Session 125 - (2023-2024)

S 0085 General Bill, By Malloy

Summary: Tort liability

A BILL TO AMEND SECTION 1-11-460 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO PAYMENTS OF JUDGMENTS AGAINST GOVERNMENTAL EMPLOYEES AND OFFICIALS IN EXCESS OF ONE MILLION DOLLARS, TO RAISE THE LIMIT ON JUDGMENTS FROM ONE MILLION TO TWO MILLION DOLLARS, TO APPLY THE STATUTE TO CHARITABLE HOSPITALS AND GOVERNMENTAL ENTITIES AS WELL, TO ELIMINATE THE LIMITATION THAT THE PAYMENTS ON JUDGMENTS BE LIMITED TO THOSE RENDERED UNDER 42 U.S.C. SECTION 1983, TO PROHIBIT PAYMENT FROM THE FUND FOR PUNITIVE DAMAGES, AND TO REQUIRE THAT ANY AUTHORIZED PAYMENTS COME FROM THE STATE'S CATASTROPHIC FUND; TO AMEND SECTION 15-78-40 OF THE S.C. CODE, RELATING TO THE TORT LIABILITY OF THE STATE, AN AGENCY, A POLITICAL SUBDIVISION, OR A GOVERNMENTAL ENTITY, GENERALLY, TO REQUIRE THAT THE STATE, AN AGENCY, A POLITICAL SUBDIVISION, AND A GOVERNMENTAL ENTITY ARE LIABLE FOR THEIR TORTS IN THE SAME MANNER AND TO THE SAME EXTENT AS A PRIVATE INDIVIDUAL SUBJECT TO THE PROVISION ALLOWING FOR A THIRD PARTY BAD FAITH CLAIM AGAINST AN INSURER; TO AMEND SECTION 15-78-60 OF THE S.C. CODE, RELATING TO EXCEPTIONS TO A WAIVER OF IMMUNITY IN THE SOUTH CAROLINA TORT CLAIMS ACT, TO AMEND AND REORGANIZE THE EXISTING EXCEPTIONS AND TO DELETE THE EXCEPTION GIVING IMMUNITY TO GOVERNMENTAL ENTITIES THAT FAIL TO ADOPT, ENFORCE, OR COMPLY WITH ANY LAW; TO AMEND SECTION 15-78-80(G) OF THE S.C. CODE, RELATING TO FILING A VERIFIED CLAIM, THE HANDLING AND DISPOSITION OF CLAIMS, AND THE REQUIREMENT THAT AGENCIES AND POLITICAL SUBDIVISIONS COOPERATE WITH THE STATE FISCAL ACCOUNTABILITY AUTHORITY, TO PROHIBIT THE INSURANCE RESERVE FUND FROM CHARGING AN INSURED ADDITIONAL CONTRIBUTIONS WHEN THE FILED CLAIM IS WITHIN THE POLICY LIMITS; TO AMEND SECTION 15-78-120(B) OF THE S.C. CODE, RELATING TO THE LIMITATIONS ON LIABILITY AND THE PROHIBITION AGAINST RECOVERY OF PUNITIVE OR EXEMPLARY DAMAGES OR PREJUDGMENT INTEREST, TO ALLOW FOR COURT COSTS AND INTEREST FROM THE DATE OF THE OFFER OF JUDGMENT OVER AND ABOVE THE LIABILITY LIMITS AS A CONSEQUENCE OF NONACCEPTANCE WHEN AN OFFER OF JUDGMENT HAS BEEN FILED IN A CASE AND TO ALLOW A THIRD PARTY CLAIMANT TO BRING A BAD FAITH ACTION AGAINST AN INSURER AND RECOVER UP TO ONE MILLION DOLLARS; TO AMEND CHAPTER 78, TITLE 15 OF THE S.C. CODE, RELATING TO THE SOUTH CAROLINA TORT CLAIMS ACT, BY ADDING SECTION 15-78-125, SO AS TO PROVIDE PROCESS AND PROCEDURES RELATED TO THE STATE'S CATASTROPHIC INJURY FUND; AND TO CREATE THE TORT REFORM STUDY COMMITTEE TO DEVELOP AND RECOMMEND LEGISLATION TO ASSIST THE GENERAL ASSEMBLY IN ENACTING AND IMPLEMENTING THE STATE'S CATASTROPHIC FUND; AND TO DEFINE NECESSARY TERMS.

11/30/22	**Senate**	**Prefiled**
11/30/22	**Senate**	**Referred to Committee on Judiciary**
01/10/23	**Senate**	**Introduced and read first time (Senate Journal-page 53)**
01/10/23	**Senate**	**Referred to Committee on Judiciary (Senate Journal-page 53)**
02/08/23		**Scrivener's error corrected**
07/27/23		**Scrivener's error corrected**