

Session 116 - (2005-2006)

S 0345 General Bill, By Martin

Summary: Tort reform

A BILL TO AMEND TITLE 15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CIVIL REMEDIES AND PROCEDURES, BY ADDING CHAPTER 41, SO AS TO PROVIDE THAT IN AN ACTION FOR PERSONAL INJURY, PROPERTY DAMAGE, OR WRONGFUL DEATH, THE LIABILITY FOR EACH DEFENDANT IS SEVERAL ONLY AND MUST BE ALLOCATED TO THE DEFENDANTS BASED ON EACH DEFENDANT'S PERCENTAGE OF FAULT, TO ESTABLISH CRITERIA FOR ESTABLISHING THE PERCENTAGES OF FAULT, AND TO PROVIDE EXCEPTIONS FOR INTENTIONAL OR RECKLESS CONDUCT; TO AMEND SECTION 15-3-640, RELATING TO THE STATUTE OF REPOSE FOR CONSTRUCTION DEFECTS, SO AS TO REDUCE THE STATUTE OF REPOSE FROM THIRTEEN TO SEVEN YEARS AND TO DEFINE "SUBSTANTIAL COMPLETION"; TO AMEND SECTION 15-7-30, RELATING TO VENUE FOR A CIVIL ACTION, SO AS TO ESTABLISH PROCEDURES FOR DETERMINING THE PROPER VENUE; TO AMEND SECTION 15-7-100, RELATING TO A CHANGE OF VENUE OF A CIVIL ACTION, SO AS TO PROVIDE THAT WHEN VENUE IS CHANGED, AN ACTION IS NOT SUBJECT TO THE PROCEDURES FOR DETERMINING PROPER VENUE; TO AMEND SECTION 15-36-10, RELATING TO FRIVOLOUS CIVIL PROCEEDINGS, SO AS TO ADOPT THE REASONABLE ATTORNEY STANDARD FOR CIVIL FILINGS BY ALL LITIGANTS AND TO REQUIRE THE REPORTING OF VIOLATIONS OF THE ARTICLE; TO AMEND SECTION 34-31-20, RELATING TO POSTJUDGMENT INTEREST, SO AS TO PROVIDE THAT POSTJUDGMENT INTEREST SHALL ACCRUE AT THE PRIME RATE PLUS FOUR PERCENT; TO AMEND SECTION 36-2-803, RELATING TO PERSONAL JURISDICTION OF THE COURTS, SO AS TO REMOVE THE REQUIREMENT THAT JURISDICTION UNDER THIS SECTION PRECLUDES A CHANGE OF VENUE; BY ADDING SECTION 39-5-39, SO AS TO MAKE IT AN UNLAWFUL TRADE PRACTICE FOR AN ATTORNEY TO ADVERTISE HIS SERVICES IN A FALSE, DECEPTIVE, OR MISLEADING WAY, INCLUDING THE USE OF A NICKNAME THAT CREATES AN UNREASONABLE EXPECTATION OF RESULTS; TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, RELATING TO INSURANCE SAVINGS, SO AS TO PROVIDE THAT THE DEPARTMENT OF INSURANCE MUST REVIEW DATA REPORTED BY LIABILITY INSURERS IN ORDER TO DETERMINE IF ANY SAVINGS ARE REALIZED AS A RESULT OF A DECREASE IN LITIGATION OR CLAIMS PAID AFTER THE EFFECTIVE DATE OF THIS ACT; TO REPEAL SECTIONS 15-36-20, 15-36-30, 15-36-40, AND 15-36-50, RELATING TO FRIVOLOUS CIVIL PROCEEDINGS; AND TO REPEAL SECTION 58-23-90, RELATING TO THE PROPER VENUE TO BRING AN ACTION AGAINST A LICENSED MOTOR CARRIER.

01/26/05 Senate Introduced and read first time SJ-12

01/26/05 Senate Referred to Committee on Judiciary SJ-12

02/02/05 Senate Committee report: Majority favorable with amend., minority unfavorable Judiciary SJ-27

02/03/05 Senate Special order SJ-25

02/03/05 Scrivener's error corrected

02/17/05 Senate Debate interrupted SJ-16

02/22/05 Senate Debate interrupted SJ-9

02/23/05 Senate Amended SJ-24

02/23/05 Senate Debate interrupted SJ-24

02/24/05 Senate Debate interrupted SJ-17

02/24/05 Scrivener's error corrected

03/02/05 Senate Debate interrupted SJ-30

03/03/05 Senate Amended SJ-42

03/03/05 Senate Debate interrupted SJ-42

03/04/05 Scrivener's error corrected

03/08/05 Senate Recommitted to Committee on Judiciary SJ-44