COMMITTEE REPORT

April 25, 2012

**S. 1467**

Introduced by Senators Hutto, Campbell, Campsen and L. Martin

S. Printed 4/25/12--S.

Read the first time April 19, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1467) to amend the Code of Laws of South Carolina, 1976, by adding Section 40-1-43, so as to provide that the issuance of a license, alone, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

VINCENT A. SHEHENN for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-1-43, SO AS TO PROVIDE THAT THE ISSUANCE OF A LICENSE, ALONE, BY THE DIVISION OF PROFESSIONAL AND OCCUPATIONAL LICENSING OF THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION DOES NOT CREATE A COMMON LAW DUTY OF DUE CARE FOR THE LICENSE HOLDER, AND TO PROVIDE THAT THE LICENSE HOLDER CANNOT BE HELD PERSONALLY LIABLE IN TORT SOLELY BY REASON OF BEING A LICENSE HOLDER.

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

SECTION 1. Article 1, Chapter 1, Title 40 is amended by adding:

“Section 40-1-43. The issuance of a license, alone, to an individual by the Division of Professional and Occupational Licensing, Department of Labor, Licensing, and Regulation, does not create a common law duty of due care for the license holder, even if the license holder is a ‘resident licensee’ as defined by Section 40-59-400. As such, the license holder cannot be held personally liable in tort solely by reason of being the holder of the license. However, this section shall not be construed to prevent a license holder from assuming a duty of due care through other means recognized by common law.”

SECTION 2. This act takes effect upon approval by the Governor.

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