

Highlights of S.350 and H.3489

Admissibility in Civil Actions of Nonuse of Seat Belt Act

- Allows the non-use of seat belts to be admissible in civil cases to reduce damages if injury was caused by failure to wear a seat belt.

Appeal Bond Waiver Act

- Limits an appellant surety bond to \$25 Million
- Limits an appellant surety bond to \$1 Million for small businesses

Class Actions Improvements Act

- Models Federal Court Rule 23
- Immediate appellate review of certification of classes

Full and Fair Noneconomic Damages Act

- Provides for a reasonable limit of \$350,000 award per entity, allowing for total of \$1.05M to be awarded.

Private Attorney Retention Sunshine Act

- Provides for accountability and standards for the hiring of outside legal counsel by the State of South Carolina.

Punitive Damages Standards Act

- Limits awards to 3 times compensatory damages or \$250,000 whichever is greater
- Limits awards to 3 times compensatory damages or \$250,000 whichever is less for small businesses

Regulatory Compliance Congruity With Liability Act

- Under the act, if a product or service is in compliance with regulatory standards or approved by a government agency, the manufacturer is not subject to claims provided the product or service was in line with pertinent government regulations.

Economic Loss Rule

- The South Carolina Supreme Court recently reversed longstanding jurisprudence in Colleton Prep Academy v. Hoover Universal by adding a broad exception to the economic loss rule by creating a legal duty in tort for manufacturers even when a product does not cause any bodily harm. The bill seeks to re-instate the longstanding economic loss rule that was the legal standard prior to the Colleton Prep Academy v. Hoover Universal decision.

Statute of Repose

- The bill has a clarifying clause to be added to Section 15-3-670 stating that a possible building code violation is not deemed gross negligence or recklessness per se. This clarification should stop plaintiffs' attorneys from

citing building code violations to circumvent the limitations of the Statute of Repose.

Piercing the Corporate Veil

- The bill provides that no claim or discovery may seek to pierce (lift) the corporate veil until the plaintiff has obtained a judgment against a company.

Consumer Protection Act

- Amends the Consumer Protection Act to include a compliance exemption relating to the Federal Trade Commission, limiting damages to out-of-pocket losses, and clarification of the causation and proof requirements in recovering damages.