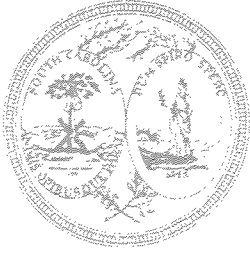


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BULLETIN 2008-21

TO: All Property and Casualty Insurers Writing Private Passenger Automobile Insurance Policies

FROM: Scott H. Richardson, CPCU 
Director of Insurance

RE: License Verification Requirement of S.C. Code § 38-77-112

DATE: December 30, 2008

It has come to the Department's attention that there may be some insurers writing private passenger property and casualty insurance policies (automobile insurance) without the proper verification of identification. This bulletin is a reminder to insurers writing automobile insurance in this state that South Carolina law requires an individual or his designee to possess a valid South Carolina driver's license or otherwise meet the requirements of § 38-77-112 in order to secure insurance coverage. *See* S.C. Code Ann. § 38-77-112 (2002).

Section 38-77-112 provides, in pertinent, part that:

... an insurer or an agent shall retain, for a period of three years, the driver's license numbers for all persons who have submitted an application for insurance but who were refused coverage and shall furnish such information upon request of the director of the Department of Insurance or his designee. This section does not apply to an individual who is handicapped and who owns a vehicle in this State but who does not have a valid driver's license. If an automobile is principally garaged and operated in this State, the owner of the vehicle can be offered coverage thereon regardless of whether or not he possesses a valid South Carolina driver's license if he designates to the insurer who the principal operator of the vehicle will be and this person has a valid South Carolina driver's license or otherwise meets the requirements of this section. This requirement does not apply to personnel of the Armed Forces of the United States on active duty and officially stationed in this State who possesses a valid motor vehicle driver's license issued by another state or territory of the United States or the District of Columbia.

Accordingly, insurers transacting the business of writing automobile insurance in this state are required to verify the license status of the insured or the insured's designee in accordance with the provisions of § 38-77-112. Please do not hesitate to contact Carla Griffin at cgriffin@doi.sc.gov if you have any questions or concerns regarding the content of this bulletin.

Bulletins are the method by which the Director of Insurance formally communicates with persons and entities regulated by the Department. Bulletins are departmental interpretations of South Carolina insurance laws and regulations and provide guidance on the Department's enforcement approach. Bulletins do not provide legal advice. Readers should consult applicable statutes and regulations or contact an attorney for legal advice or for additional information on the impact of that legislation on their specific situation.