

Bond Case Briefs

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INSURANCE - SOUTH CAROLINA

Reeves v. South Carolina Municipal Insurance and Risk Financing Fund

Court of Appeals of South Carolina - May 1, 2019 - S.E.2d - 2019 WL 1925899

Personal representative of a decedent's estate brought declaratory judgment action against municipal insurer seeking interpretation of extent of coverage for municipality and municipal police officers, following settlement entered for a wrongful shooting death.

The Circuit Court granted personal representative's motion for summary judgment in part and denied it in part, and granted insurer's motion for summary judgment in part and denied it in part. Both parties appealed.

The Court of Appeals held that:

- Injury arising in the wrongful shooting action was deemed a personal injury rather than a separate occurrence of a bodily injury for purposes of coverage;
- Duplication clause limited indemnity coverage for wrongful death and survivorship claims under the insurance contract;
- The insurer was a political subdivision under Tort Claims Act, and thus tort claim for bad faith against the insurer was subject to limitations under the act; and
- Personal representative was bound by stipulation stating that a claim for bad faith against insurer for refusing coverage was in tort, and thus could not argue that the claim was for breach of contract to avoid limitation under the Tort Claims Act.