**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15‑36‑110 SO AS TO ALLOW A CATTLE PRODUCER OR OTHER LIVESTOCK PRODUCER TO RECOVER PUNITIVE DAMAGES IN ADDITION TO RECOVERING ATTORNEY’S FEES AND COSTS ASSOCIATED WITH THE CIVIL ACTION WHEN THE ACTION IS FOUND TO BE FRIVOLOUS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 36, Title 15 of the 1976 Code is amended by adding:

“Section 15‑36‑110. If a civil action against a cattle producer or other livestock producer is found to be frivolous, the cattle producer or other livestock producer against whom the action was filed may file a counterclaim against the plaintiff for punitive damages, including emotional distress, in addition to recovery of attorney’s fees and costs associated with the civil action.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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