

1975 WL 28857 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 27, 1975

*1 Lieutenant G. W. Hamby
State Law Enforcement Division
P. O. Box 21398
Columbia, S. C. 29221

Dear Lieutenant Hamby:

You have inquired of this Office as to the legal responsibility of a victim of theft to report the same value of the stolen goods to his insurer as he has reported to the police.

My research indicates no authority which would require a victim of robbery to report the value of his goods that have been stolen. Actually, he has no duty to report the robbery at all if he wishes to ignore his loss.

The reporting of losses by an insured to his insurer is a matter which is governed by the contractual obligations of the particular parties. Usually a policy covering losses incurred by theft contains provisions for notice and reporting such losses to the insurer. Inaccurate or fraudulent reporting thus becomes a question of fact upon which an action upon the insurance contract may arise. In short, the question becomes one governed by contract law and as such has to be resolved in light of the terms of the policy.

It would seem therefore that there is no obligation by operation of law to report the same amount of loss to the victim's insurer as is reported to the police. Such question must be determined in light of the contract and the particular factual situation.

Yours truly,

Cameron B. Littlejohn, Jr.
Law Clerk

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