**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 979**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Alexander

Document Path: l:\council\bills\jn\3171ph20.docx

Introduced in the Senate on January 14, 2020

Currently residing in the Senate Committee on **Banking and Insurance**

Summary: Liability insurer

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/14/2020 Senate Introduced and read first time ([Senate Journal‑page 60](file:///h:\sj\20200114.docx))

1/14/2020 Senate Referred to Committee on **Banking and Insurance** ([Senate Journal‑page 60](file:///h:\sj\20200114.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=979&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/14/2020](file:///p:\pprever\2019-20\979_20200114.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑59‑60 SO AS TO ALLOW FOR CONTRIBUTIONS FOR DEFENSE COSTS FOR THE SAME CLAIM, SUIT, OR ACTION AMONG MORE THAN ONE LIABILITY INSURER.

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) A liability insurer owing a duty to defend an insured and who defends the insured against a claim, suit, or other action, has a right of contribution for defense costs against any other liability insurer owing a duty to defend the insured against the same claim, suit, or other action, provided the contributions may not be sought from any liability insurer for defense costs that are incurred before the liability insurer receives notice of the claim, suit, or other action.

(B) The court shall allocate defense costs among insurers owing a duty to defend the insured against the same claim, suit, or other action, in accordance with the terms of the liability insurance policies. When not otherwise in conflict with the terms of the insurance policies, the court may use such equitable factors as the court determines appropriate in making the allocation.

(C) This section is not intended to alter any terms of a liability insurance policy or to create any additional duty on the part of a liability insurer to an insured. An insured may not rely on this section as grounds for a complaint against a liability insurer.

(D) A liability insurer entitled to contribution from another liability insurer under this section may file an action for contribution in a court of competent jurisdiction.

(E) This section applies to liability insurance policies issued for delivery in this State, to include surplus lines insurance policies.”

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

‑‑‑‑XX‑‑‑‑