

Session 113 - (1999-2000)

S 0387 General Bill, By Martin

Summary: Attorneys, fees; frivolous suits, dismissal for failure to constitute cause of action; Courts, Torts

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.

01/21/99 Senate Introduced and read first time SJ-6

01/21/99 Senate Referred to Committee on Judiciary SJ-6