**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3228**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Whipper

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Introduced in the House on January 10, 2017

Currently residing in the House Committee on **Judiciary**

Summary: Actions for damages

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 120](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 120](file:///h:\hj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3228&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3228_20161215.docx)

**A** **BILL**

TO AMEND SECTION 15‑78‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WHEN AND WHERE TO COMMENCE AN ACTION AND THE REQUIREMENT OF A SPECIAL VERDICT TO SPECIFY PROPORTIONATE LIABILITY UPON MULTIPLE DEFENDANTS, SO AS TO PROVIDE THAT CERTAIN CAUSES OF ACTION MUST BE FILED IN MAGISTRATES COURT; TO AMEND SECTION 15‑78‑120, RELATING TO LIMITATIONS ON LIABILITY, THE PROHIBITION AGAINST THE RECOVERY OF PUNITIVE OR EXEMPLARY DAMAGES OR PREJUDGMENT INTEREST, AND AN ATTORNEY’S SIGNATURE ON PLEADINGS, MOTIONS, OR OTHER PAPERS, SO AS TO PROVIDE THAT A STATE AGENCY OR POLITICAL SUBDIVISION MAY BE REPRESENTED BY A DEPARTMENT MANAGER, STAFF PERSON, OR ANOTHER OFFICIAL IN CERTAIN ACTIONS; AND TO AMEND SECTION 22‑3‑20, RELATING TO THE JURISDICTION OF THE MAGISTRATES COURT IN A CIVIL ACTION, SO AS TO INCREASE THE JURISDICTION FOR CERTAIN CLAIMS BROUGHT PURSUANT TO THE TORT CLAIMS ACT.

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

SECTION 1. Section 15‑78‑100 of the 1976 Code is amended to read:

“Section 15‑78‑100. (a) Except as provided for in Section 15‑3‑40, an action for damages under this chapter may be instituted at any time within two years after the loss was or should have been discovered. ~~Provided, that~~ However, if a claim for damages was filed and disallowed or rejected an action for damages filed under this chapter, based upon the same occurrence as the claim, may be instituted within three years after the loss was or should have been discovered.

(b) Jurisdiction for ~~any~~ an action, except an action seeking damages of five thousand dollars or less, ~~action~~ brought ~~under~~ pursuant to this chapter is in the circuit court and brought in the county in which the act or omission occurred. An action seeking damages of five thousand dollars or less must be filed in magistrates court.

(c) In all actions brought pursuant to this chapter when an alleged joint tortfeasor is named as party defendant in addition to the governmental entity, the trier of fact must return a special verdict specifying the proportion of monetary liability of each defendant against whom liability is determined.”

SECTION 2. Section 15‑78‑120 of the 1976 Code is amended by adding at the end:

“(d) In an action seeking damages of five thousand dollars or less in which a state agency or political subdivision is a party, the state agency or political subdivision may be represented by a department manager, staff person, or another official. However, these representatives may not receive compensation for representing a state agency or political subdivision.”

SECTION 3. Section 22‑3‑20 of the 1976 Code is amended to read:

“Section 22‑3‑20. ~~No~~ A magistrate ~~shall~~ does not have ~~cognizance~~ jurisdiction of a civil action:

(1) in which the State is a party, except an action for a penalty ~~and~~ not exceeding one hundred dollars or an action seeking damages of five thousand dollars or less brought pursuant to the Tort Claims Act, Chapter 78, Title 15; or

(2) when the title to real property shall come in question, except as provided in Article 11 ~~of this chapter~~.”

SECTION 4. This act takes effect upon approval by the Governor.

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