

Session 112 - (1997-1998)

S 0649 General Bill, By Drummond

A BILL TO MAKE FINDINGS OF LEGISLATIVE INTENT OF THE GENERAL ASSEMBLY WITH RESPECT TO GOVERNMENTAL TORT LIABILITY UNDER THE SOUTH CAROLINA TORT CLAIMS ACT; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15-78-200 SO AS TO PROVIDE THAT THE SOUTH CAROLINA TORT CLAIMS ACT IS THE EXCLUSIVE REMEDY FOR ANY TORT COMMITTED BY A GOVERNMENT EMPLOYEE ACTING WITHIN THE SCOPE OF THE EMPLOYEE'S OFFICIAL DUTY AND TO REQUIRE THIS PROVISION TO BE LIBERALLY CONSTRUED IN FAVOR OF LIMITED LIABILITY WITH AMBIGUITY TO BE RESOLVED AS A MATTER OF LAW IN FAVOR OF THE GOVERNMENT; TO REENACT THE PROVISIONS OF SECTION 15-78-120, AS CURRENTLY EXISTING, SO AS TO PROVIDE THE LIMITATIONS ON LIABILITY AND OTHER REQUIREMENTS UNDER THE SOUTH CAROLINA TORT CLAIMS ACT; AND TO AMEND SECTION 15-78-140, AS AMENDED, RELATING TO THE DUTIES OF THE STATE BUDGET AND CONTROL BOARD TO COVER LIABILITY RISKS FOR WHICH IMMUNITY HAS BEEN WAIVED, THE REQUIREMENT OF POLITICAL SUBDIVISIONS TO PROCURE INSURANCE FOR LIABILITY RISKS FOR WHICH IMMUNITY HAS BEEN WAIVED, AND THE EXCLUSIVITY OF REMEDIES FOR CLAIMS FILED PURSUANT TO THE SOUTH CAROLINA TORT CLAIMS ACT, SO AS TO DELETE THE DUTY OF THE BOARD TO PURCHASE INSURANCE TO COVER RISKS FOR WHICH IMMUNITY HAS BEEN WAIVED.

04/15/97 Senate Introduced and read first time SJ-6

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