~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 23, 2019

**S. 7**

Introduced by Senators Malloy, Climer, Goldfinch, Talley, Harpootlian and Kimpson

S. Printed 1/23/19--S.

Read the first time January 8, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 7) to amend Section 15-78-120, Code of Laws of South Carolina, 1976, relating to the limitation of liability, so as to increase the limits from, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 2, by striking lines 21 through 30, in Section 15-78-120(a), as contained in SECTION 1, and inserting therein the following:

/ (6) Starting July 1, 2021, and every year thereafter, the Revenue and Fiscal Affairs Office, Board of Economic Advisors, must determine the increase or decrease in the ratio of the Consumer Price Index for all Urban Consumers (CPI‑U), South Region, published by the U.S. Department of Labor, to the Index of June 30 of the previous year, and all limitations on liability amounts allowed by Sections 15‑78‑120(a)(1) through (4) must be adjusted accordingly. As soon as practicable after this adjustment is calculated, the Director of the Revenue and Fiscal Affairs Office shall submit the revised limitation on liability amounts as allowed by Section 15-78-120(a)(1) through (4) to the State Register for publication pursuant to Section 1-23-40(2) and to the Director of the Insurance Reserve Fund. The revised limitation on liability amounts becomes effective on July first of each year, starting July 1, 2021. As soon as practicable after this adjustment is calculated and the revised limitation on liability amounts is sent to the Director of the Insurance Reserve Fund, the Director of the Insurance Reserve Fund shall publish the revised limitation on liability amounts on the Insurance Reserve Fund’s internet website.” /

Amend the bill further, as and if amended, page 2, by striking line 32, as contained in SECTION 2, and inserting therein the following:

/ SECTION 2. Upon approval by the Governor, this act takes effect July 1, 2020, for causes of action with a date of loss arising on or after July 1, 2020. /

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**A** **BILL**

TO AMEND SECTION 15-78-120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LIMITATION OF LIABILITY, SO AS TO INCREASE THE LIMITS FROM A LOSS TO ONE PERSON ARISING FROM A SINGLE OCCURRENCE TO ONE MILLION DOLLARS, TO INCREASE THE TOTAL LIMITS FROM A LOSS ARISING OUT OF A SINGLE OCCURRENCE TO TWO MILLION DOLLARS, AND TO REQUIRE THE LIMITS BE ADJUSTED ANNUALLY IN ACCORDANCE WITH THE CONSUMER PRICE INDEX.

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

SECTION 1. Section 15‑78‑120(a) of the 1976 Code is amended to read:

“(a) For any action or claim for damages brought under the provisions of this chapter, the liability shall not exceed the following limits:

(1) Except as provided in Section 15‑78‑120(a)(3), no person shall recover in any action or claim brought hereunder a sum exceeding ~~three hundred thousand~~ one million dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(2) Except as provided in Section 15‑78‑120(a)(4), the total sum recovered hereunder arising out of a single occurrence shall not exceed ~~six hundred thousand~~ two million dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(3) No person may recover in any action or claim brought hereunder against any governmental entity and caused by the tort of any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, a sum exceeding one million two hundred thousand dollars because of loss arising from a single occurrence regardless of the number of agencies or political subdivisions involved.

(4) The total sum recovered hereunder arising out of a single occurrence of liability of any governmental entity for any tort caused by any licensed physician or dentist, employed by a governmental entity and acting within the scope of his profession, may not exceed one million two hundred thousand dollars regardless of the number of agencies or political subdivisions or claims or actions involved.

(5) The provisions of Section 15‑78‑120(a)(3) and (a)(4) shall in no way limit or modify the liability of a licensed physician or dentist, acting within the scope of his profession, with respect to any action or claim brought hereunder which involved services for which the physician or dentist was paid, should have been paid, or expected to be paid at the time of the rendering of the services from any source other than the salary appropriated by the governmental entity or fees received from any practice plan authorized by the employer whether or not the practice plan is incorporated and registered with the Secretary of State.

(6) All liability amounts allowed by Sections 15‑78‑120(a)(1) through (4) must be adjusted annually in accordance with the Consumer Price Index for all Urban Consumers (CPI‑U), South Region, published by the U.S. Department of Labor. The Insurance Reserve Fund is responsible for calculating this annual adjustment, which is effective on July first of each year, starting July 1, 2020. As soon as practicable after this adjustment is calculated, the Director of the Insurance Reserve Fund shall publish the revised limitation on the amount that can be recovered for losses on the Insurance Reserve Fund’s internet website.”

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

‑‑‑‑XX‑‑‑‑