

Session 121 - (2015-2016)

S 0282 General Bill, By Massey

Similar (S 0529)

Summary: Noneconomic damages limit

A BILL TO AMEND SECTION 15-32-220 OF THE 1976 CODE, RELATING TO NONECONOMIC DAMAGES LIMIT, TO PROVIDE FOR PERSONAL INJURY ACTIONS AGAINST DEFENDANTS AND TO MAKE TECHNICAL CHANGES; TO AMEND CHAPTER 32, TITLE 15, RELATING TO DAMAGES, BY ADDING SECTION 15-32-250, TO PROVIDE FOR PLEADINGS IN CLAIMS FOR PUNITIVE DAMAGES; BY ADDING SECTION 15-32-260, TO PROVIDE FOR BIFURCATED TRIALS FOR AWARD OF DAMAGES; BY ADDING SECTION 15-32-270, TO LIMIT PUNITIVE DAMAGES; AND BY ADDING SECTION 15-35-280, TO PROVIDE RESTRICTIONS FOR AWARDED PUNITIVE DAMAGES; TO AMEND THE 1976 CODE, BY ADDING ARTICLE 8 TO CHAPTER 23, TITLE 58, SO AS TO ESTABLISH THE CDL DRIVER EMPLOYMENT PROTECTION ACT WHICH PROVIDES THAT CIVIL LIABILITY CLAIMS MADE AGAINST AN EMPLOYER OF A PERSON WHO HOLDS A VALID COMMERCIAL DRIVER'S LICENSE BASED ON ANY THEORY OF NEGLIGENT HIRING, TRAINING, RETENTION, OR ENTRUSTMENT MUST BE CONSIDERED IN THE SECOND PHASE OF A BIFURCATED TRIAL PURSUANT TO SECTION 15-32-520(E), IF THERE IS EVIDENCE TO SUPPORT AN AWARD OF PUNITIVE DAMAGES, BUT PUNITIVE DAMAGES MAY NOT BE AWARDED AGAINST AN EMPLOYER SOLELY ON THE BASIS OF VICARIOUS LIABILITY; TO AMEND SECTION 15-73-10, RELATING TO SELLER LIABILITY IN PRODUCTS LIABILITY CLAIMS, TO PROHIBIT CLAIMS AGAINST SELLERS UNLESS SPECIFIED CONDITIONS ARE MET; TO REPEAL ARTICLE 5, CHAPTER 32, TITLE 15 RELATING TO PUNITIVE DAMAGES.

01/13/15 Senate Introduced and read first time (Senate Journal-page 167)

01/13/15 Senate Referred to Committee on Judiciary (Senate Journal-page 167)

02/10/15 Scrivener's error corrected

02/20/15 Senate Referred to Subcommittee: Massey (ch), Coleman, Gregory