

Session 111 - (1995-1996)

S 1076 General Bill, By Martin, Alexander, Cork, Courson, Drummond, Ford, Gregory, Lander, Leatherman, Leventis, McGill, Mescher, O'Dell, Peeler, Reese, Russell and Ryberg

A Bill to amend Section 15-36-10 of the Code of Laws of South Carolina, 1976, relating to liability for attorney's fees and costs of frivolous suits, so as to provide that a person is liable under this Section whenever a motion to dismiss for failure to state facts sufficient to constitute a cause of action, a motion for summary judgment, a motion for a directed verdict, or a motion for an involuntary nonsuit is granted in favor of a person seeking an assessment of the fees and costs; to amend Section 15-36-20, relating to factors supporting a finding that an action was pursued for a proper purpose, to provide a purpose shall not be found if a motion to dismiss for failure to state facts sufficient to constitute a cause of action, a motion for summary judgment, a motion for a directed verdict, or a motion for an involuntary nonsuit is granted in favor of the person seeking an assessment of the fees and costs; and to amend Section 15-36-40, relating to the burden of proving that an action is frivolous, to provide that the granting of a motion to dismiss for failure to state facts sufficient to constitute a cause of action, a motion for summary judgment, a motion for directed verdict, or a motion for an involuntary nonsuit in favor of the person seeking an assessment of the fees and costs shall satisfy the burden provided for in this section.

01/30/96 Senate Introduced and read first time SJ-10

01/30/96 Senate Referred to Committee on Judiciary SJ-10