**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑59‑60 SO AS TO PROVIDE AN INSURER SHALL GIVE WRITTEN NOTICE TO A CLAIMANT ABOUT CERTAIN STATUTES OF LIMITATIONS OR OTHER TIME LIMITS CONCERNING THE PENDING CLAIM AND THE APPROACHING EXPIRATION OF THESE TIME LIMITS, AND TO PROVIDE EXCEPTIONS TO THIS NOTICE REQUIREMENT, AND LIMITS ON THE APPLICABILITY OF THIS SECTION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 59, Title 38 of the 1976 Code is amended by adding:

“Section 38‑59‑60. (A)(1) An insurer shall give written notice to a claimant informing him of:

(a) applicable state statute of limitations, policy time limits, or contract time limits that might affect the rights of the claimant within ninety days after the date on which it receives the notice of the claim; and

(b) the approaching expiration of an applicable state statute of limitations, policy time limits, or contract time limits that might affect his rights at least:

(i) thirty days before the date on which the statute of limitations and these time limits expire, if the claimant is a first party claimant; and

(ii) sixty days before the date on which the statute of limitations and these time limits expire if the claimant is a third party claimant.

(2) This subsection may not be construed to require notice:

(a) to a claimant who has not been in contact with the insurer or who is not actively seeking recovery; or

(b) when a claim has been settled or denied.

(B) A notice required under this section must be written in plain language.

(C) An insurer may assert no limitation on the right of a claimant pursuant to a statute of limitations, policy time limit, or contract time limit unless the insurer has delivered or mailed written notice to the claimant pursuant with this section.

(D) An insurer is not required to provide notice pursuant to this section if it has received notice that the claimant is represented by an attorney.

(E) This section applies to property and casualty insurance but does not apply to workers’ compensation insurance.”

SECTION 2. This act takes effect upon approval by the Governor.

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