**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 9, TITLE 56 OF THE 1976 CODE, RELATING TO THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, BY ADDING SECTION 56-9-85, TO PROVIDE THAT AN OFFER TO SETTLE A CLAIM FOR PERSONAL INJURY, BODILY INJURY, OR DEATH ARISING FROM THE USE OF A MOTOR VEHICLE THAT IS PREPARED, WITH THE ASSISTANCE OF COUNSEL, PRIOR TO FILING A CIVIL ACTION MUST BE IN WRITING AND CONTAIN CERTAIN TERMS.

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

SECTION 1. Article 1, Chapter 9, Title 56 of the 1976 Code is amended by adding:

“Section 56-9-85. (A) Prior to filing a civil action, any offer to settle a claim for personal injury, bodily injury, or death arising from the use of a motor vehicle that is prepared by or with the assistance of an attorney on behalf of a claimant shall be in writing and contain the following material terms:

(1) the time period within which the offer must be accepted, which shall be not less than thirty days from the receipt of the offer;

(2) the amount of monetary payment;

(3) the party that the claimant will release if the offer is accepted;

(4) the type of release, if any, that the claimant will provide to each releasee; and

(5) the claims to be released.

(B) The recipients of an offer to settle a claim made pursuant to this section may accept the offer by providing written acceptance of the material terms outlined in subsection (A) in their entirety.

(C) This section does not prohibit parties from reaching a settlement agreement in a manner and under terms otherwise agreeable to the parties.

(D) Upon the receipt of an offer to settle a claim set forth in subsection (A), recipients shall have the right to seek clarification regarding terms, liens, subrogation claims, standing to release claims, medical bills, medical records, and other relevant facts. An attempt to seek reasonable clarification shall not be deemed a counteroffer.

(E) An offer to settle a claim made pursuant to this section shall be sent by certified mail and must specifically reference this section.

(F) The person or entity providing payment to satisfy the material term set forth in subsection (A)(2) may provide payment by any one or more of the following methods:

(1) cash;

(2) a money order;

(3) a wire transfer;

(4) a cashier’s check issued by a bank or other financial institution;

(5) a draft or bank check issued by an insurance company; or

(6) an electronic funds transfer or other method of electronic payment.

(G) Nothing in this section shall prohibit a party making an offer to settle a claim from requiring payment within a specified period, provided, however, that the period shall be not less than ten days after written acceptance of the offer to settle the claim.”

SECTION 2. This act takes effect upon approval by the Governor and applies to causes of action for personal injury, bodily injury, and death arising from the use of a motor vehicle on or after July 1, 2021.

‑‑‑‑XX‑‑‑‑