Session 114 - (2001-2002)

H*3974 (Rat #0161, Act #0082 of 2001) General Bill, By Cato

Similar (S 0601)

Summary: Prescription drug discount card sellers report to Consumer Affairs; Insurance; property, captive, health, motor vehicle

A BILL TO AMEND SECTION 37-1-109, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CHANGE OF DOLLAR AMOUNTS USED IN THE CONSUMER PROTECTION CODE AND PUBLICATION OF SUCH CHANGES, SO AS TO REQUIRE THESE CHANGES TO BE PUBLISHED IN THE STATE REGISTER; TO AMEND SECTIONS 37-6-108, 37-6-111, AND 37-6-113, ALL RELATING TO ADMINISTRATION ENFORCEMENT ORDERS, INJUNCTIONS, AND CIVIL ACTIONS UNDER THE CONSUMER PROTECTION CODE, SO AS TO CLARIFY THAT, IN ADDITION TO CREDITORS, PERSONS SUBJECT TO THE CONSUMER PROTECTION CODE ARE WITHIN THE JURISDICTION OF THE ADMINISTRATOR OF THE CONSUMER PROTECTION CODE AND TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 37-17-10 RELATING TO THE REGULATION OF PERSONS SELLING PRESCRIPTION DRUG DISCOUNT CARDS, SO AS TO REQUIRE A PERSON AND REPRESENTATIVES OF CORPORATIONS AND BUSINESS ENTITIES SELLING SUCH CARDS TO REGISTER WITH THE DEPARTMENT OF CONSUMER AFFAIRS, RATHER THAN THE DEPARTMENT OF INSURANCE, TO DESIGNATE THE SECRETARY OF STATE AS THE AGENT FOR SERVICE IN THE ABSENCE OF PROPER REGISTRATION, AND TO EXPAND APPLICABLE PENALTIES FOR PRESCRIPTION DRUG CARD VIOLATIONS; TO AMEND SECTION 38-5-80, AS AMENDED, RELATING TO REQUIREMENTS TO OBTAIN A LICENSE TO CONDUCT INSURANCE BUSINESS, SO AS TO CLARIFY WHAT BOOKS AND RECORDS OF AN INSURER MUST BE MAINTAINED; TO AMEND SECTION 38-21-10, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO THE INSURANCE HOLDING COMPANY REGULATORY ACT, SO AS TO REVISE THE TERM "CONTROL"; TO AMEND SECTION 38-31-20, AS AMENDED, RELATING TO DEFINITIONS IN THE PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION ACT, SO AS TO INCLUDE NEW DEFINITIONS AND REVISE CERTAIN EXISTING DEFINITIONS; TO AMEND SECTION 38-31-60, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE PROPERTY AND CASUALTY GUARANTY ASSOCIATION, SO AS TO PROVIDE THAT THE ASSOCIATION'S OBLIGATION TO AN INSURED CEASES WHEN TEN MILLION DOLLARS HAS BEEN PAID TO OR ON BEHALF OF THE INSURED AND TO ALLOW FOR ALLOCATION OF PAYMENTS WHEN THERE IS MORE THAN ONE CLAIMANT WITH A COVERED CLAIM; TO AMEND SECTION 38-31-70, AS AMENDED, RELATING TO THE PLAN OF OPERATION FOR THE ADMINISTRATION OF THE GUARANTY ASSOCIATION, SO AS TO AUTHORIZE FILING OF CLAIMS WITH AND DELEGATING CERTAIN AUTHORITY TO AN ASSOCIATION SIMILAR TO THE GUARANTY ASSOCIATION; TO AMEND SECTION 38-31-90, AS AMENDED, RELATING TO RIGHTS OF THE GUARANTY ASSOCIATION REGARDING CLAIMANTS PAID AND ASSETS OF INSOLVENT INSURERS, SO AS TO PROVIDE THAT THE ASSOCIATION HAS THE RIGHT TO RECOVER THE AMOUNT OF A CLAIM PAID FROM CERTAIN INSUREDS AND AFFILIATES OF AN INSOLVENT INSURER; TO AMEND SECTION 38-31-100, AS AMENDED, RELATING TO PROCEDURES FOR ASSERTING CLAIMS AND TO LIMITATIONS ON CLAIMS, SO AS TO REQUIRE EXHAUSTING ALL COVERAGE AND CLAIMS AND PROVIDING CREDIT TO THE GUARANTY ASSOCIATION UNDER CERTAIN CONDITIONS; SECTION 38-33-80, AS AMENDED, RELATING TO APPROVAL OF HEALTH MAINTENANCE ENROLLEE INFORMATION FORMS, SO AS TO PROVIDE TIME FRAMES FOR THE APPROVAL OF SUCH FORMS; TO AMEND SECTION 38-39-90, AS AMENDED, RELATING TO CANCELLATION OF INSURANCE CONTRACTS BY PREMIUM SERVICE COMPANIES AND THE CREDITING OF RETURN PREMIUMS, SO AS TO PROVIDE THAT NO REFUND IS REQUIRED IF IT AMOUNTS TO LESS THAN FIVE DOLLARS; TO AMEND SECTION 38-43-80, AS AMENDED, RELATING TO LICENSE FEES FOR AGENTS OF INSURERS, SO AS TO PROVIDE THAT FEES MUST BE PAID AS PRESCRIBED BY THE DEPARTMENT IN REGULATION; TO AMEND SECTION 38-55-30, AS AMENDED, RELATING TO LIMITING THE AMOUNT OF RISK THAT AN INSURER OR CAPTIVE INSURER MAY EXPOSE ITSELF TO, SO AS TO REMOVE THIS LIMITATION FOR CAPTIVE INSURERS; TO ADD SECTION 38-55-75 SO AS TO REQUIRE THE DEPARTMENT OF INSURANCE TO MAINTAIN CONFIDENTIALITY ON INFORMATION FURNISHED BY THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS OR DEPARTMENTS IF KEPT CONFIDENTIAL BY THAT ENTITY; TO AMEND SECTION 38-61-20, AS AMENDED, RELATING TO APPROVAL OF INSURANCE POLICY FORMS, SO AS TO PROVIDE TIME FRAMES FOR THE APPROVAL OF SUCH FORMS; TO AMEND SECTION 38-61-40, AS AMENDED, RELATING TO INSURANCE CONTRACT READABILITY REQUIREMENTS, SO AS TO AUTHORIZE THE DEPARTMENT OF INSURANCE TO WITHDRAW APPROVAL OR CERTIFICATION ON POLICIES THAT DO NOT COMPLY WITH SUCH REQUIREMENTS; TO AMEND SECTION 38-65-60, AS AMENDED, RELATING TO OUT-OF-STATE GROUP LIFE INSURANCE POLICIES, SO AS TO REQUIRE APPROVAL OF SUCH POLICIES BEFORE THEY CAN BE OFFERED FOR SALE; SECTION 38-71-310, AS AMENDED, RELATING TO APPROVAL OF ACCIDENT

AND HEALTH INSURANCE POLICIES AND RATES, SO AS TO PROVIDE TIME FRAMES FOR THE APPROVAL OF SUCH POLICIES AND RATES; TO AMEND SECTION 38-71-720, AS AMENDED, RELATING TO APPROVAL OF GROUP ACCIDENT, HEALTH, AND ACCIDENT AND HEALTH INSURANCE POLICIES, SO AS TO PROVIDE TIME FRAMES FOR THE APPROVAL OF SUCH POLICIES; TO AMEND SECTION 38-71-750, AS AMENDED, RELATING TO APPROVAL OF OUT-OF-STATE MASS-MARKETED GROUP ACCIDENT, HEALTH, AND ACCIDENT AND HEALTH INSURANCE POLICIES, SO AS TO CLARIFY REQUIREMENTS FOR APPROVAL; TO AMEND SECTION 38-71-1370, AS AMENDED, RELATING TO THE APPLICATION OF GROUP ACCIDENT AND HEALTH INSURANCE PROVISIONS TO SMALL EMPLOYER INSURERS, SO AS TO EXCLUDE COVERAGE TO LATE ENROLLEES FOR A PERIOD OF TIME; TO AMEND SECTION 38-71-1980, RELATING TO EXPEDITED EXTERNAL REVIEWS, SO AS TO CHANGE AN INTERNAL CROSS REFERENCE; TO AMEND SECTION 38-73-1300, AS AMENDED, RELATING TO DEVIATIONS FROM CLASS RATES, SCHEDULES, RATING PLANS, OR RULES BY FIRE OR INLAND MARINE INSURERS, SO AS TO PROVIDE FOR MODIFICATIONS AND LOSS COSTS RATHER THAN DEVIATIONS AND CLASS RATES; TO AMEND SECTION 38-73-1310, AS AMENDED, RELATING TO APPLICATIONS FOR UNIFORM PREMIUM DECREASES OR INCREASES, SO AS TO CLARIFY TO WHICH KINDS OF INSURANCE SUCH APPLICATIONS APPLY; TO AMEND SECTION 38-87-40, AS AMENDED, RELATING TO REQUIREMENTS FOR OUT-OF-STATE CHARTERED RISK RETENTION GROUPS TO DO BUSINESS IN SOUTH CAROLINA, SO AS TO PROVIDE THAT SUCH GROUPS ARE SUBJECT TO TAXATION AS AN ADMITTED INSURER WOULD BE, RATHER THAN AS A FOREIGN ADMITTED INSURER WOULD BE; TO AMEND SECTION 38-90-60, RELATING TO INCORPORATION OPTIONS AND REQUIREMENTS FOR CAPTIVE INSURANCE COMPANIES, SO AS TO CHANGE A CROSS REFERENCE; TO AMEND SECTION 38-90-140, RELATING TO TAX PAYMENTS BY CAPTIVE INSURANCE COMPANIES, SO AS TO PROVIDE THAT THESE TAXES MUST BE PAID TO THE DEPARTMENT OF INSURANCE RATHER THAN TO THE DIRECTOR OF THE DEPARTMENT AND TO CLARIFY A PERCENTAGE REFERENCE; TO AMEND SECTION 38-90-180, RELATING TO THE APPLICATION OF CERTAIN PROVISIONS OF THE REHABILITATION AND LIQUIDATION ACT TO CAPTIVE INSURANCE COMPANIES, SO AS TO ALSO APPLY CERTAIN PROVISIONS OF THE ADMINISTRATIVE SUPERVISION OF INSURERS ACT TO THESE COMPANIES; TO AMEND SECTION 56-10-240, AS AMENDED, RELATING TO PROCEDURES THAT MOTOR VEHICLE INSUREDS AND INSURERS MUST FOLLOW IF A MOTOR VEHICLE SUBJECT TO FINANCIAL RESPONSIBILITY REQUIREMENTS BECOMES UNINSURED, SO AS TO DELETE AN OBSOLETE PROVISION; TO AMEND SECTION 56-10-280, AS AMENDED, RELATING TO THE MINIMUM DURATION OF INSURANCE ISSUED TO MEET MOTOR VEHICLE FINANCIAL RESPONSIBILITY REQUIREMENTS, SO AS TO PROVIDE THAT IF A CHECK TENDERED BY THE INSURED IS RETURNED FOR INSUFFICIENT FUNDS, THE CANCELLATION IS EFFECTIVE AS OF THE POLICY INCEPTION OR RENEWAL DATE; TO AMEND SECTION 38-11-40, AS AMENDED, RELATING TO INVESTMENTS REQUIRED TO BE MAINTAINED BY INSURERS, SO AS TO AUTHORIZE LIFE INSURERS TO INVEST IN OBLIGATIONS WHICH ARE NOT IN DEFAULT AND IN WHICH THE ISSUING, ASSUMING, OR GUARANTY BUSINESS ENTITY MEETS CERTAIN RECOGNIZED RATINGS AND TO INVEST IN FOREIGN INVESTMENTS; TO AMEND SECTION 38-11-50, AS AMENDED, RELATING TO LIMITATIONS ON INVESTMENTS AUTHORIZED FOR INSURERS, SO AS TO FURTHER SPECIFY LIMITATIONS ON CERTAIN BONDS, NOTES, OR DEBENTURES AND LIMITATIONS ON FOREIGN INVESTMENTS; AND TO REPEAL SECTION 38-73-1320, RELATING TO HEARINGS CONCERNING APPLICATIONS FOR DEVIATIONS FROM CERTAIN FIRE, INLAND MARINE, CASUALTY, OR AUTOMOBILE INSURER REQUIREMENTS.-AMENDED TITLE

04/19/01	**House**	**Introduced and read first time HJ-42**
04/19/01	**House**	**Referred to Committee on Labor, Commerce and Industry HJ-45**
05/03/01	**House**	**Committee report: Favorable with amendment Labor, Commerce and Industry HJ-5**
05/08/01	**House**	**Amended HJ-92**
05/08/01	**House**	**Read second time HJ-114**
05/09/01	**House**	**Read third time and sent to Senate HJ-12**
05/09/01	**Senate**	**Introduced, read first time, placed on calendar without reference SJ-11**
05/15/01	**Senate**	**Read second time SJ-12**
05/15/01	**Senate**	**Ordered to third reading with notice of amendments SJ-12**
06/05/01	**Senate**	**Amended SJ-17**
06/05/01	**Senate**	**Read third time and returned to House with amendments SJ-17**
06/05/01	**House**	**Senate amendment amended HJ-109**
06/05/01	**House**	**Returned to Senate with amendments HJ-110**
06/06/01	**Senate**	**Non-concurrence in House amendment SJ-102**

06/07/01	**House**	**House insists upon amendment and conference committee appointed Reps. Bales, Tripp and Cato HJ-5**
06/07/01	**Senate**	**Reconsidered SJ-58**
06/07/01	**Senate**	**Concurred in House amendment and enrolled SJ-58**
06/28/01		**Ratified R 161**
07/20/01		**Signed By Governor**
07/20/01		**Effective date 07/20/01**
08/09/01		**Copies available**
08/09/01		**Act No. 82**