**South Carolina General Assembly**

120th Session, 2013-2014

**A255, R303, H4673**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Simrill, Limehouse, Sottile and Gagnon

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Introduced in the House on February 19, 2014

Introduced in the Senate on April 15, 2014

Last Amended on May 28, 2014

Passed by the General Assembly on June 3, 2014

Governor's Action: June 6, 2014, Signed

Summary: Landowners liability

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/19/2014 House Introduced and read first time ([House Journal‑page 30](file:///H%3A%5CHJ%20Archive%5C2014%5C02-19-14.docx))

 2/19/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 30](file:///H%3A%5CHJ%20Archive%5C2014%5C02-19-14.docx))

 3/26/2014 House Member(s) request name added as sponsor: Gagnon

 4/2/2014 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 107](file:///H%3A%5CHJ%20Archive%5C2014%5C04-02-14.docx))

 4/10/2014 House Amended ([House Journal‑page 39](file:///H%3A%5CHJ%20Archive%5C2014%5C04-10-14.docx))

 4/10/2014 House Read second time ([House Journal‑page 39](file:///H%3A%5CHJ%20Archive%5C2014%5C04-10-14.docx))

 4/10/2014 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 40](file:///H%3A%5CHJ%20Archive%5C2014%5C04-10-14.docx))

 4/10/2014 House Unanimous consent for third reading on next legislative day ([House Journal‑page 41](file:///H%3A%5CHJ%20Archive%5C2014%5C04-10-14.docx))

 4/11/2014 House Read third time and sent to Senate ([House Journal‑page 3](file:///H%3A%5CHJ%20Archive%5C2014%5C04-11-14.docx))

 4/15/2014 Senate Introduced and read first time ([Senate Journal‑page 14](file:///H%3A%5CSJ%20Archive%5C2014%5C04-15-14.docx))

 4/15/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 14](file:///H%3A%5CSJ%20Archive%5C2014%5C04-15-14.docx))

 4/25/2014 Senate Referred to Subcommittee: Massey (ch), Coleman, Gregory

 5/21/2014 Senate Committee report: Majority favorable with amend., minority unfavorable **Judiciary** ([Senate Journal‑page 20](file:///H%3A%5CSJ%20Archive%5C2014%5C05-21-14.docx))

 5/28/2014 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 65](file:///H%3A%5CSJ%20Archive%5C2014%5C05-28-14.docx))

 5/28/2014 Senate Read second time ([Senate Journal‑page 65](file:///H%3A%5CSJ%20Archive%5C2014%5C05-28-14.docx))

 5/28/2014 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 65](file:///H%3A%5CSJ%20Archive%5C2014%5C05-28-14.docx))

 5/29/2014 Scrivener's error corrected

 5/29/2014 Senate Read third time and returned to House with amendments ([Senate Journal‑page 49](file:///H%3A%5CSJ%20Archive%5C2014%5C05-29-14.docx))

 6/3/2014 House Concurred in Senate amendment and enrolled ([House Journal‑page 56](file:///H%3A%5CHJ%20Archive%5C2014%5C06-03-14.docx))

 6/3/2014 House Roll call Yeas‑96 Nays‑0 ([House Journal‑page 57](file:///H%3A%5CHJ%20Archive%5C2014%5C06-03-14.docx))

 6/5/2014 Ratified R 303

 6/6/2014 Signed By Governor

 6/13/2014 Effective date 06/06/14

 6/16/2014 Act No. 255

**VERSIONS OF THIS BILL**

[2/19/2014](file:///p%3A%5Cpprever%5C2013-14%5C4673_20140219.docx)

[4/2/2014](file:///p%3A%5Cpprever%5C2013-14%5C4673_20140402.docx)

[4/10/2014](file:///p%3A%5Cpprever%5C2013-14%5C4673_20140410.docx)

[5/21/2014](file:///p%3A%5Cpprever%5C2013-14%5C4673_20140521.docx)

[5/28/2014](file:///p%3A%5Cpprever%5C2013-14%5C4673_20140528.docx)

[5/29/2014](file:///p%3A%5Cpprever%5C2013-14%5C4673_20140529.docx)

(A255, R303, H4673)

**AN ACT** **TO AMEND SECTION 27‑3‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS REGARDING THE LIMITATION ON LIABILITY OF LANDOWNERS, SO AS TO DEFINE “AVIATION ACTIVITIES”, TO INCLUDE AVIATION ACTIVITIES WITHIN THE DEFINITION OF “RECREATIONAL PURPOSE”, AND TO INCLUDE EASEMENT HOLDER WITHIN THE DEFINITION OF “OWNER”.**

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

**Limitation on liability of landowners, aviation activities**

SECTION 1. Section 27‑3‑20 of the 1976 Code is amended to read:

 “Section 27‑3‑20. As used in this chapter:

 (a) ‘Aviation activities’ means taking off, flying, or landing an airplane or aircraft. Aviation activities do not include airshows or any activity where the general public is invited.

 (b) ‘Land’ means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty.

 (c) ‘Owner’ means the possessor of a fee interest, a tenant, lessee, occupant, easement holder, or person in control of the premises.

 (d) ‘Recreational purpose’ includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, summer and winter sports, aviation activities, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

 (e) ‘Charge’ means the admission price or fee asked in return for invitation or permission to enter or go upon the land.

 (f) ‘Persons’ means individuals regardless of age.”

**Savings clause**

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.

**Time effective**

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

Ratified the 5th day of June, 2014.

Approved the 6th day of June, 2014.

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