

Session 112 - (1997-1998)

H 4434 General Bill, By Fleming, Barrett, Beck, Cooper, Easterday, Edge, Hawkins, Inabinett, B.L. Jordan, Knotts, Law, Leach, Loftis, J.D. McMaster, Riser, Sandifer, Seithel, Stille, Tripp and Whatley

A BILL TO AMEND SECTION 38-43-240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CERTAIN OFFENSES BY INSURANCE AGENTS, SO AS TO PROVIDE FOR A DIFFERENT MISDEMEANOR VIOLATION AND PROVIDE A DIFFERENT PENALTY, AND ESTABLISH FELONY VIOLATIONS AND PENALTIES; TO AMEND SECTION 38-43-245, RELATING TO INSURANCE AGENTS AND FRAUDULENT INSURANCE APPLICATIONS, SO AS TO, AMONG OTHER THINGS, CHANGE THE FELONY FOR CERTAIN ACTIVITY TO A "FELONY FOR A FIRST OFFENSE" AND CHANGE THE PENALTY, AND ESTABLISH A "FELONY FOR A SECOND OR SUBSEQUENT OFFENSE" FOR THE SAME ACTIVITY AND PROVIDE A PENALTY; TO AMEND SECTION 38-55-170, AS AMENDED, RELATING TO CONDUCT OF INSURANCE BUSINESS AND PRESENTING FALSE CLAIMS FOR PAYMENT, SO AS TO, AMONG OTHER THINGS, CHANGE THE NATURE OF EXISTING FELONY OFFENSES AND CHANGE THE PENALTIES, AND PROVIDE THAT, FOR THE PURPOSE OF DETERMINING THE DOLLAR AMOUNT OF "CLAIM OR CLAIMS" UNDER THIS SECTION, IF A PERSON HAS MULTIPLE VIOLATIONS OF THIS SECTION AGAINST THE SAME VICTIM, THOSE VIOLATIONS MAY BE TREATED AS AN AGGREGATE AMOUNT OR AS INDIVIDUAL OFFENSES; TO AMEND SECTION 38-55-540, RELATING TO INSURANCE FRAUD AND REPORTING IMMUNITY, CRIMINAL PENALTIES FOR MAKING FALSE STATEMENT OR MISREPRESENTATION OR ASSISTING, ABETTING, SOLICITING, OR CONSPIRING TO DO SO, AND RESTITUTION TO VICTIMS, SO AS TO, AMONG OTHER THINGS, CHANGE CERTAIN PENALTIES CHANGE AN EXISTING MISDEMEANOR TO A FELONY AND CHANGE THE PENALTIES, CHANGE THE NATURE OF AN EXISTING FELONY AND THE PENALTY, AND PROVIDE THAT, FOR THE PURPOSE OF DETERMINING THE DOLLAR AMOUNT OF THE ECONOMIC ADVANTAGE OR BENEFIT UNDER THIS SECTION, IS A PERSON HAS MULTIPLE VIOLATIONS OF THIS SECTION AGAINST THE SAME VICTIM, THOSE VIOLATIONS MAY BE TREATED AS AN AGGREGATE AMOUNT OR AS INDIVIDUAL OFFENSES; TO AMEND SECTION 38-55-550, RELATING TO INSURANCE FRAUD AND REPORTING IMMUNITY AND CIVIL PENALTIES, SO AS TO CHANGE THESE PENALTIES; TO AMEND THE 1976 CODE BY ADDING SECTION 38-55-555 SO AS TO PROVIDE THAT A CONVICTION FOR VIOLATING ANY SECTION OF TITLE 38 MAY BE USED TO ENHANCE ANY SUBSEQUENT CONVICTION FOR VIOLATING TITLE 38 AS A SECOND OR SUBSEQUENT OFFENSE; AND TO AMEND SECTION 38-55-570, AS AMENDED, RELATING TO INSURANCE FRAUD AND REPORTING IMMUNITY, NOTIFICATION OF THE INSURANCE FRAUD DIVISION OF KNOWLEDGE OR BELIEF OF FALSE STATEMENTS OR MISREPRESENTATIONS, AND INFORMATION WHICH MUST BE RELEASED BY AN INSURER, AUTHORIZED AGENCY, OR OTHERS, SO AS TO PROVIDE THAT A PERSON, INSURER, OR AUTHORIZED AGENCY WHO VIOLATES THE RELEASE-OF-INFORMATION PROVISIONS OF THIS SECTION IS GUILTY OF A MISDEMEANOR, AND PROVIDE FOR A PENALTY.

01/20/98 House Introduced and read first time HJ-10

01/20/98 House Referred to Committee on Judiciary HJ-10