**South Carolina General Assembly**

121st Session, 2015-2016

**A65, R111, H3266**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hiott, Bannister, Brannon, Erickson, Henderson, Collins, Sandifer, Corley, Tallon, Taylor, Thayer, Wells, Felder, Kirby, Hixon, Hodges, Riley, Ott, Goldfinch, Hardee, Gagnon, Pitts, Finlay, Southard, D.C. Moss, Chumley, Yow, Huggins, Kennedy, Rivers and White

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Companion/Similar bill(s): 576

Introduced in the House on January 13, 2015

Introduced in the Senate on February 10, 2015

Last Amended on May 4, 2015

Passed by the General Assembly on June 3, 2015

Governor's Action: June 8, 2015, Signed

Summary: Trespasser Responsibility Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2014 House Prefiled

12/18/2014 House Referred to Committee on **Judiciary**

1/13/2015 House Introduced and read first time ([House Journal‑page 176](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 176](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/15/2015 House Recalled from Committee on **Judiciary** ([House Journal‑page 333](file:///h:\HJ%20Archive\2015\01-15-15.docx))

1/15/2015 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 333](file:///h:\HJ%20Archive\2015\01-15-15.docx))

1/15/2015 House Member(s) request name added as sponsor: Felder

1/21/2015 House Member(s) request name added as sponsor: Kirby, Hixon, Hodges, Riley, Ott, Goldfinch, Hardee, Gagnon, Pitts, Finlay, Southard, D.C.Moss, Chumley

1/27/2015 House Member(s) request name added as sponsor: Yow

1/29/2015 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 3](file:///h:\HJ%20Archive\2015\01-29-15.docx))

2/3/2015 House Member(s) request name added as sponsor: Huggins, Kennedy, Rivers, White

2/4/2015 House Read second time ([House Journal‑page 25](file:///h:\HJ%20Archive\2015\02-04-15.docx))

2/4/2015 House Roll call Yeas‑106 Nays‑6 ([House Journal‑page 25](file:///h:\HJ%20Archive\2015\02-04-15.docx))

2/5/2015 House Read third time and sent to Senate ([House Journal‑page 16](file:///h:\HJ%20Archive\2015\02-05-15.docx))

2/10/2015 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\SJ%20Archive\2015\02-10-15.docx))

2/10/2015 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](file:///h:\SJ%20Archive\2015\02-10-15.docx))

2/13/2015 Senate Referred to Subcommittee: Massey (ch), Coleman, Gregory

4/1/2015 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 10](file:///h:\SJ%20Archive\2015\04-01-15.docx))

4/7/2015 Scrivener's error corrected

5/4/2015 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 23](file:///h:\SJ%20Archive\2015\05-04-15.docx))

5/5/2015 Scrivener's error corrected

6/2/2015 Senate Read second time ([Senate Journal‑page 25](file:///h:\SJ%20Archive\2015\06-02-15.docx))

6/2/2015 Senate Roll call Ayes‑41 Nays‑1 ([Senate Journal‑page 25](file:///h:\SJ%20Archive\2015\06-02-15.docx))

6/3/2015 Senate Read third time and returned to House with amendments ([Senate Journal‑page 20](file:///h:\SJ%20Archive\2015\06-03-15.docx))

6/3/2015 House Concurred in Senate amendment and enrolled ([House Journal‑page 209](file:///h:\HJ%20Archive\2015\06-03-15.docx))

6/3/2015 House Roll call Yeas‑94 Nays‑0 ([House Journal‑page 209](file:///h:\HJ%20Archive\2015\06-03-15.docx))

6/4/2015 Ratified R 111

6/8/2015 Signed By Governor

6/11/2015 Effective date 06/08/15

6/12/2015 Act No. 65

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**VERSIONS OF THIS BILL**

[12/18/2014](file:///p:\pprever\2015-16\3266_20141218.docx)

[1/29/2015](file:///p:\pprever\2015-16\3266_20150129.docx)

[4/1/2015](file:///p:\pprever\2015-16\3266_20150401.docx)

[4/7/2015](file:///p:\pprever\2015-16\3266_20150407.docx)

[5/4/2015](file:///p:\pprever\2015-16\3266_20150504.docx)

[5/5/2015](file:///p:\pprever\2015-16\3266_20150505.docx)

(A65, R111, H3266)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 82 TO TITLE 15 SO AS TO ESTABLISH THE “TRESPASSER RESPONSIBILITY ACT” WHICH PROVIDES A LIMITATION ON LIABILITY BY LAND POSSESSORS TO TRESPASSERS, AND TO PROVIDE EXCEPTIONS.**

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

**Limitation on liability of land possessors to trespassers**

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

“CHAPTER 82

Limitation on Liability of Land Possessors to Trespassers

Trespasser Responsibility Act

Section 15‑82‑10. (A) As used in this section, the terms:

(1) ‘Possessor of land’ means the possessor of any fee, reversionary, or easement interest in real property, including an owner, lessee, or other lawful occupant.

(2) ‘Trespasser’ means a person who enters or remains on the land of another without permission or without legal privilege.

(B) A possessor of land owes no duty to a trespasser except to refrain from causing a wilful or wanton injury.

(C) Notwithstanding subsection (B), a possessor of land is subject to liability for physical harm to children or a person with an intellectual disability who are trespassing thereon caused by an artificial condition upon the land if:

(1) the place where the condition exists is one upon which the possessor knows or has reason to know that children or persons with an intellectual disability are likely to trespass;

(2) the condition is one of which the possessor knows or has reason to know and which he realizes or should realize will involve an unreasonable risk of death or serious bodily harm to children or persons with an intellectual disability;

(3) the person because of his youth or intellectual disability does not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it;

(4) the utility to the possessor of maintaining the condition and the burden of eliminating the danger are slight as compared with the risk to children or the persons with an intellectual disability who are involved; and

(5) the possessor fails to exercise reasonable care to eliminate the danger or otherwise to protect the children or the persons with an intellectual disability.

(D) For the purposes of subsection (C), ‘intellectual disability’ has the same meaning as provided for in Section 44‑20‑30(12).

(E) This chapter does not affect any immunities from or defenses to civil liability established by another section of the South Carolina Code of Laws or available at common law to which a possessor of land may be entitled.

(F) The provisions of this chapter do not affect any right, privilege, or provision of the South Carolina Tort Claims Act pursuant to Chapter 78, Title 15.”

**Time effective**

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

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

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