**South Carolina General Assembly**

120th Session, 2013-2014

**S. 181**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hutto and Campsen

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Introduced in the Senate on January 8, 2013

Currently residing in the Senate Committee on **Labor, Commerce and Industry**

Summary: Issuance of licensure by LLR

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 113](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Labor, Commerce and Industry** ([Senate Journal‑page 113](file:///h:\SJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[1/8/2013](file:///p:\pprever\2013-14\181_20130108.docx)

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 1, TITLE 40, 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 of the 1976 Code 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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