

## Session 113 - (1999-2000)

### S 0475 General Bill, By Peeler

**Summary:** Insurance Department Commissioner, election of; Motor Vehicle Safety, Financial Responsibility; Reinsurance Facility

A BILL TO AMEND TITLE 38, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO INSURANCE, BY ADDING CHAPTERS 95 AND 97 SO AS TO ADOPT THE NORTH CAROLINA PROVISIONS OF LAW REGARDING MOTOR VEHICLE SAFETY, FINANCIAL RESPONSIBILITY, AND INSURANCE AND A MOTOR VEHICLE REINSURANCE FACILITY AS THE LAW OF THIS STATE AND TO CONFORM THE NORTH CAROLINA PROVISIONS TO SOUTH CAROLINA'S INSURANCE CODE; TO AMEND SECTION 1-30-10, AS AMENDED, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, SO AS TO PROVIDE THAT THE GOVERNING AUTHORITY OF THE DEPARTMENT OF INSURANCE SHALL BE THE "COMMISSIONER OF INSURANCE" ELECTED TO OFFICE UNDER THE LAWS OF THIS STATE; TO AMEND SECTION 38-1-20, AS AMENDED, RELATING TO DEFINITIONS UNDER THE INSURANCE LAWS OF THIS STATE, SO AS TO DELETE THE DEFINITION OF "DIRECTOR" OF THE DEPARTMENT OF INSURANCE AND SUBSTITUTE THEREFOR "COMMISSIONER OF INSURANCE"; TO AMEND SECTION 38-3-10, AS AMENDED, RELATING TO THE DEPARTMENT OF INSURANCE, SO AS TO DELETE CERTAIN PROVISIONS RELATING TO THE DEPARTMENT'S DIRECTOR, PROVIDE THAT THE "COMMISSIONER OF INSURANCE" SHALL BE ELECTED RATHER THAN APPOINTED, AND MAKE CHANGES IN THE PROVISIONS CONCERNING THE REMOVAL OF THIS OFFICIAL; TO AMEND SECTION 38-3-100, AS AMENDED, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO, AMONG OTHER CHANGES, SUBSTITUTE "COMMISSIONER OF INSURANCE" FOR "DIRECTOR OF THE DEPARTMENT OF INSURANCE" AND DELETE THE REQUIREMENT THAT, IF THE COMMISSIONER BECOMES A CANDIDATE FOR PUBLIC OFFICE OR BECOMES A MEMBER OF A POLITICAL COMMITTEE DURING TENURE, HIS OFFICE MUST BE IMMEDIATELY VACATED; TO AMEND THE 1976 CODE BY ADDING SECTION 38-3-102 SO AS TO PROVIDE THAT THE COMMISSIONER OF INSURANCE MUST BE ELECTED TO OFFICE BY THE QUALIFIED ELECTORS OF THE STATE IN THE GENERAL ELECTION AND PROVIDE FOR THE COMMISSIONER'S TERM OF OFFICE, QUALIFICATIONS, VACANCIES, AND RELATED MATTERS; AND TO PROVIDE THAT THE ELECTION OF THE COMMISSIONER OF INSURANCE BEGINS WITH AN INITIAL TWO-YEAR TERM OF OFFICE VOTED ON IN THE YEAR 2000 TO BE FOLLOWED BY A FULL FOUR-YEAR TERM VOTED ON IN 2002 AND EVERY FOUR YEARS THEREAFTER AND THAT THE DIRECTOR SERVING ON THE EFFECTIVE DATE OF THIS ACT SHALL CONTINUE TO SERVE UNTIL HIS SUCCESSOR IS ELECTED AND QUALIFIES FOR OFFICE AS COMMISSIONER OF INSURANCE; TO PROVIDE THAT EVERY REFERENCE TO "DIRECTOR OF THE DEPARTMENT OF INSURANCE" IN THE 1976 CODE SHALL BE DEEMED TO MEAN "COMMISSIONER OF INSURANCE"; TO AUTHORIZE AND DIRECT THE CODE COMMISSIONER TO CHANGE CERTAIN REFERENCES; TO REPEAL ACT 154 OF 1997, RELATING TO THE REVISION OF THE SOUTH CAROLINA LAW ON AUTOMOBILE INSURANCE; TO REPEAL ARTICLES 13 AND 15, CHAPTER 73 OF TITLE 38, RELATING TO THE PROVISIONS REGARDING ADVISORY ORGANIZATIONS AND JOINT UNDERWRITING OR JOINT REINSURANCE UNDER THE INSURANCE LAW ON PROPERTY, CASUALTY, INLAND MARINE, AND SURETY RATES; TO REPEAL ARTICLE 3, CHAPTER 77 OF TITLE 38, RELATING TO THE LAW ON AUTOMOBILE INSURANCE AND THE "MANDATE TO WRITE" AND INSURANCE COVERAGES; TO REPEAL ARTICLE 5, CHAPTER 77 OF TITLE 38, RELATING TO THE SOUTH CAROLINA REINSURANCE FACILITY AND DESIGNATED PRODUCERS; AND TO REPEAL CHAPTER 9 OF TITLE 56, RELATING TO MOTOR VEHICLE FINANCIAL RESPONSIBILITY PROVISIONS, AND CHAPTER 10 OF TITLE 56, RELATING TO MOTOR VEHICLE REGISTRATION AND FINANCIAL SECURITY PROVISIONS.

02/09/99 Senate Introduced and read first time SJ-5

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