

## Session 112 - (1997-1998)

### **S\*0452 (Rat #0128, Act #0068 of 1997) General Bill, By McConnell**

A BILL TO AMEND SECTION 38-11-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE, INVESTMENTS, AND THE DEFINITION OF "POLICYHOLDER OBLIGATIONS", SO AS TO DELETE THE REFERENCE TO "MANDATORY SECURITIES VALUATION RESERVE" AND SUBSTITUTE THEREFOR "ASSET VALUATION RESERVE"; TO AMEND SECTION 38-13-300, AS AMENDED, RELATING TO INSURANCE, EXAMINATIONS, INVESTIGATIONS, RECORDS, AND REPORTS, REPORTS OF LOSS AND EXPENSE EXPERIENCE BY INSURERS, AND CERTAIN REGULATIONS, SO AS TO, AMONG OTHER THINGS, DELETE THE REQUIREMENT UPON THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO PROMULGATE THESE REGULATIONS, AUTHORIZE, RATHER THAN REQUIRE, THE DIRECTOR TO HAVE CERTAIN INSURERS RECORD AND REPORT LOSS AND EXPENSE EXPERIENCE AND CERTAIN OTHER DATA, AND ALLOW THE DIRECTOR TO HAVE CERTAIN INSURERS SUBMIT A REPORT SHOWING DIRECT WRITINGS AND CERTAIN OTHER INFORMATION, RATHER THAN REQUIRING THE INSURERS TO DO THIS; TO AMEND SECTION 38-13-310, RELATING TO INSURANCE, EXAMINATIONS, INVESTIGATIONS, RECORDS, AND REPORTS, REPORTS OF LOSS AND EXPENSE EXPERIENCE BY INSURERS, AND THE SUPPLEMENTAL REPORT REQUIRED BY SECTION 38-13-300, SO AS TO PERMIT, RATHER THAN REQUIRE, THAT THE SUPPLEMENTAL REPORT INCLUDE CERTAIN SPECIFIED TYPES OF INSURANCE WRITTEN BY THE INSURER; TO AMEND SECTION 38-13-320, AS AMENDED, RELATING TO INSURANCE, EXAMINATIONS, INVESTIGATIONS, RECORDS, AND REPORTS, REPORTS OF LOSS AND EXPENSE EXPERIENCE BY INSURERS, AND THE DATA IN THE SUPPLEMENTAL REPORT, SO AS TO, AMONG OTHER THINGS, PERMIT, RATHER THAN REQUIRE, THAT THE SUPPLEMENTAL REPORT INCLUDE CERTAIN SPECIFIED DATE BOTH AS TO SOUTH CAROLINA AND THE UNITED STATES FOR THE PREVIOUS YEAR ENDING ON DECEMBER THIRTY-FIRST; TO AMEND SECTION 38-13-340, AS AMENDED, RELATING TO INSURANCE, EXAMINATIONS, INVESTIGATIONS, RECORDS, AND REPORTS, REPORTS OF LOSS AND EXPENSE EXPERIENCE BY INSURERS, AND REVIEW OF THE SUPPLEMENTAL REPORTS, SO AS TO, AMONG OTHER THINGS, PROVIDE THAT THE INSURANCE DEPARTMENT'S ANNUAL COMPILATION AND REVIEW OF REPORTS SUBMITTED BY INSURERS BE IN ACCORDANCE WITH OR PURSUANT TO AN ORDER OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 38-19-50, AS AMENDED, RELATING TO DOMESTIC MUTUAL INSURERS, MEMBERS AND MEETING, AND USE OF PROXIES, SO AS TO PROVIDE THAT NO PROXY MAY BE USED BY A DOMESTIC MUTUAL INSURER UNLESS THE LANGUAGE AND FORM OF THE PROXY HAVE BEEN APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE OR HIS DESIGNEE, AND DELETE THE FIVE CONDITIONS SPECIFIED FOR THE USE OF THE PROXY; TO AMEND SECTION 38-33-30, AS AMENDED, RELATING TO THE INSURANCE LAWS, HEALTH MAINTENANCE ORGANIZATIONS, THE NECESSITY OF A CERTIFICATE OF AUTHORITY, AND FOREIGN CORPORATIONS, SO AS TO DELETE THE REQUIREMENT THAT EACH APPLICATION FOR A CERTIFICATE OF AUTHORITY BE FILED "IN TRIPLICATE"; TO AMEND SECTION 38-73-1060, AS AMENDED, RELATING TO THE INSURANCE LAWS, RATES, RATE-MAKING, AND RATE-FILED, AND STATUTORY PERMISSION TO USE RATES IN EXCESS OF THOSE WHICH ARE FILED, SO AS TO DELETE THE TERM "RATE IN EXCESS OF THAT PROVIDED BY A FILING OTHERWISE APPLICABLE" AND SUBSTITUTE THEREFOR "RATE DIFFERENT FROM THAT PROVIDED BY A FILING OTHERWISE APPLICABLE", AND ADD PROVISIONS WHICH PROVIDE THAT, UPON THE WRITTEN APPLICATION OF AN INSURED HAVING AGGREGATE INSURANCE PREMIUMS, OTHER THAN LIFE, ACCIDENT, AND HEALTH, IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS, A POLICY FORM DIFFERENT FROM THAT PROVIDED BY A FILING OTHERWISE APPLICABLE MAY BE USED ON ANY SPECIFIC RISK, UNDER CERTAIN CONDITIONS; AND TO REPEAL SECTIONS 38-13-330 AND 38-13-370, RELATING TO INSURANCE, EXAMINATIONS, INVESTIGATIONS, RECORDS, AND REPORTS, REPORTS OF LOSS AND EXPENSE EXPERIENCE BY INSURERS, THE REQUIREMENT THAT, FOR THE FIRST YEAR ONLY IN WHICH THE INSURER IS REQUIRED TO FILE THE SUPPLEMENTAL REPORT, THE DATA REQUIRED BY CERTAIN ITEMS OF SECTION 38-13-320 SHALL INCLUDE THE PREVIOUS CALENDAR YEAR AND EACH OF THE PRECEDING TWO CALENDAR YEARS, AND THE REQUIREMENT THAT FIRST REPORTS REQUIRED UNDER SECTIONS 38-13-300 THROUGH 38-13-360 MUST BE FILED ON JULY 1, 1998 AND ON JULY FIRST OF EACH FOLLOWING YEAR; TO AMEND SECTION 38-19-30, RELATING TO DOMESTIC MUTUAL INSURERS AND THE GENERAL RIGHTS OF MEMBERS, SO AS TO DELETE THE EXISTING PROVISIONS OF THE SECTION AND TO PROVIDE, AMONG OTHER THINGS, THAT EXCEPT AS OTHERWISE PROVIDED BY LAW, EVERY DOMESTIC MUTUAL INSURER MUST BE ORGANIZED, GOVERNED, AND OPERATED AS A DOMESTIC BUSINESS CORPORATION UNDER, AND IN ACCORDANCE WITH, THE SOUTH CAROLINA BUSINESS CORPORATION ACT OF 1988, AND PROVIDE FOR AN EXCEPTION; TO AMEND SECTION 38-27-490, RELATING TO THE "INSURERS' REHABILITATION AND LIQUIDATION ACT", FORMAL PROCEEDINGS, AND SETOFFS AND COUNTERCLAIMS, SO AS

TO DELETE "COUNTERCLAIM" FROM THE PROHIBITION ON ALLOWING THE SAME OR ANY SETOFF IN FAVOR OF A PERSON UNDER CERTAIN SPECIFIED CONDITIONS AND CIRCUMSTANCES, AND DELETE CERTAIN LANGUAGE; AND TO AMEND SECTION 38-57-160, RELATING TO INSURANCE TRADE PRACTICES AND THE ADVERTISING GIFTS, SO AS TO ADD A PROVISION THAT NOTHING IN THIS SECTION PRECLUDES ANY LICENSED INSURANCE AGENT FROM PROVIDING REFRESHMENTS DURING A SALES PRESENTATION WHICH DO NOT EXCEED TEN DOLLARS A PERSON IN COST.-AMENDED TITLE

03/04/97	Senate	Introduced and read first time SJ-5
03/04/97	Senate	Referred to Committee on Banking and Insurance SJ-5
03/20/97	Senate	Committee report: Favorable Banking and Insurance SJ-12
03/25/97	Senate	Read second time SJ-11
03/25/97	Senate	Unanimous consent for third reading on next legislative day SJ-11
03/26/97	Senate	Read third time and sent to House SJ-22
04/01/97	House	Introduced and read first time HJ-22
04/01/97	House	Referred to Committee on Labor, Commerce and Industry HJ-24
05/15/97	House	Committee report: Favorable with amendment Labor, Commerce and Industry HJ-3
05/20/97	House	Amended HJ-53
05/21/97	House	Read second time HJ-24
05/22/97	House	Read third time and returned to Senate with amendments HJ-25
05/27/97	Senate	Concurred in House amendment and enrolled SJ-13
06/04/97		Ratified R 128
06/10/97		Signed By Governor
06/10/97		Effective date 06/10/97
06/24/97		Copies available
06/24/97		Act No. 68