**A** **BILL**

TO AMEND SECTION 38‑75‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RESTRICTIONS ON THE AMOUNT OF FIRE INSURANCE THAT MAY BE WRITTEN, SO AS TO PROVIDE THE INSURED MAY SET THIS AMOUNT PROVIDED THE AMOUNT HE SETS EXCEEDS THE TOTAL VALUE OF ALL RECORDED LIENS ON THE PROPERTY.

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

SECTION 1. Section 38‑75‑20 of the 1976 Code is amended to read:

“Section 38‑75‑20. ~~No~~ An insurer doing business in this State may not issue a fire insurance policy for more than the value stated in the policy or the value of the property to be insured. The amount of insurance must be fixed by the insurer and insured at or before the time of issuing the policy but the insured may set this amount provided the amount he sets exceeds the total value of all recorded liens on the property. In case of total loss by fire, the insured is entitled to recover the full amount of insurance. In case of a partial loss by fire, the insured is entitled to recover the actual amount of the loss but ~~in no event~~ not more than the amount of the insurance stated in the contract. If two or more policies are written upon the same property, they are considered ~~to be~~ contributive insurance, and, if the aggregate sum of all such insurance exceeds the insurable value of the property, as agreed by the insurer and the insured, each insurer, in the event of a total or partial loss, is liable for its pro rata share of insurance. This section does not apply to insurance on chattels or personal property.”

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

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