

Session 116 - (2005-2006)

S 0926 General Bill, By Gregory, Ryberg, Martin, Verdin, Richardson, Bryant and Leatherman

Similar (H 4154)

Summary: Noneconomic Damages for Civil Action Act of 2005; Punitive Damages for Civil Actions Act of 2005

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY DESIGNATING THE EXISTING SECTIONS OF CHAPTER 38, TITLE 15 AS ARTICLE 1; BY ADDING ARTICLE 3, CHAPTER 38, TITLE 15 SO AS TO ENACT THE "SOUTH CAROLINA NONECONOMIC DAMAGES FOR CIVIL ACTIONS ACT OF 2005", TO PROVIDE DEFINITIONS OF THE TERMS "ACTUAL ECONOMIC DAMAGES" AND "NONECONOMIC DAMAGES", AND TO PROVIDE THAT A PREVAILING PARTY IN A CIVIL ACTION MAY RECOVER ACTUAL ECONOMIC DAMAGES AND NONECONOMIC DAMAGES NOT TO EXCEED THREE HUNDRED FIFTY THOUSAND DOLLARS; AND BY ADDING ARTICLE 5, CHAPTER 38, TITLE 15 SO AS TO ENACT THE "SOUTH CAROLINA PUNITIVE DAMAGES FOR CIVIL ACTIONS ACT OF 2005", TO PROVIDE DEFINITIONS OF THE TERMS "COMPENSATORY DAMAGES", "DEFENDANT", "FRAUDULENT", "MALICE", "PUNITIVE DAMAGES", AND "WILFUL OR INTENTIONAL CONDUCT", TO PROVIDE FOR THE APPLICATION OF THE ARTICLE TO ALL CLAIMS FOR PUNITIVE DAMAGES AND TO PROVIDE AN EXCEPTION; TO PROVIDE THAT PUNITIVE DAMAGES MAY BE RECOVERED ONLY IF CERTAIN AGGRAVATING FACTORS EXIST; TO PROVIDE THAT PUNITIVE DAMAGES MUST BE DETERMINED AND STATED SEPARATELY FROM COMPENSATORY DAMAGES; TO PROVIDE THAT PUNITIVE DAMAGES ARE LIMITED TO NOT EXCEEDING THREE TIMES THE AMOUNT OF COMPENSATORY DAMAGES OR THREE HUNDRED FIFTY THOUSAND DOLLARS, WHICHEVER IS LESS; AND TO PROVIDE PROCEDURES FOR DETERMINING WHETHER PUNITIVE DAMAGES MAY BE AWARDED.

06/02/05 Senate Introduced and read first time SJ-14

06/02/05 Senate Referred to Committee on Judiciary SJ-14