

## Session 107 - (1987-1988)

### **H\*3861 (Rat #0800, Act #0674 of 1988) General Bill, By E.C. Lewis**

A Bill to amend Section 33-55-210, as amended, Code of Laws of South Carolina, 1976, relating to the recovery against charitable organizations and liability of a health care provider for services rendered voluntarily and without compensation, so as to provide that an action against the charitable organization, rather than the judgment in an action, under Sections 33-55-210 through 33-55-230 constitutes a complete bar to any recovery, rather than a complete bar to any action, by the claimant, by reason of the same subject matter, against the employee of the charitable organization whose act or omission gave rise to the claim unless it is alleged and proved in the action that the employee acted in a reckless, wilful, or grossly negligent manner, provide that, in such a case, the employee must be properly joined as a party defendant, provide that no judgment against an employee of a charitable organization may be returned except under specific conditions, provide that if the charitable organization for which the employee was acting cannot be determined at the time the action is instituted, the plaintiff may name as a party defendant the employee, and that the entity for which the employee was acting must be added or substituted as party defendant when it can be so reasonably determined, and delete certain provisions; and to repeal Section 33-55-220 relating to the provision that the bar to any action against the employee does not apply where the employee is adjudged to have acted recklessly or wantonly or with gross negligence.-amended title

<b>03/01/88</b>	<b>House</b>	<b>Introduced and read first time HJ-1549</b>
<b>03/01/88</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-1549</b>
<b>04/06/88</b>	<b>House</b>	<b>Committee report: Favorable with amendment Judiciary HJ-2495</b>
<b>04/14/88</b>	<b>House</b>	<b>Amended HJ-2943</b>
<b>04/14/88</b>	<b>House</b>	<b>Read second time HJ-2944</b>
<b>04/14/88</b>	<b>House</b>	<b>Unanimous consent for third reading on next legislative day HJ-2944</b>
<b>04/15/88</b>	<b>House</b>	<b>Amended HJ-3007</b>
<b>04/15/88</b>	<b>House</b>	<b>Read third time and sent to Senate HJ-3008</b>
<b>04/19/88</b>	<b>Senate</b>	<b>Introduced and read first time SJ-20</b>
<b>04/19/88</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary SJ-20</b>
<b>05/25/88</b>	<b>Senate</b>	<b>Committee report: Majority favorable, minority unfavorable Judiciary SJ-37</b>
<b>05/31/88</b>	<b>Senate</b>	<b>Minority report withdrawn</b>
<b>05/31/88</b>	<b>Senate</b>	<b>Read second time SJ-59</b>
<b>05/31/88</b>	<b>Senate</b>	<b>Unanimous consent for third reading on next legislative day SJ-60</b>
<b>06/01/88</b>	<b>Senate</b>	<b>Read third time and enrolled SJ-7</b>
<b>06/20/88</b>		<b>Ratified R 800</b>
<b>06/27/88</b>		<b>Signed By Governor</b>
<b>06/27/88</b>		<b>Effective date 06/27/88</b>
<b>06/27/88</b>		<b>Act No. 674</b>
<b>08/01/88</b>		<b>Copies available</b>