**A** **BILL**

TO AMEND SECTION 38‑77‑170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED CONDITIONS TO SUE OR RECOVER UNDER THE UNINSURED MOTORIST PROVISION WHEN THE OWNER OR OPERATOR OF THE MOTOR VEHICLE CAUSING INJURY OR DAMAGE IS UNKNOWN, SO AS TO ALLOW AN INSURED TO SEEK A COURT ORDER FOR A PRESUIT DEPOSITION WHEN THE INSURED IS UNABLE TO OBTAIN AN AFFIDAVIT FROM A WITNESS TO THE ACCIDENT AND TO ALLOW AN INSURED TO SUBMIT ELECTRONIC OR OTHER RECORDING OF THE ACCIDENT TO MEET THE CONDITIONS REQUIRED TO SUE OR RECOVER UNDER THE UNINSURED MOTORIST PROVISION.

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

SECTION 1. Section 38‑77‑170 of the 1976 Code is amended to read:

“Section 38‑77‑170. (A) If the owner or operator of any motor vehicle which causes bodily injury or property damage to the insured is unknown, there is no right of action or recovery under the uninsured motorist provision, unless:

(1) the insured or someone in his behalf ~~has reported~~ reports the accident to some appropriate police authority within a reasonable time, under all the circumstances, after its occurrence; and

(2) one of the following conditions is met:

(a) the injury or damage was caused by physical contact with the unknown vehicle~~, or~~;

(b) the accident ~~must have been~~ was witnessed by someone other than the owner or operator of the insured vehicle; provided however, the witness must sign an affidavit attesting to the truth of the facts of the accident contained in the affidavit or upon failing to obtain the affidavit, the insured may seek a court order for a presuit deposition of the witness under the procedures set forth in Rule 27, South Carolina Rules of Civil Procedure; or

(c) the insured can provide a recording of the accident, obtained electronically or otherwise, showing that the damage or injury was caused by the unknown vehicle; and

(3) the insured was not negligent in failing to determine the identity of the other vehicle and the driver of the other vehicle at the time of the accident.

(B) The following statement must be prominently displayed on the face of the affidavit provided in item (2)(b) ~~above~~: A FALSE STATEMENT CONCERNING THE FACTS CONTAINED IN THIS AFFIDAVIT MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL PENALTIES AS PROVIDED BY LAW.”

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

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