**South Carolina General Assembly**

120th Session, 2013-2014

**S. 570**

**STATUS INFORMATION**

General Bill

Sponsors: Senator L. Martin

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Introduced in the Senate on April 3, 2013

Currently residing in the Senate Committee on **Transportation**

Summary: Commercial driver's license

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/3/2013 Senate Introduced and read first time ([Senate Journal‑page 1](file:///h:\SJ%20Archive\2013\04-03-13.docx))

4/3/2013 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 1](file:///h:\SJ%20Archive\2013\04-03-13.docx))

**VERSIONS OF THIS BILL**

[4/3/2013](file:///p:\pprever\2013-14\570_20130403.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑2165 SO AS TO PROVIDE THAT NO ONE WHO EMPLOYS OR CONTRACTS WITH A PERSON WHO HAS A COMMERCIAL DRIVER’S LICENSE OR DRIVES A VEHICLE SHALL BE HELD LIABLE IN CERTAIN CIVIL ACTIONS ARISING OUT OF THE PERSON’S OPERATION OF A VEHICLE BASED UPON CERTAIN THEORIES OF NEGLIGENCE; AND BY ADDING SECTION 56‑5‑6255 SO AS TO PROVIDE THAT A VIOLATION OF A REGULATION ENACTED UNDER THE STATE’S MOTOR VEHICLE TRAFFIC AND SAFETY STATUTES AND REGULATIONS OR THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS, OR A CONVICTION FOR A MOVING VIOLATION DOES NOT CONSTITUTE GROSS NEGLIGENCE, RECKLESSNESS, OR WILFUL CONDUCT PER SE, BUT MAY BE USED AS EVIDENCE OF SUCH CONDUCT.

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

SECTION 1. Article 13, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56‑1‑2165. (A) No individual or entity who employs or contracts with a person who holds a valid commercial driver’s license (CDL) issued by this State or any other state must be held liable in any civil action arising out of the CDL holder’s operation of any motor vehicle on any theory of negligent hiring, negligent retention or negligent entrustment provided the individual meets all of the requirements of C.F.R. Parts 383 and 391 at the time of the accident and at the time of hiring, except such claims are allowed to prove punitive damages in the second phase of a bifurcated trial as prescribed in Section 15‑32‑520(E).

(B) No individual or entity who employs or contracts with a person who drives a vehicle shall be held liable in any civil action arising out of the person’s operation of any motor vehicle on any theory of negligent training or supervision, except such claims are allowed to prove punitive damages in the second phase of a bifurcated trial as prescribed in Section 15‑32‑520(E).”

SECTION 2. Article 43, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑6255. A violation of a regulation enacted under the motor vehicle traffic and safety statutes and regulations of this State, or the Federal Motor Carrier Safety Regulations, or a conviction of a moving violation does not constitute gross negligence, recklessness or wilful conduct per se, but may be used as evidence of such conduct.”

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

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