

Session 110 - (1993-1994)

H 3888 General Bill, By R. Smith, Bailey, J.J. Bailey, Cato, Delleney, L.L. Elliott, T.E. Huff, Hutson, M. McLeod and C.H. Stone

A Bill to amend Section 38-77-110, as amended, Code of Laws of South Carolina, 1976, relating to the Automobile Insurance Law and the requirement upon insurers to insure and exceptions, so as to provide that, with respect to the notice of cancellation for nonpayment of premium, in circumstances of nonpayment of the premium, or payment as part of an installment or premium finance plan, made to the insurer, agent, or premium service company where the insurer, agent, or premium service company has notified the person by first class, certified mail of its inability to collect said premium or payment utilizing the financial instrument provided by the person, the notice of cancellation notifies the person that the policy and coverage are canceled at the date and time such premium or payment was due; to amend Section 38-39-90, relating to cancellation of insurance contracts by a premium service company, so as to provide for a refund of any excess to the insured via the insurance agent, agency, or broker placing the insurance for the account of the insured; to amend Section 38-43-410, relating to the advancing of premiums by insurance agents, service charge, and the provision that an unpaid balance and service charge constitute a lien on unearned premiums, so as to provide for the advancement of all or any part of a premium for an insurance policy to a premium service company, and provide that the agent or agency has a lien equal to the amount of the unpaid balance and service charges upon any surplus over the amount due from an insured held by a premium service company; and to amend Section 38-43-450, relating to the advancing of premiums by insurance agents and the requirement that the excess of a return premium over an unpaid balance and charges must be held in trust, so as to delete certain provisions and language, and provide for payment of excess of return premium by a premium service company.

04/07/93 House Introduced and read first time HJ-37

04/07/93 House Referred to Committee on Labor, Commerce and Industry HJ-38