COMMITTEE REPORT

March 21, 2013

**H. 3369**

Introduced by Reps. Sandifer, Limehouse, Sottile, Clemmons, Crosby, Daning, Spires, Toole, Simrill, Putnam, Loftis, Bedingfield, Quinn, Huggins, Finlay, Kennedy, Owens, Gagnon, Gambrell, Whitmire, Herbkersman, G.R. Smith, Barfield, Hardwick, Edge, K.R. Crawford, D.C. Moss, Hiott and Forrester

S. Printed 3/21/13--H.

Read the first time January 17, 2013.

**THE COMMITTEE ON**

**LABOR, COMMERCE AND INDUSTRY**

To whom was referred a Bill (H. 3369) to amend the Code of Laws of South Carolina, 1976, by adding Section 42‑1‑378 so as to provide that an employee covered by the Federal Employers’ Liability, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Article 3, Chapter 1, Title 42 of the 1976 Code is amended by adding:

“Section 42‑1‑378. This title does not apply to an employee who suffers an injury on or after July 1, 2013, for which there is jurisdiction under either the Longshore and Harbor Workers’ Compensation Act, 33 U.S.C. Section 901 et seq., and its extensions, or the Merchant Marine Act of 1020, 46 U.S.C. Section 30104 et seq. However, this title must not be construed to eliminate or diminish any right than any person or, in the case of the person’s death, his personal representative, may have under either the Longshore and Harbor Workers’ Compensation Act, 33 U.S.C. Section 901 et seq., and its extensions, or the Merchant Marine Act of 1020, 46 U.S.C. Section 30104 et seq.”

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

Renumber sections to conform.

Amend title to conform.

WILLIAM E. SANDIFER III for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 42‑1‑378 SO AS TO PROVIDE THAT AN EMPLOYEE COVERED BY THE FEDERAL EMPLOYERS’ LIABILITY ACT, THE LONGSHORE AND HARBOR WORKERS’ COMPENSATION ACT OR ANY OF ITS EXTENSIONS, OR THE JONES ACT IS EXEMPT FROM WORKERS’ COMPENSATION LAWS.

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

SECTION 1. Article 3, Chapter 1, Title 42 of the 1976 Code is amended by adding:

“Section 42‑1‑378. This title does not apply to employees covered by the Federal Employers’ Liability Act, the Longshore and Harbor Workers’ Compensation Act or any of its extensions, or the Jones Act.”

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

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