

## Session 119 - (2011-2012)

**S 0023 General Bill, By L. Martin, McConnell, Campsen, Shoopman and Rose**

**Similar (S 0022, H 3375)**

**Summary:** S.C. Fairness in Civil Justice Act

A BILL TO AMEND THE 1976 CODE BY ENACTING THE "SOUTH CAROLINA FAIRNESS IN CIVIL JUSTICE ACT OF 2011" BY ADDING ARTICLE 5, CHAPTER 32, TITLE 15, RELATING TO PUNITIVE DAMAGES, TO PROVIDE LIMITS ON THE AWARD OF PUNITIVE DAMAGES IN ALL PERSONAL INJURY ACTIONS AND TO PROVIDE FOR CERTAIN PROCEDURES AND REQUIREMENTS RELATING TO THE AWARD OF THESE DAMAGES; BY ADDING SECTION 1-7-750, TO ENACT THE "PRIVATE ATTORNEY RETENTION SUNSHINE ACT" TO GOVERN THE RETENTION OF PRIVATE ATTORNEYS BY THE ATTORNEY GENERAL OR A SOLICITOR AND TO PROVIDE TERMS AND CONDITIONS GOVERNING THE RETAINER AGREEMENT INCLUDING LIMITS ON THE COMPENSATION OF OUTSIDE COUNSEL IN CONTINGENCY FEE CASES; TO AMEND SECTION 15-3-670, RELATING TO LIMITATIONS ON ACTIONS BASED ON UNSAFE OR DEFECTIVE IMPROVEMENTS TO REAL PROPERTY, TO PROVIDE THAT THE VIOLATION OF A BUILDING CODE DOES NOT CONSTITUTE PER SE FRAUD, GROSS NEGLIGENCE, OR RECKLESSNESS; TO AMEND SECTION 18-9-130, RELATING TO THE EFFECT OF A NOTICE OF APPEAL ON THE EXECUTION OF JUDGMENT, TO PROVIDE LIMITS FOR APPEAL BONDS; AND TO AMEND SECTION 56-5-6540, RELATING TO THE PENALTIES FOR THE MANDATORY USE OF SEATBELTS, TO DELETE LANGUAGE THAT PROVIDES THAT A VIOLATION OF THIS ARTICLE IS NOT NEGLIGENCE PER SE OR CONTRIBUTORY NEGLIGENCE AND IS NOT ADMISSIBLE AS EVIDENCE IN A CIVIL ACTION.

**12/01/10 Senate Prefiled**

**12/01/10 Senate Referred to Committee on Judiciary**

**01/11/11 Senate Introduced and read first time (Senate Journal-page 17)**

**01/11/11 Senate Referred to Committee on Judiciary (Senate Journal-page 17)**

**01/28/11 Senate Referred to Subcommittee: L.Martin (ch), Rankin, Hutto, Bright, Davis**