**South Carolina General Assembly**

119th Session, 2011-2012

**S. 1467**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hutto, Campbell, Campsen, L. Martin and Ford

Document Path: l:\s-jud\bills\hutto\jud0182.ba.docx

Introduced in the Senate on April 19, 2012

Introduced in the House on May 1, 2012

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Issuance of a license by LLR

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/19/2012 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\sj%20archive\2012\04-19-12.docx))

4/19/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\sj%20archive\2012\04-19-12.docx))

4/19/2012 Senate Referred to Subcommittee: Campsen (ch), Hutto, Malloy, Campbell, Massey

4/25/2012 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 17](file:///h:\sj%20archive\2012\04-25-12.docx))

4/26/2012 Senate Read second time ([Senate Journal‑page 70](file:///h:\sj%20archive\2012\04-26-12.docx))

4/26/2012 Senate Roll call Ayes‑37 Nays‑0 ([Senate Journal‑page 70](file:///h:\sj%20archive\2012\04-26-12.docx))

4/26/2012 Senate Unanimous consent for third reading on next legislative day ([Senate Journal‑page 70](file:///h:\sj%20archive\2012\04-26-12.docx))

4/27/2012 Senate Read third time and sent to House ([Senate Journal‑page 6](file:///h:\sj%20archive\2012\04-27-12.docx))

5/1/2012 House Introduced and read first time ([House Journal‑page 13](file:///h:\hj%20archive\2012\05-01-12.docx))

5/1/2012 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 13](file:///h:\hj%20archive\2012\05-01-12.docx))

**VERSIONS OF THIS BILL**

[4/19/2012](file:///p:\pprever\2011-12\1467_20120419.docx)

[4/25/2012](file:///p:\pprever\2011-12\1467_20120425.docx)

COMMITTEE REPORT

April 25, 2012

**S. 1467**

Introduced by Senators Hutto, Campbell, Campsen and L. Martin

S. Printed 4/25/12--S.

Read the first time April 19, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1467) to amend the Code of Laws of South Carolina, 1976, by adding Section 40-1-43, so as to provide that the issuance of a license, alone, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

VINCENT A. SHEHENN for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-1-43, SO AS TO PROVIDE THAT THE ISSUANCE OF A LICENSE, ALONE, BY THE DIVISION OF PROFESSIONAL AND OCCUPATIONAL LICENSING OF THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION DOES NOT CREATE A COMMON LAW DUTY OF DUE CARE FOR THE LICENSE HOLDER, AND TO PROVIDE THAT THE LICENSE HOLDER CANNOT BE HELD PERSONALLY LIABLE IN TORT SOLELY BY REASON OF BEING A LICENSE HOLDER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 1, Title 40 is amended by adding:

“Section 40-1-43. The issuance of a license, alone, to an individual by the Division of Professional and Occupational Licensing, Department of Labor, Licensing, and Regulation, does not create a common law duty of due care for the license holder, even if the license holder is a ‘resident licensee’ as defined by Section 40-59-400. As such, the license holder cannot be held personally liable in tort solely by reason of being the holder of the license. However, this section shall not be construed to prevent a license holder from assuming a duty of due care through other means recognized by common law.”

SECTION 2. This act takes effect upon approval by the Governor.

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