**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5308**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. M.M. Smith, Lawson, B.L. Cox and Davis

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Introduced in the House on March 21, 2024

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

Summary: Civil Liability, Volunteers

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/21/2024 House Introduced and read first time (House Journal‑page 16)

 3/21/2024 House Referred to Committee on **Judiciary** (House Journal‑page 16)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5308&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5308_20240321.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 83 TO TITLE 15 SO AS TO PROVIDE LIABILITY PROTECTIONS FOR CERTAIN VOLUNTEERS WHO TRANSPORT VULNERABLE ADULTS.

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

SECTION 1. Title 15 of the S.C. Code is amended by adding:

CHAPTER 83

Protection of Volunteer Drivers of Vulnerable Adults

 Section 15‑83‑10. As used in this chapter:

 (1) “Charitable organization” means any charitable unit of a religious or civic group exempt from taxation under 25 U.S.C. Section 501, including those supported wholly or partially by private donations.

 (2) “Volunteer” means an individual providing volunteer transportation for a vulnerable adult and includes a volunteer who may receive reimbursement for actual expenses or an allowance to defray expenses of operating the vehicle used to provide transportation services but does not receive compensation for the individual’s time.

 (3) “Volunteer transportation” means motor vehicle transportation provided for a vulnerable adult by a volunteer under the direction, sponsorship, or supervision of a charitable organization.

 (4) “Vulnerable adult” has the same meaning as defined in Section 43‑35‑10.

 Section 15‑83‑20. Any volunteer who provides volunteer transportation for a vulnerable adult through a charitable organization is not individually liable under a personal policy of automobile insurance or otherwise for any civil damages for an injury to the vulnerable adult arising out of or resulting from the transportation, if the volunteer was acting in good faith and within the scope of the volunteer’s official actions and duties on behalf of the charitable organization, unless the volunteer’s conduct constitutes gross negligence or wilful and wanton misconduct. The charitable organization’s liability, if any, for the injury to the vulnerable adult, may not exceed the policy limits collectible from any policy of insurance that would be obligated to make payment on behalf of the volunteer; provided that the charitable organization must maintain liability insurance coverage at least equal to the minimum limits set forth in Chapter 78, Title 15.

 Section 15‑83‑30. (A) Insurers that write automobile insurance in the State may not exclude coverage afforded under the owner’s insurance policy for any compensable loss or injury that occurs while a volunteer is providing volunteer transportation pursuant to the provisions of this chapter including, but not limited to, liability coverage for bodily injury and property damage, uninsured and underinsured motorist coverage, medical payments coverage, comprehensive physical damage coverage, and collision physical damage coverage.

 (B) Insurers that write automobile insurance in the State may not cancel, refuse to renew, raise rates, or otherwise limit coverage for the reason that an insured provides volunteer transportation to vulnerable adults pursuant to the provisions of this chapter.

 (C)(1) A charitable organization that facilitates the provision of volunteer transportation for vulnerable adults pursuant to the provisions of this chapter is not a “Transportation Network Company” or “TNC” as those terms are defined in Section 58‑23‑1610.

 (2) A volunteer providing volunteer transportation pursuant to the provisions of this chapter is not a “Transportation Network Company driver” or a “TNC driver” as those terms are defined in Section 58‑23‑1610.

SECTION 2. This act takes effect upon approval by the Governor.

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