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THE STATE OF SOUTH CAROLINA
BILL TEXT



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2009 SC S.B. 59

SOUTH CAROLINA 118TH SOUTH CAROLINA GENERAL ASSEMBLY - 1ST REGULAR SESSION

SENATE BILL 59

SC S 59

BILL TRACKING REPORT: 2009 Bill Tracking SC S.B. 59

2009 Bill Text SC S.B. 59

VERSION: Prefiled

VERSION-DATE: December 10, 2008

SYNOPSIS: A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-23-1235 SO AS TO PROVIDE THAT A TAXICAB COMPANY THAT LEASES A TAXICAB THROUGH AN INDEPENDENT CONTRACTOR AGREEMENT MUST OBTAIN CERTAIN LIABILITY INSURANCE, PROVIDE THAT A TAXICAB COMPANY IS NOT REQUIRED TO PROVIDE **WORKERS' COMPENSATION** COVERAGE FOR A DRIVER WHO LEASES THE COMPANY'S TAXICAB AS AN INDEPENDENT CONTRACTOR, AND PROVIDE THAT THE PROVISIONS OF THE **WORKERS' COMPENSATION** LAW DO NOT APPLY TO A DRIVER WHO LEASES A TAXICAB UNDER AN INDEPENDENT CONTRACTOR LEASE AGREEMENT; BY ADDING SECTION 42-1-376 SO AS TO EXEMPT FROM THE SOUTH CAROLINA **WORKER'S COMPENSATION** LAW A DRIVER WHO LEASES A TAXICAB UNDER AN INDEPENDENT CONTRACTOR LEASE AGREEMENT WITH A TAXICAB COMPANY FROM THE **WORKERS' COMPENSATION** LAW; TO *AMEND SECTION 58-23-1220*, AS AMENDED, RELATING TO LIABILITY INSURANCE REQUIRED FOR A TAXI, SO AS TO DELETE SPECIFIC DOLLAR AMOUNTS OF LIABILITY INSURANCE REQUIRED FOR A TAXI FROM THIS SECTION, AND PROVIDE THAT THE MINIMUM STATUTORY LIMITS OF INSURANCE REQUIRED FOR A VEHICLE, OR CERTAIN ALTERNATIVE SELF-INSURER PROVISIONS, APPLY TO A TAXI; TO *AMEND SECTION 58-23-1230*, RELATING TO FILING A BOND INSTEAD OF LIABILITY INSURANCE FOR A TAXI, SO AS TO ALLOW A TAXI COMPANY TO COMPLY WITH CERTAIN SELF-INSURER PROVISIONS, OR DEPOSIT A BOND INSTEAD OF INSURANCE IN THE AMOUNT OF THE MINIMUM STATUTORY LIMITS OF INSURANCE REQUIRED FOR A VEHICLE; AND TO CHANGE THE TITLE OF ARTICLE 13, CHAPTER 23, TITLE 58 FROM "TAXIS IN COUNTIES WITH CITIES OVER 70,000" TO "TAXIS".

NOTICE: [A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]
[D> Text within these symbols is deleted <D]

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

SECTION 1. Article 13, Chapter 23, Title 58 of the 1976 Code is amended by adding:

"Section 58-23-1235. (A) A taxicab company that leases a taxicab through an independent contractor agreement must obtain liability insurance for the leased taxicab and file the proper proof-of-liability insurance for the leased taxicab.

(B) A taxicab company is not required to provide **workers' compensation** coverage for a driver who leases the company's taxicab under a signed independent contractor lease agreement. The provisions of Title 42 are not applicable to a driver who leases a taxicab under a signed independent contractor lease agreement."

SECTION 2. Article 3, Chapter 1, Title 42 of the 1976 Code is amended by adding:

"Section 42-1-376. This title does not apply to a driver who leases a taxicab under a signed independent contractor lease agreement with a taxicab company."

SECTION 3. Section 58-23-1220 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

"Section 58-23-1220. Before the issuance of [D] any such <D> [A] A <A> license card or plate, the owner of the taxi [D] shall <D> [A] MUST <A> procure and file with the governing body of the county a liability insurance policy, together with a receipt showing the payment of the premium [D] therefore <D> [A] FOR THE POLICY <A> issued by a good and responsible insurance company to be approved by the governing body of the county, the company being one authorized to do business in this State and in possession of a certificate issued by the Department of Insurance [D] . The <D> [A] OR THE <A> amount of [D] such <D> [A] THE <A> liability insurance for each car [D] shall <D> [A] MUST <A> be as follows: an amount not less than [D] five thousand dollars for personal injury and an amount not less than one thousand dollars for property damage in any one accident <D> [A] THAT REQUIRED BY SECTION 38-77-140 OR IN THE ALTERNATIVE AS PROVIDED IN SECTION 56-9-60 <A> . [D] Such <D> [A] THE <A> policy of insurance may be in the form of a separate policy for each taxi or may be in the form of a fleet policy covering all taxis operated by [D] such <D> [A] THE <A> owner if [D] such <D> [A] THE <A> policy [D] shall provide <D> [A] PROVIDES <A> for the same amount of liability for each taxi operated. A stipulation [D] shall <D> [A] MUST <A> be made providing that no [D] such <D> policy [D] above <D> required [A] BY THIS SECTION <A> may be canceled until the expiration of five days after notice of intended cancellation has been given in writing to the governing body of the county by registered mail or personal delivery of [D] such <D> [A] THE <A> notice."

SECTION 4. Section 58-23-1230 of the 1976 Code is amended to read:

"Section 58-23-1230. [D] In lieu <D> Instead of an insurance policy as required by Section 58-23-1220 a [A] TAXICAB COMPANY MAY COMPLY WITH SECTION 56-9-60 OR A <A> bond or bonds may be filed with the governing body of the county in the sum of not less than [D] five thousand dollars for personal injuries and one thousand dollars for property damages in any one accident, such <D> [A] THE REQUIREMENTS OF SECTION 38-77-140. THE <A> bond or bonds to be given by the owner of the taxi with good and sufficient surety providing for the payment of any damages or injuries that may result in the operation of the taxi on substantially the same terms and conditions as the usual liability insurance policy. The surety on [D] any such <D> [A] THE <A> bonds [D] as <D> may be as follows: (a) cash deposited with the governing body of the county, (b) bonds of this State, or the United States of a face value equal to the amount of the surety bond [A] , <A> or (c) [D] any <D> [A] A <A> responsible surety or bonding company licensed to transact business in the State and in [D] such <D> [A] THE <A> county. The form and sureties on the bond and all matters incidental to the filing [D] thereof shall <D> [A] OF THE BONDS MUST <A> be approved by the governing body of the county."

SECTION 5. The title to Article 13, Chapter 23, Title 58 of the 1976 Code is changed from "Taxis in Counties with City Over 70,000" to "Taxis".

SECTION 6. This act takes effect upon approval by the Governor.

SPONSOR: Ford

SUBJECT: TAXICABS & LIMOUSINES (96%); **WORKERS COMPENSATION LAW** (94%); LIABILITY INSURANCE (94%); **WORKERS COMPENSATION** (93%); EMPLOYERS EMPLOYEE LIABILITY COVERAGE (92%); INSURANCE POLICIES (91%); INSURANCE (90%); LEASE AGREEMENTS (90%); LEGISLATIVE BODIES (90%); LEGISLATION (90%); UNITED NATIONS INSTITUTIONS (90%); LEGISLATORS (90%); INSURANCE COMMISSIONS (78%); AUTOMOBILE FLEET INSURANCE (78%); PERSONAL INJURY (78%); INSURANCE REGULATORY BODIES (73%); SURETY INSURANCE (71%);

LOAD-DATE: December 11, 2008