

## Session 115 - (2003-2004)

**H 3744 General Bill, By Sandifer, Kirsh, Richardson, Cato, Young, Battle, Barfield, Ceips, Chellis, Clark, Cooper, Davenport, Duncan, Edge, Gilham, Herbkersman, Huggins, Keegan, Leach, Littlejohn, Loftis, Mahaffey, McCraw, Owens, Perry, Phillips, Pinson, Rice, Scarborough, Simrill, D.C. Smith, J.R. Smith, Snow, Stille, Taylor, Toole, Tripp, Trotter, Vaughn, Viers, Walker, White, Whitmire, Witherspoon, Bingham, Townsend, Kennedy, Dantzler, Bailey, Koon, Frye, Umphlett, E.H. Pitts, G.R. Smith and Clemmons**

### ***Similar (S 0446)***

**Summary:** "South Carolina Economic Development Act, Citizens, and Small Business Protection Act of 2003"; tort reform

A BILL TO AMEND SECTION 15-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACTIONS THAT MUST BE TRIED IN THE COUNTY WHERE THE DEFENDANT RESIDES, SO AS TO DEFINE KEY TERMS AND TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING A CORPORATION'S PRINCIPAL PLACE OF BUSINESS; TO AMEND SECTION 15-7-100, RELATING TO CHANGING THE PLACE OF TRIAL, SO AS TO PROVIDE FACTORS FOR THE COURT TO CONSIDER WHEN DETERMINING WHETHER TO CHANGE THE PLACE OF TRIAL; TO AMEND SECTION 36-2-803, RELATING TO PERSONAL JURISDICTION BASED UPON CONDUCT, SO AS TO DELETE THE PROVISION THAT PROHIBITED CHANGE OF VENUE IN AN ACTION WHEN JURISDICTION IS BASED SOLELY ON THIS SECTION; TO AMEND SECTION 15-36-10, AS AMENDED, RELATING TO LIABILITY FOR ATTORNEY'S FEES AND COSTS OF FRIVOLOUS SUITS, SO AS TO REPLACE THE EXISTING PROVISIONS OF THE CHAPTER WITH PROVISIONS REQUIRING THE SIGNATURE OF AN ATTORNEY OR PRO SE LITIGANT ON ALL PLEADINGS AND OTHER DOCUMENTS FILED IN A CIVIL OR ADMINISTRATIVE ACTION, TO PROVIDE THAT THE SIGNATURE CONSTITUTES CERTIFICATION THAT THE ACTION IS NOT FRIVOLOUS OR INTERPOSED FOR DELAY, AND TO PROVIDE SANCTIONS; BY ADDING SECTION 15-36-100 SO AS TO ESTABLISH THE REQUIREMENT FOR AN AFFIDAVIT OF AN EXPERT WITNESS IN A PROFESSIONAL MALPRACTICE ACTION; TO AMEND SECTION 15-3-640, RELATING TO THE STATUTE OF LIMITATIONS FOR FILING AN ACTION FOR A CONSTRUCTION DEFECT, SO AS TO DECREASE THE STATUTE OF REPOSE FROM THIRTEEN TO EIGHT YEARS; TO AMEND SECTIONS 40-59-840 AND 40-59-850, BOTH RELATING TO NOTICE AND OPPORTUNITY TO CURE CONSTRUCTION DWELLING DEFECTS, SO AS TO PROVIDE THAT THE STATUTE OF LIMITATIONS IS TOLLED UNTIL A CLAIM IS DENIED OR REPAIRS ARE COMPLETED AND TO PROVIDE THAT THE CLAIMANT MAY PROCEED WITH A CIVIL ACTION IF THE PARTIES CANNOT AGREE TO SETTLE THE DISPUTE WITHIN NINETY DAYS OF THE INITIAL NOTICE OF CLAIM; TO AMEND CHAPTER 11, TITLE 40, RELATING TO CONTRACTORS, SO AS TO DESIGNATE THE EXISTING SECTIONS AS ARTICLE 1; BY ADDING ARTICLE 3, CHAPTER 11, TITLE 40 SO AS TO ENACT THE "SOUTH CAROLINA NOTICE AND OPPORTUNITY TO CURE NON-RESIDENTIAL CONSTRUCTION DEFECTS ACT", TO PROVIDE A DEFINITION FOR "NON-RESIDENTIAL PROPERTY" AND OTHER KEY TERMS, TO PROVIDE THAT THE STATUTE OF LIMITATIONS IS TOLLED UNTIL A CLAIM IS DENIED OR REPAIRS ARE COMPLETED, AND TO PROVIDE THAT THE CLAIMANT MAY PROCEED WITH A CIVIL ACTION IF THE PARTIES CANNOT AGREE TO SETTLE THE DISPUTE; TO AMEND SECTION 34-31-20, AS AMENDED, RELATING TO THE POST JUDGMENT LEGAL RATE OF INTEREST, SO AS TO PROVIDE THE RATE OF INTEREST IS EQUAL TO THE PRIME RATE AS LISTED IN THE WALL STREET JOURNAL PLUS FOUR PERCENT; BY ADDING ARTICLE 1, CHAPTER 32, TITLE 15 SO AS TO ENACT THE SOUTH CAROLINA NONECONOMIC DAMAGE AWARDS ACT, TO PROVIDE A DEFINITION FOR "NONECONOMIC DAMAGES" AND OTHER KEY TERMS, AND TO PROVIDE THAT A PLAINTIFF MAY BE AWARDED COMPENSATION FOR ACTUAL ECONOMIC DAMAGES AND NONECONOMIC DAMAGES NOT TO EXCEED TWO MILLION DOLLARS; BY ADDING ARTICLE 3, CHAPTER 32, TITLE 15 SO AS TO ESTABLISH A PROCEDURE FOR THE AWARD OF PUNITIVE DAMAGES, TO PROVIDE A DEFINITION FOR "PUNITIVE DAMAGES" AND OTHER KEY TERMS, TO PROVIDE PUNITIVE DAMAGES MUST BE PROVEN BY CLEAR AND CONVINCING EVIDENCE, TO PROVIDE THE JURY MUST DETERMINE AND STATE THE AMOUNT OF PUNITIVE DAMAGES SEPARATELY FROM THE AMOUNT OF COMPENSATORY DAMAGES, TO PROHIBIT PUNITIVE DAMAGES FROM EXCEEDING NINE TIMES THE AMOUNT OF COMPENSATORY DAMAGES, AND TO PROVIDE FOR A BIFURCATED TRIAL IN CIVIL ACTIONS TRIED BEFORE A JURY WHEN PUNITIVE DAMAGES ARE SOUGHT; TO AMEND CHAPTER 38, TITLE 15, RELATING TO THE SOUTH CAROLINA CONTRIBUTION AMONG TORTFEASORS ACT, SO AS TO INCREASE THE TIME IN WHICH A CLAIMANT MAY OPEN A JUDGMENT TO TWO YEARS, TO ABOLISH JOINT AND SEVERAL LIABILITY, AND TO PROVIDE FOR CONTRIBUTORY LIABILITY AMONG TORTFEASORS; TO AMEND SECTION 29-7-20, AS AMENDED, RELATING TO PENALTIES FOR FAILURE TO PAY LABORERS, SO AS TO DELETE THE PROVISION THAT PROVIDES THAT A VIOLATION OF THE SECTION IS A MISDEMEANOR, TO DELETE THE PROVISION THAT PROVIDES FOR A FINE OR IMPRISONMENT, AND TO PROVIDE THAT A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION IS SUBJECT TO AN ACTION FOR DAMAGES; TO REPEAL SECTION 58-23-90 OF

THE 1976 CODE RELATING TO THE PROPER VENUE TO BRING AN ACTION AGAINST A LICENSED MOTOR CARRIER, AND TO REPEAL SECTIONS 15-36-20, 15-36-30, 15-36-40, 15-36-50 OF THE 1976 CODE, ALL RELATING TO FRIVOLOUS CIVIL PROCEEDINGS.

03/06/03	House	Introduced and read first time HJ-5
03/06/03	House	Referred to Committee on Judiciary HJ-8
03/11/03	House	Member(s) request name added as sponsor: Bingham, Townsend, Kennedy
03/19/03	House	Member(s) request name added as sponsor: Dantzler, Bailey
03/25/03	House	Member(s) request name added as sponsor: Koon, Frye
03/26/03	House	Member(s) request name removed as sponsor: Hinson
03/27/03	House	Member(s) request name added as sponsor: Umphlett
04/09/03	House	Member(s) request name removed as sponsor: Martin
01/13/04	House	Member(s) request name added as sponsor: E.H.Pitts
01/14/04	House	Committee report: Favorable with amendment Judiciary HJ-78
01/15/04	House	Objection by Rep. Harrison, Bingham, Toole, Harrell and Cato HJ-287
01/21/04	House	Member(s) request name added as sponsor: G.R.Smith, Clemmons
01/21/04	House	Amended HJ-25
01/21/04	House	Read second time HJ-53
01/21/04	House	Roll call Yeas-79 Nays-36 HJ-53
01/22/04	House	Read third time and sent to Senate HJ-24
01/28/04	Senate	Introduced and read first time SJ-11
01/28/04	Senate	Referred to Committee on Judiciary SJ-11
04/14/04	Senate	Committee report: Majority favorable with amend., minority unfavorable Judiciary SJ-15
05/27/04	Senate	Read second time SJ-204
05/27/04	Senate	Ordered to third reading with notice of amendments SJ-204