

Session 116 - (2005-2006)

H 3090 General Bill, By White, Davenport and Sandifer

Summary: Elimination of Double Recoveries Act of 2005; Noneconomic Damages Awards Act of 2005

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 15-5-47 SO AS TO PROVIDE CIVIL LAWSUIT PROTECTION FOR PHYSICIANS, OPTOMETRISTS, NURSE PRACTITIONERS, AND PHYSICIAN ASSISTANTS WHO PRESCRIBE FDA APPROVED DRUGS; TO AMEND TITLE 15 OF THE 1976 CODE BY ADDING CHAPTERS 32 AND 40 SO AS TO PROVIDE FOR CERTAIN LIMITS ON THE AMOUNT AND TYPES OF DAMAGE AWARDS IN PERSONAL INJURY ACTIONS, TO PROVIDE FOR FINDINGS WHICH MUST BE MADE WITH REGARD TO SUCH DAMAGE AWARDS, TO PROVIDE THAT IN TORT ACTIONS EVIDENCE OF COLLATERAL SOURCE PAYMENTS WHICH HAVE BEEN PAID OR MAY BE DUE THE CLAIMANT MAY BE INTRODUCED IN EVIDENCE, TO PROVIDE THAT THE TRIER OF FACT MUST CONSIDER THE COLLATERAL SOURCE PAYMENTS WHEN DETERMINING THE AMOUNT OF DAMAGES, AND TO PROVIDE THAT THE TRIER OF FACT MUST MAKE CERTAIN FACTUAL FINDINGS WITH REGARD TO ITS DAMAGE AWARD; TO AMEND SECTION 15-7-20, RELATING TO ACTIONS WHICH MUST BE TRIED WHERE THE CAUSE OF ACTION AROSE, SO AS TO REQUIRE THAT AN ACTION AGAINST CERTAIN HEALTH CARE PROFESSIONALS BE BROUGHT IN THE COUNTY WHERE THE ALLEGED ACT OR OMISSION OCCURRED; AND TO AMEND SECTION 15-38-20, RELATING TO THE RIGHT OF CONTRIBUTION, SO AS TO REVISE THE LIMITATION OF JOINT AND SEVERAL LIABILITY FOR DAMAGES CAUSED BY TWO OR MORE MEDICAL DEFENDANTS.

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