~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 23, 2013

**S. 463**

Introduced by Senators Hayes and Ford

S. Printed 5/23/13--H.

Read the first time April 24, 2013.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (S. 463) to amend the Code of Laws of South Carolina, 1976, by adding Section 38‑53‑95 so as to require that a person applying to the Department of Insurance, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 38‑53‑90 of the 1976 Code is amended to read:

“Section 38‑53‑90. (A) Before a license is issued to an applicant permitting him to act as a professional bondsman or runner, the applicant shall furnish to the director or his designee a complete set of his fingerprints and a recent passport size full‑face photograph in the manner prescribed by the director. Before a license is issued to a new or renewal applicant permitting him to act as a professional, surety bondsman, or runner, the applicant must undergo a state criminal records check, supported by his fingerprints, by the South Carolina Law Enforcement Division (SLED) and a national criminal records check, supported by his fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal records checks must be reported by the department. The cost associated with the criminal history record must be borne by the applicant. The applicant’s fingerprints must be certified by an authorized law enforcement officer.

(B) Before being issued the license, every applicant for a license as a professional bondsman, surety bondsman, or runner shall certify to the director that he:

~~(a)~~(1) is eighteen years of age or older;

~~(b)~~(2) is a resident of this State;

~~(c)~~(3) is a person of good moral character and has not been convicted of a felony or any crime involving moral turpitude within the last ten years;

~~(d)~~(4) has knowledge, training, or experience of sufficient duration and extent to satisfy reasonably the director or his designee that he possesses the competence necessary to fulfill the responsibilities of a licensee.”

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

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑53‑95 SO AS TO REQUIRE THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PROFESSIONAL SURETY BONDSMAN OR RUNNER MUST PROVIDE HIS BUSINESS, MAILING, RESIDENTIAL, AND EMAIL ADDRESSES WITH THE APPLICATION, TO PROVIDE HE MUST NOTIFY THE DEPARTMENT OF A CHANGE OF ANY OF THESE ADDRESSES OR A LEGAL NAME CHANGE WITHIN THIRTY DAYS, AND TO PROVIDE A PENALTY FOR A VIOLATION; TO AMEND SECTION 38‑43‑107, AS AMENDED, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN INSURANCE PRODUCER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38‑47‑15, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS AN ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; TO AMEND SECTION 38‑48‑30, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A PUBLIC ADJUSTER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS; AND TO AMEND SECTION 38‑49‑25, RELATING TO THE REQUIREMENT THAT A PERSON APPLYING TO THE DEPARTMENT OF INSURANCE FOR LICENSURE AS A MOTOR VEHICLE PHYSICAL DAMAGE APPRAISER MUST PROVIDE HIS BUSINESS, MAILING, AND RESIDENTIAL ADDRESSES WITH THE APPLICATION, SO AS TO PROVIDE HE ALSO MUST PROVIDE HIS EMAIL ADDRESS.

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

SECTION 1. Chapter 53, Title 38 of the 1976 Code is amended by adding:

“Section 38‑53‑95. (A) If an individual applies for a professional or surety bondsman or runner license, he shall supply the department his business, email, mailing, and residential street addresses. The bondsman or runner also shall notify the department within thirty days of any change in legal name or in any of these addresses.

(B) Failure to inform the director or his designee of a change in legal name or addresses within thirty days is a violation of this title and subjects the bondsman or runner to the penalties provided in Section 38‑2‑10.”

SECTION 2. Section 38‑43‑107(A) of the 1976 Code, as last amended by Act 326 of 2008, is further amended to read:

“(A) If an individual applies for an insurance producer’s license, he shall supply the department his business, email, mailing, and ~~residence~~ residential street ~~address~~ addresses. The producer also shall notify the department within thirty days of any change in legal name or in these addresses.”

SECTION 3. Section 38‑47‑15 of the 1976 Code is amended to read:

“Section 38‑47‑15. When an individual applies for an adjuster’s license, he shall supply the department his business, email, and ~~residence address~~ residential addresses. The adjuster shall notify the department within thirty days of any change in these addresses.”

SECTION 4. Section 38‑48‑30 of the 1976 Code is amended to read:

“Section 38‑48‑30. When an individual applies for a public adjuster’s license, he shall supply the department his business, email, and ~~residence~~ residential addresses and telephone numbers. The public adjuster shall notify the department within thirty days of any change in these addresses.”

SECTION 5. Section 38‑49‑25 of the 1976 Code is amended to read:

“Section 38‑49‑25. When an individual applies for a motor vehicle physical damage appraiser’s license, he shall supply the department his business, email, and ~~residence address~~ residential addresses. The appraiser shall notify the department within thirty days of any change in these addresses.”

SECTION 6. Section 38-53-90 of the 1976 Code is amended to read:

“Section 38-53-90. (A) Before a license is issued to an applicant permitting him to act as a professional bondsman or runner, the applicant shall furnish to the director or his designee a complete set of his fingerprints and a recent passport size full‑face photograph in the manner prescribed by the director. Before a license is issued to a new or renewal applicant permitting him to act as a professional, surety bondsman, or runner, the applicant must undergo a state criminal records check, supported by his fingerprints, by the South Carolina Law Enforcement Division (SLED) and a national criminal records check, supported by his fingerprints, by the Federal Bureau of Investigation (FBI). The results of these criminal records checks must be reported by the department. The cost associated with the criminal history record must be borne by the applicant. The applicant’s fingerprints must be certified by an authorized law enforcement officer.

(B) Before being issued the license, every applicant for a license as a professional bondsman, surety bondsman, or runner shall certify to the director that he:

~~(a)~~(1) is eighteen years of age or older;

~~(b)~~(2) is a resident of this State;

~~(c)~~(3) is a person of good moral character and has not been convicted of a felony or any crime involving moral turpitude within the last ten years;

~~(d)~~(4) has knowledge, training, or experience of sufficient duration and extent to satisfy reasonably the director or his designee that he possesses the competence necessary to fulfill the responsibilities of a licensee.”

SECTION 7. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑