

## Session 116 - (2005-2006)

**H\*3008 (Rat #0023, Act #0027 of 2005) General Bill, By Cato, Bales, Clark, Barfield, Huggins, Frye, Sandifer, E.H. Pitts, Taylor, Anthony, Bailey, Battle, Bingham, Ceips, Chalk, Chellis, Clemmons, Cooper, Dantzler, Davenport, Duncan, Edge, Hamilton, Hardwick, Harrell, Hinson, Kirsh, Leach, Limehouse, Littlejohn, Loftis, McCraw, Norman, Owens, Perry, Pinson, Rice, Simrill, Skelton, D.C. Smith, G.R. Smith, J.R. Smith, Stewart, Thompson, Toole, Townsend, Tripp, Umphlett, Vaughn, Vick, Viers, Walker, White, Whitmire, Wilkins, Witherspoon, Coates, Brady, Ballentine, Ott, Mahaffey, Haley, Hagood, Bowers and Young**

**Summary:** Economic Development, Citizens, and Small Business Protection Act of 2005

AN ACT TO AMEND SECTION 15-3-640, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO AN ACTION BASED UPON A DEFECTIVE OR UNSAFE IMPROVEMENT TO REAL PROPERTY, SO AS TO DECREASE THE TIME AN ACTION MAY BE BROUGHT FROM THIRTEEN TO EIGHT YEARS AFTER THE SUBSTANTIAL COMPLETION OF THE IMPROVEMENT; TO AMEND SECTION 15-7-30, RELATING TO ACTIONS THAT MUST BE TRIED WHERE THE DEFENDANT RESIDES, SO AS TO DEFINE KEY TERMS AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING THE PRINCIPAL PLACE OF BUSINESS; TO AMEND SECTION 15-7-100, RELATING TO CHANGING THE PLACE OF TRIAL, SO AS TO PROVIDE THAT THE COURT MAY CHANGE THE PLACE OF TRIAL IF IT IS A COURT IN A COUNTY DESIGNATED FOR THAT PURPOSE BUT THE DESIGNATED COUNTY IS NOT THE PROPER COUNTY PURSUANT TO ANOTHER VENUE STATUTE; TO AMEND SECTION 15-36-10, RELATING TO LIABILITY FOR ATTORNEY'S FEES AND COSTS OF FRIVOLOUS LAWSUITS, SO AS TO REPLACE THE EXISTING PROVISIONS WITH PROVISIONS REQUIRING THE SIGNATURE OF AN ATTORNEY OR PARTY ON ALL PLEADINGS AND OTHER DOCUMENTS FILED IN A CIVIL OR ADMINISTRATIVE ACTION, TO PROVIDE A PROCEDURE FOR ADMINISTERING SANCTIONS FOR A VIOLATION, AND TO PROVIDE FOR THE REPORTING OF AN ATTORNEY TO THE COMMISSION ON LAWYER CONDUCT; BY ADDING SECTION 15-38-15 SO AS TO PROVIDE IN AN ACTION TO RECOVER DAMAGES RESULTING FROM PERSONAL INJURY, WRONGFUL DEATH, DAMAGE TO PROPERTY, OR TO RECOVER DAMAGES FOR ECONOMIC LOSS OR NONECONOMIC LOSS, JOINT AND SEVERAL LIABILITY DOES NOT APPLY TO A DEFENDANT WHO IS LESS THAN FIFTY PERCENT AT FAULT, TO PROVIDE FOR APPORTIONMENT OF PERCENTAGES OF FAULT AMONG DEFENDANTS, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A DEFENDANT WHOSE CONDUCT IS WILFUL, WANTON, RECKLESS, GROSSLY NEGLIGENT, INTENTIONAL, OR CONDUCT INVOLVING THE USE, SALE, OR POSSESSION OF ALCOHOL OR DRUGS; TO AMEND SECTION 34-31-20, AS AMENDED, RELATING TO THE LEGAL RATE OF INTEREST, SO AS TO CHANGE THE RATE FROM TWELVE PERCENT A YEAR TO EQUAL TO THE PRIME RATE AS LISTED IN THE FIRST EDITION OF THE WALL STREET JOURNAL PUBLISHED FOR EACH CALENDAR YEAR PLUS FOUR PERCENTAGE POINTS; TO AMEND SECTION 36-2-803, RELATING TO PERSONAL JURISDICTION BASED UPON CONDUCT, SO AS TO REMOVE AN EXCEPTION SO THAT AN ACTION PURSUANT TO THIS SECTION WOULD BE SUBJECT TO THE PROVISIONS OF SECTION 15-7-100(3); BY ADDING SECTION 39-5-39 SO AS TO PROVIDE THAT IT IS AN UNLAWFUL TRADE PRACTICE FOR AN ATTORNEY TO ADVERTISE HIS SERVICES IN A FALSE, DECEPTIVE, OR MISLEADING MANNER; AND TO REPEAL SECTIONS 15-36-20, 15-36-30, 15-36-40, AND 15-36-50 ALL RELATING TO FRIVOLOUS LAWSUITS AND SECTION 58-23-90 RELATING TO VENUE IN ACTIONS AGAINST LICENSED MOTOR CARRIERS. - ratified title

12/08/04	House	Prefiled
12/08/04	House	Referred to Committee on Judiciary
01/11/05	House	Introduced and read first time HJ-42
01/11/05	House	Referred to Committee on Judiciary HJ-43
01/26/05	House	Member(s) request name added as sponsor: Hagood
02/09/05	House	Committee report: Favorable with amendment Judiciary HJ-2
02/10/05	House	Member(s) request name added as sponsor: Bowers, Young
02/10/05		Scrivener's error corrected
02/15/05	House	Requests for debate-Rep(s). Cato, Leach, GR Smith, Loftis, Hamilton, Altman, Sinclair, JR Smith, Davenport, Skelton, Thompson, Weeks, and Mack HJ-20
02/16/05	House	Amended HJ-24
02/16/05	House	Read second time HJ-50
02/16/05	House	Roll call Yeas-101 Nays-15 HJ-50
02/17/05	House	Read third time and sent to Senate HJ-12
02/17/05	Senate	Introduced and read first time SJ-7
02/17/05	Senate	Referred to Committee on Judiciary SJ-7

02/17/05		Scrivener's error corrected
03/03/05	Senate	Recalled from Committee on Judiciary SJ-41
03/04/05		Scrivener's error corrected
03/08/05	Senate	Amended SJ-28
03/08/05	Senate	Read second time SJ-28
03/08/05	Senate	Unanimous consent for third reading on next legislative day SJ-28
03/09/05	Senate	Reconsidered SJ-34
03/09/05	Senate	Amended SJ-34
03/09/05	Senate	Read third time and returned to House with amendments SJ-34
03/15/05	House	Debate adjourned HJ-111
03/15/05	House	Debate adjourned HJ-157
03/16/05	House	Debate adjourned HJ-13
03/16/05	House	Concurred in Senate amendment and enrolled HJ-38
03/16/05	House	Roll call Yeas-115 Nays-0 HJ-85
03/17/05		Ratified R 23
03/21/05		Signed By Governor
03/23/05		Copies available
03/23/05		Effective date See Act for Effective Date
04/13/05		Act No. 27