



South Carolina Department of Insurance

Capitol Center
1201 Main Street, Suite 1000
Columbia, South Carolina 29201


NIKKI R. HALEY
Governor

RAYMOND G. FARMER
Director

Mailing Address:
P.O. Box 100105, Columbia, S.C. 29202-3105
Telephone: (803) 737-6160

BULLETIN 2016-10

TO: All Insurance Producers and Other Licensees Holding A South Carolina Resident Producer's License

FROM: Raymond G. Farmer
Director of Insurance 

SUBJECT: Fingerprinting and Criminal History Background Check Requirements for South Carolina Resident Producers

DATE: October 14, 2016

I. Purpose

2016 S.C. Act No.194 (Act 194) amends Section 38-43-100 of the South Carolina Code of Laws 1976 to add a fingerprint requirement for South Carolina resident producers. Effective January 1, 2017, fingerprints must be submitted with the initial application for licensure and the renewal application by all resident South Carolina insurance producers (including those producers with limited lines authority). Set forth below is a summary of the new fingerprint requirements and the procedures associated with this requirement.

II. Discussion

A. New Fingerprinting Requirements

The amendments to Section 38-43-100 provide as follows:

Effective January 1, 2017, before a license is issued to an applicant or is renewed permitting him to act as a resident producer, the applicant shall comply with the licensing and renewal requirements set forth in this section and by regulation. In addition to those licensing requirements, the applicant shall furnish a complete set of his fingerprints to the director or his designee; and undergo a state criminal records check, supported by his fingerprints, by the South Carolina Law Enforcement Division (SLED) and a national criminal records check, supported by his fingerprints, by the Federal Bureau of Investigation (FBI).

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.

The results of these criminal records checks must be reported to the department. The cost associated with the criminal history records must be borne by the applicant. The applicant's fingerprints must be certified by a law enforcement officer authorized by SLED.

See S.C. Code Ann. § 38-43-100 (F)(a) and (b) (2016). Act 194 requires all resident producers or licensees holding a resident producer's license to submit to fingerprint and background checks upon application for a new license and prior to the renewal of their current license. Fingerprint results will be submitted directly to the Department by the vendor generally within 24 hours after the licensee has been fingerprinted. Failure to submit the fingerprints with the application for licensure may result in the denial of the application for license or the renewal of an application for a license.

Below is general information about the vendor and the procedures associated with fingerprinting and the criminal history background check.

B. IdentoGo by MorphoTrust

SLED has contracted with IdentoGo by MorphoTrust (IdentoGo) to conduct the fingerprinting and the criminal history background checks. IdentoGo provides a wide range of identity-related services for employment, certification and licensing. For more information, see www.IdentoGo.com.

C. Scheduling An Appointment

Resident producers must first schedule an appointment with IdentoGo to have their fingerprints processed. IdentoGo will schedule an appointment and notify the producer of the location of the appointment. Once the appointment is set, the producer can then be fingerprinted at their scheduled time and location. **If a licensee is unable to schedule an appointment before the month prior to their birth month, please contact the Department immediately.**

Schedule your appointment early (90 days before your renewal date) to avoid backlogs, service disruptions and to ensure that all licensees are able to timely schedule an appointment. IdentoGo is able to schedule appointments six (6) months in advance. Licensees are encouraged not to wait until their birth month to schedule an appointment as they will fill up quickly.

To schedule an appointment with IdentoGo, please go to www.IdentoGo.com.

D. Association Events

Some professional associations are in the process of scheduling fingerprinting events as a part of their meeting schedules. If you are a member of an association, you are encouraged to check with your association prior to scheduling an appointment with IdentoGo as many associations will be holding their own special event to assist their members with the fingerprinting process.

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Please contact your association directly to find out if it plans to host such an event. If your professional association does not plan to host such an event, please schedule your appointment in accordance with the procedures set forth above.

If a professional association plans to schedule their own fingerprinting event, please notify this office of the date, location, and approximate number of licensees to be fingerprinted. Professional associations must have at least 30 licensees before Identogo will schedule the event.

III. Questions

Any questions about this bulletin should be directed to the attention of Andrea Bourgoïn at 803-737-5757 via Email to abourgoïn@doi.sc.gov. The Department's website will be updated with information pertaining to the new fingerprint requirement. See doi.sc.gov/fingerprinting.

Act 194 requires all new resident producer and limited lines producer applicants to obtain fingerprint and background checks prior to the resident license being issued. Failure to comply with the fingerprinting requirements is a violation of the South Carolina insurance laws and could result in the denial of an application for licensure or renewal. Additionally, violations of the South Carolina insurance laws are subject to the penalties set forth in Code sections 38-43-100 and 38-2-10 of the South Carolina Code of Laws.

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