

## Session 116 - (2005-2006)

### S 0639 General Bill, By Thomas

#### Summary: Insurance Department

A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR INSURANCE PURPOSES, SO AS TO DEFINE THE TERMS "APPEAL", "HEARING", "PUBLIC HEARING", "PROCEEDING", "NOTICE", AND "REGULATION HEARING"; TO AMEND SECTION 38-2-10, RELATING TO ADMINISTRATIVE PENALTIES, SO AS TO PROVIDE THAT THE PENALTIES MAY BE ASSESSED ONLY AFTER A CONTESTED CASE HEARING AND TO REQUIRE NOTICE TO A VIOLATOR WHEN A CONTESTED CASE HEARING IS NOT REQUESTED BEFORE A PENALTY IS ASSESSED; TO AMEND SECTION 38-3-150, RELATING TO HEARINGS CONDUCTED BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE OR HIS AUTHORIZED AGENTS, SO AS TO CLARIFY THAT THE HEARINGS ARE CONTESTED CASE HEARINGS; TO AMEND SECTION 38-3-170, RELATING TO NOTICE OF THE HEARINGS, SO AS TO CLARIFY THAT THE HEARINGS ARE CONTESTED CASE HEARINGS AND TO PROVIDE THAT THEY ARE TO BE CONDUCTED BY THE DIRECTOR OF THE DEPARTMENT OF INSURANCE OR HIS DESIGNEE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 23, TITLE 1; TO AMEND SECTION 38-3-210, RELATING TO APPEALS ORDERS OF THE DIRECTOR OF THE DEPARTMENT OF INSURANCE, SO AS TO PROVIDE THAT APPEALS ARE TO THE ADMINISTRATIVE LAW COURT IN ACCORDANCE WITH ITS RULES OF PROCEDURE; TO AMEND SECTION 38-5-160, RELATING TO THE PROCEDURE FOR THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO APPLY FOR AN INJUNCTION, SO AS TO PROVIDE THAT THE DIRECTOR MAY APPLY TO THE ADMINISTRATIVE LAW COURT RATHER THAN THE CIRCUIT COURT FOR AN INJUNCTION; AND TO REPEAL SECTION 38-3-180, RELATING TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE'S ABILITY TO SUMMON WITNESSES AND PUNISH FOR CONTEMPT.

**03/22/05 Senate Introduced and read first time SJ-2**

**03/22/05 Senate Referred to Committee on Banking and Insurance SJ-2**

**02/08/06 Senate Committee report: Favorable with amendment Banking and Insurance SJ-10**

**02/09/06 Scrivener's error corrected**