**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4110**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Harrison, Owens, Govan, Miller, Anderson, Weeks, D.C. Moss and Sellers

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Introduced in the House on May 20, 2009

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

Summary: Department of Transportation employee

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/20/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\05-20-09.docx)‑270

5/20/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\05-20-09.docx)‑270

**VERSIONS OF THIS BILL**

[5/20/2009](file:///p:\pprever\2009-10\4110_20090520.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 19-1-75 SO AS TO PROVIDE THAT A CRIMINAL CONVICTION OF A TRANSPORTATION EMPLOYEE OR INDEPENDENT CONTRACTOR IS NOT ADMISSIBLE IN A CIVIL ACTION AGAINST A TRANSPORTATION COMPANY UNDER CERTAIN CIRCUMSTANCES, TO DEFINE THE TERMS “MINOR TRAFFIC VIOLATION” AND “TRANSPORTATION COMPANY”, AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. Chapter 1, Title 19 of the 1976 Code is amended by adding:

“Section 19‑1‑75. (A) In a civil action against a transportation company when the propriety of the hiring of an employee, the retaining of an independent contractor, or the entrustment of a vehicle to either is at issue, a criminal conviction of the employee or the contractor is not admissible if the conviction occurred more than five years before the hiring of the employee, retention of the contractor, or the entrustment of the vehicle to either, and the employee or contractor has not been convicted of a crime, except a minor traffic violation, within the five years before the hiring or retention of the employee or contractor or the entrustment of the vehicle to either.

(B) As used in this section, the term:

(1) ‘Minor traffic violation’ means a traffic offense for which the maximum punishment is less than six months.

(2) ‘Transportation company’ means intrastate and interstate transportation companies which operate commercial motor vehicles.

(C) The provisions of this section do not apply to the hiring or retention of persons convicted of a violation of Section 16‑3‑10, 16‑3‑30, 16‑3‑40, 16‑3‑85, 16‑3‑210, or 16‑3‑652.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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