docks and slips, dry docks, marine railways, and other aids to navigation and transportation, precious stones, precious metals, and jewelry, whether in the course of transportation or otherwise; coverage of personal property by all risk forms known as the “Personal Property Floater”; and coverage of mobile machinery and equipment.

 (41) “Modeling organization” means a corporation, unincorporated association, partnership, or individual, whether located within or outside this State, that prepares a catastrophe model that is used by an insurer in a rate filing. A catastrophe model is a computer program that estimates losses from a potential upcoming disaster. Catastrophe modeling combines data on property exposures with information on hazards, such as storms or earthquakes, to generate estimates of potential losses.

 (42) “Negotiate” means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

 (43) “Nonadmitted insurer” means an insurer not licensed to do an insurance business in this State.

 (44) “Person” means a corporation, agency, partnership, association, voluntary organization, individual, or another entity, organization, or aggregation of individuals.

 (45) “Policy” means a contract of insurance.

 (46) “Premium” means payment given in consideration of a contract of insurance.

 (47) “Premium service agreement” means an agreement by which an insured or prospective insured promises to pay to an insurance premium service company the amount advanced or to be advanced under the agreement to an insurer or to an insurance producer or insurance broker in payment of premiums on an insurance contract together with a service charge as authorized by Chapter 39 of this title.

 (48) “Probation” means allowing a licensed person the director has found to have violated South Carolina, any United States territory, or another state’s laws to continue selling, soliciting, or negotiating insurance on behalf of an insurer. A person convicted of a felony or those crimes listed in 18 U.S.C. 1033 or 1034 does not qualify for probation.

 (49) “Professional bondsman” means as defined in Section 38‑53‑10.

 (50) “Property insurance” means each insurance against direct or indirect loss of or damage to a property resulting from fire, smoke, weather disturbances, climatic conditions, earthquake, volcanic eruption, rising waters, insects, blight, animals, war damage, riot, civil commotion, destruction by order of civil authority to prevent spread of conflagration or for other reason, water damage, vandalism, glass breakage, explosion of a water system, collision, theft of automobiles, and personal effects in them (but no other forms of theft insurance), loss of or damage to domestic or wild animals, and any other perils to property which in the discretion of the director or his designee form proper subjects of property insurance, if not specified in items (1), (7), (11), (35), (40), (54), or (59) of this section.

 (51) “Runner” means as defined in Section 38‑53‑10.

 (52) “Sell” means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.

 (53) “Solicit” means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

 (54) “Surety” includes insurance or a bond that covers obligations to pay the debts, or answer for the default, of another, including faithlessness in a position of public or private trust.

 (55) “Surety bondsman” means as defined in Section 38‑53‑10.

 (56) “Surplus lines insurance” means insurance in this State of risks located or to be performed in this State, permitted to be placed through a licensed broker, or a licensed broker as provided in Section 38‑45‑10(8)(b)(ii), with a nonadmitted insurer eligible to accept the insurance, other than reinsurance, wet marine and transportation insurance, insurance independently procured, and life and health insurance and annuities. Excess and stop‑loss insurance coverage upon group life, accident, and health insurance or upon a self‑insured’s life, accident, and health benefits program and disability insurance in excess of any benefit limit available from an admitted insurer may be approved as surplus lines insurance.

 (57) “Surplus to policyholders” is the excess of total admitted assets over the liabilities of an insurer which is the sum of all capital and surplus accounts minus any impairment of them.

 (58) “Terminate” means the cancellation of the relationship between an insurance producer and the insurer or the termination of a producer’s authority to transact insurance.

 (59) “Title insurance” means insurance of the owners of real property and other persons lawfully interested in the title insurance against loss by reason of defective titles and undisclosed liens and encumbrances affecting the property.

 (60) “Travel insurance” includes insurance coverage for trip cancellation, trip interruption, baggage, life, sickness and accident, disability, and personal effects when limited to a specific trip and sold in connection with transportation provided by a common carrier.

 (61) “Uniform agency application” means the current version of the National Association of Insurance Commissioners Uniform Business Entity Application for resident and nonresident business entities.

 (62) “Uniform application” means the current version of the National Association of Insurance Commissioners Uniform Application for resident and nonresident producer licensing.

HISTORY: Derived from 1976 Code Section 38‑1‑20 [1947 (45) 322, 1952 Code Section 37‑2, 1960 (51) 1646, 1962 Code Section 37‑2]; 1976 Code Section 38‑1‑30 [1947 (45) 322, 1952 Code Section 37‑3, 1962 Code Section 37‑3, 1968 (55) 2407], 1976 Code Section 38‑5‑20 [1962 Code Section 37‑109, 1964 (53) 2051, 1968 (55) 2407, 1979 Act No. 40 Section 1, 1979 Act No. 120 Section 1], 1976 Code Section 38‑27‑10 [1962 Code Section 37‑1302, 1967 (55) 273], recodified, 1987 Act No. 155, Section 1; 1988 Act No. 314, Section 1; 1988 Act No. 624, Section 7; 1990 Act No. 348, Section 1; 1990 Act No. 365, Section 1; 1990 Act No. 416, Section 1; 1990 Act No. 524, Sections 1, 2; 1993 Act No. 181, Section 529; 2000 Act No. 235, Section 1; 2000 Act No. 328, Section 2; 2002 Act No. 300, Section 1, eff January 1, 2003; 2002 Act No. 323, Section 1, eff January 31, 2003; 2003 Act No. 73, Section 1, eff June 25, 2003; 2004 Act No. 290, Section 3, eff July 29, 2004; 2009 Act No. 69, Section 1, eff June 2, 2009; 2012 Act No. 137, Section 1, eff April 2, 2012; 2016 Act No. 137 (H.4660), Section 2, eff March 2, 2016; 2017 Act No. 55 (S.463), Section 1, eff May 19, 2017.

Effect of Amendment

2016 Act No. 137, Section 2, in (21), inserted “, or a licensed producer as provided in Section 38‑45‑10(8)(b)(ii),”; and in (56), inserted “, or a licensed broker as provided in Section 38‑45‑10(8)(b)(ii),”.

2017 Act No. 55, Section 1, in (56), inserted “and disability insurance in excess of any benefit limit available from an admitted insurer”.

CROSS REFERENCES

Applicability of Article 9 of Chapter 75, dealing with cancellation, nonrenewal and renewal, to all property insurance and casualty insurance, as defined in this section, see Section 38‑75‑710.

Applicability of term “insurance agent” relative to the funding of any funeral services, see Section 38‑55‑330.

Applicability of term “person” relative to the funding of any funeral services, see Section 38‑55‑330.

Applicability of term “policy” relative to the funding of any funeral services, see Section 38‑55‑330.

Application of definition of “insurer” to Managing General Agents Act, see Section 38‑44‑20.

Application of the term “insurer” with respect to the Insurance Holding Company Regulatory Act, see Section 38‑21‑10.

Manner of making service on an insurance company, see Section 15‑9‑270.

Own Risk and Solvency Assessment, definitions, see Section 38‑13‑820.

Prepaid dental service, defined, see S.C. Code of Regulations R. 69‑41.

Suitability in annuity transactions, see S.C. Code of Regulations R. 69‑29.

Use of senior‑specific certifications and professional designations in the sale of life insurance and annuities, see S.C. Code of Regulations R. 69‑40.1.

Library References

Insurance 1001, 1002.

Westlaw Topic No. 217.

C.J.S. Insurance Section 37.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Annuities Section 2, Definition.

Treatises and Practice Aids

Couch on Insurance Section 167:32, Introduction and Types of Credit Insurance.

Attorney General’s Opinions

A broker is not prohibited from placing business with an insurer licensed to do business in South Carolina if (1) the broker is also a licensed agent for the particular insurer; or, (2) the broker is not a licensed agent for the insurer, but places the business through an individual who is a licensed agent for the insurer. S.C. Op.Atty.Gen. (Oct. 12, 1989) 1989 WL 508599.

An employee benefit plan which qualifies under the ERISA Act and is a self‑insurer providing benefits to its members is exempted from the application of State laws regulating the business of insurance. 1980 Op.Atty.Gen, No 80‑24, p 50, 1980 WL 81908.

NOTES OF DECISIONS

Annuities 2

Bail bond business 3

Commercial policies 4

Construction and application 1

Foreign insurers 5

Group self‑insurers 6

Insurance agent 7

Insurance broker 7

Insurance company 8

Premiums 9

Reinsurance 10

Surety 11

1. Construction and application

Former Code 1962 Section 37‑2 and former Code 1962 Sections 37‑161, 37‑162 and 37‑857 should be construed together since they were all taken from the same act. Raggio v. Woodmen of the World Life Ins. Soc. (S.C. 1955) 228 S.C. 340, 90 S.E.2d 212.

2. Annuities

Reserve deposit fund agreements (RDFA) that retirement plan trustees purchased from life insurer were not “annuities” or “contracts supplemental to annuity contracts” and, therefore, were not covered by the Life and Accident and Health Insurance Guaranty Act; even though the agreements obligated the insurer either to sell annuities to plan trustees for the benefit of retiring employees or to return funds for use in purchasing an annuity, they only provided an option to purchase annuities since the trustee was needed to enter into a separate contract in order to initiate a stream of payments to a retiring employee. South Carolina Life and Accident and Health Ins. Guar. Ass’n v. Liberty Life Ins. Co. (S.C. 2001) 344 S.C. 436, 545 S.E.2d 270. Annuities 17; Annuities 30; Insurance 1487

Insurance Commissioner’s alleged approval of an insurer’s sale of contracts as annuities would be entitled to some deference, but would not be dispositive on whether the contracts were annuities covered by the Life and Accident and Health Insurance Guaranty Act. South Carolina Life and Accident and Health Ins. Guar. Ass’n v. Liberty Life Ins. Co. (S.C. 2001) 344 S.C. 436, 545 S.E.2d 270. Annuities 17; Annuities 30; Insurance 1487

3. Bail bond business

Although a bail bondsman is a surety, it does not necessarily follow that an insurance relationship, as contemplated by former Section 38‑5‑20, is created; bail bonding business does not meet the definition of insurance under former Section 38‑1‑30 because the purpose of a bond is not to indemnify the government but to secure the appearance of the principal in court and, moreover, court in its discretion may grant relief from forfeiture pursuant to Section 17‑15‑180; therefore, Title 38 is inapplicable to criminal bail bond business. Wilson v. McLeod (S.C. 1980) 274 S.C. 525, 265 S.E.2d 677.

4. Commercial policies

Department of Insurance (DOI) was not vested with authority to determine rates applicable to workers’ compensation insurance policies issued to large commercial insureds carrying premiums in excess of $50,000, and thus filed rate doctrine did not bar insureds from filing action against insurers, alleging that insurers had breached policies by fraudulently charging excessive premiums; employers’ policies were commercial policies exempt from DOI’s rate‑making authority under statute and DOI regulation. Temporary Services, Inc. v. American Intern. Group, Inc. (S.C. 2010) 388 S.C. 348, 697 S.E.2d 527. Workers’ Compensation 1063

5. Foreign insurers

The trial court did not err in applying Section 38‑27‑430 to a North Carolina insurer subject to a North Carolina liquidation order where, even though the insurer was a “foreign insurer” rather than a domestic or alien insurer pursuant to Section 38‑1‑20 where North Carolina has a similar statute and would deem it to be a domestic insurer; thus, South Carolina must give full faith and credit to the North Carolina injunction. Williams v. Northwestern Sec. Life Ins. Co. (S.C. 1992) 307 S.C. 462, 415 S.E.2d 809.

6. Group self‑insurers

A group self‑insurer under the Workers’ Compensation Act met the definition of “insurer” delineated by Section 38‑1‑20 since it was an association engaging in a kind of insurance business; thus, the group’s claim against the Guaranty Association was not covered by the South Carolina Property and Casualty Act, Sections 38‑31‑10 et seq. South Carolina Property and Cas. Ins. Guar. Ass’n v. Carolinas Roofing and Sheet Metal Contractors Self‑Insurance Fund (S.C. 1994) 315 S.C. 555, 446 S.E.2d 422.

The South Carolina Property and Casualty Insurance Guaranty Association was not estopped to deny coverage of a claim made by a self‑insured group merely because the association had questioned the settlement on which the claim was based; the group could not establish the elements of estoppel since it repeatedly failed to disclose the relevant facts within its exclusive control, and the group did not rely on the guaranty fund to cover the claim in question. South Carolina Property and Cas. Ins. Guar. Ass’n v. Carolinas Roofing and Sheet Metal Contractors Self‑Insurance Fund (S.C. 1994) 315 S.C. 555, 446 S.E.2d 422.

7. Insurance broker

Under South Carolina law, an “insurance broker” represents people seeking insurance, while an “insurance agent” represents the insurance company. Gunnells v. Healthplan Services, Inc. (C.A.4 (S.C.) 2003) 348 F.3d 417, certiorari denied 124 S.Ct. 2837, 542 U.S. 915, 159 L.Ed.2d 287. Insurance 1606; Insurance 1609

8. Insurance company

A group of insurance underwriters who were members of a society organized for the purpose of insuring risks and carrying on the business of insurance of every description fell within the statutory definition of an “insurance company.” Graham v. Lloyd’s of London (S.C.App. 1988) 296 S.C. 249, 371 S.E.2d 801.

9. Premiums

Alleged insured’s submission of a blank, voided check and authorization to draft his checking account merely established a method of payment, and did not constitute sufficient consideration to form a contract for life insurance; when the voided check and bank draft was submitted no premium amount had been determined, when the premium amount was determined alleged insured refused to pay that amount, and insurer never accepted or drafted any funds from alleged insured’s checking account as payment of the premium. Boyd v. Liberty Life Ins. Co. (S.C.App. 2012) 399 S.C. 401, 732 S.E.2d 180, rehearing denied. Insurance 1761; Insurance 1764(1)

10. Reinsurance

There is a difference between insurance and reinsurance, but such difference is not a basis for holding that organizations are not insurance companies because they only are engaged in selling or providing reinsurance, and a corporation authorized to engage in the insurance business may issue policies of reinsurance (decided under former law). Carolina Nat. Ins. Co. v. South Carolina Tax Commission (S.C. 1971) 256 S.C. 466, 182 S.E.2d 878.

Although not defined in the Code, reinsurance may be defined as a contract whereby one party, the reinsurer, agrees to indemnify another, the reinsured, either in whole or in part against loss or liability which the latter may sustain or incur under a separate and original contract of insurance with a third party, the original insured (decided under former law). Carolina Nat. Ins. Co. v. South Carolina Tax Commission (S.C. 1971) 256 S.C. 466, 182 S.E.2d 878.

“Reinsurance” is not defined in the Code (decided under former law). Southeastern Fire Ins. Co. v. South Carolina Tax Commission (S.C. 1969) 253 S.C. 407, 171 S.E.2d 355.

11. Surety

A surety’s presence in a regulatory scheme for insurance does not render common law duties of an insurer applicable to a surety. Masterclean, Inc. v. Star Ins. Co. (S.C. 2001) 347 S.C. 405, 556 S.E.2d 371. Principal And Surety 52

**SECTION 38‑1‑30.** “Commissioner”, etc., means “Director”.

 Wherever in any other chapter of Title 38 the term “Chief Insurance Commissioner” or “Commissioner” appears or is used, it shall be deemed to mean the Director of the Department of Insurance or his designee.

HISTORY: 1993 Act No. 181, Section 530.