

South Carolina General Assembly
126th Session, 2025-2026

S. 244

STATUS INFORMATION

General Bill

Sponsors: Senators Massey, Alexander, Rice, Turner, Climer, Williams, Bennett and Cromer

Document Path: SR-0163KM25.docx

Introduced in the Senate on January 16, 2025

Currently residing in the Senate

Summary: Tort Reform

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
1/16/2025	Senate	Introduced and read first time (Senate Journal-page 13)
1/16/2025	Senate	Referred to Committee on Judiciary (Senate Journal-page 13)
1/24/2025	Senate	Referred to Subcommittee: Johnson (ch), Campsen, Massey, Adams, Tedder, Elliott, Walker

View the latest [legislative information](#) at the website

VERSIONS OF THIS BILL

01/16/2025

1
2
3
4
5
6
7
8
9
10

A BILL

11 TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-38-15,
12 RELATING TO THE APPORTIONMENT OF PERCENTAGES OF FAULT AND ALCOHOLIC
13 BEVERAGE OR DRUG EXCEPTIONS, SO AS TO PROVIDE THAT A JURY OR THE COURT
14 SHALL DETERMINE THE PERCENTAGE OF FAULT OF THE CLAIMANT, THE DEFENDANT,
15 AND OF ANY NONPARTY WHOSE ACT OR OMISSION WAS A PROXIMATE CAUSE OF THE
16 CLAIMANT'S ALLEGED DAMAGES; BY REPEALING SECTION 15-38-20 RELATING TO
17 RIGHT OF CONTRIBUTION; BY REPEALING SECTION 15-38-30 RELATING TO FACTORS
18 DETERMINING PRO RATA LIABILITY OF TORTFEASORS; BY REPEALING SECTION 15-38-
19 40 RELATING TO ACTIONS FOR CONTRIBUTION; BY ADDING SECTION 15-3-710 SO AS
20 TO DEFINE NECESSARY TERMS; BY ADDING SECTION 15-3-720 SO AS TO PROVIDE THAT
21 AN INDIVIDUAL IS PROHIBITED FROM RECOVERING DAMAGES IF THE INDIVIDUAL
22 KNOWINGLY RIDES AS A PASSENGER IN A VEHICLE OPERATED BY A DRIVER WHO IS
23 VISIBLY INTOXICATED OR WHOM THE INDIVIDUAL KNEW OR SHOULD HAVE KNOWN
24 WOULD BECOME INTOXICATED; BY ADDING SECTION 15-3-730 SO AS TO PROVIDE
25 THAT THE CLERK OF COURT SHALL FORWARD A COPY OF THE COMPLAINT AND
26 JUDGMENT TO THE DEPARTMENT OF REVENUE UPON ENTERING JUDGMENT
27 AGAINST A LICENSEE; BY AMENDING SECTION 61-4-580, RELATING TO PROHIBITED
28 ACTS, SO AS TO PROVIDE FOR CIVIL LIABILITY; BY AMENDING SECTION 61-4-590,
29 RELATING TO REVOCATION OR SUSPENSION OF PERMITS AND DEPARTMENT
30 INVESTIGATION AND DETERMINATION, SO AS TO PROVIDE THAT THE DEPARTMENT
31 MAY REVOKE OR SUSPEND A PERMIT ON ITS OWN INITIATIVE UPON RECEIPT OF A
32 COMPLAINT AND JUDGMENT; BY ADDING SECTION 61-3-100 SO AS TO DEFINE
33 NECESSARY TERMS; BY ADDING SECTION 61-3-110 SO AS TO PROVIDE REQUIREMENTS
34 FOR TRAINING SERVER AND MANAGER TRAINING; BY ADDING SECTION 61-3-120 SO
35 AS TO PROVIDE FOR THE CREATION OF AND APPROVAL OF TRAINING PROGRAMS; BY
36 ADDING SECTION 61-3-130 SO AS TO PROVIDE FOR THE ISSUANCE OF ALCOHOL
37 SERVER CERTIFICATES; BY ADDING SECTION 61-3-140 SO AS TO PROVIDE FOR THE
38 RENEWAL OF A PERMIT OR LICENSE; BY ADDING SECTION 61-3-150 SO AS TO PROVIDE
39 FOR THE ENFORCEMENT OF RELEVANT PROVISIONS; BY ADDING SECTION 61-3-160 SO
40 AS TO PROVIDE PENALTIES; BY AMENDING SECTION 61-2-60, RELATING TO THE
41 PROMULGATION OF REGULATIONS SO AS TO PROVIDE FOR THE DEVELOPMENT,
42 IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL
43 SERVER TRAINING PROVISIONS; BY AMENDING SECTION 61-6-2220, RELATING TO
44 SALES TO INTOXICATED PERSONS, SO AS TO PROVIDE THAT A PERSON OR
45 ESTABLISHMENT LICENSED TO SELL ALCOHOLIC LIQUORS OR LIQUOR BY THE DRINK
46 PURSUANT TO THIS ARTICLE MAY NOT KNOWINGLY PROVIDE THESE BEVERAGES TO
47 AN INTOXICATED PERSON; BY AMENDING SECTION 38-90-20, RELATING TO
48 LICENSING, REQUIRED INFORMATION AND DOCUMENTATION, FEES, AND RENEWAL,
49 SO AS TO INCLUDE LIQUOR LIABILITY INSURANCE; BY AMENDING SECTION 61-2-145,
50 RELATING TO THE REQUIREMENT OF LIABILITY INSURANCE COVERAGE, SO AS TO
51 PROVIDE LIMITS; BY AMENDING SECTION 61-2-145, RELATING TO THE REQUIREMENT
52 OF LIABILITY INSURANCE COVERAGE, SO AS TO PROVIDE THAT AN INSURER SHALL
53 NOTIFY THE DEPARTMENT IF A PERSON LICENSED TO SELL ALCOHOLIC BEVERAGES

1 FOR ON-PREMISES CONSUMPTION EXCEEDS ITS AGGREGATE LIMIT PRIOR TO THE
2 EXPIRATION OF THE POLICY; BY AMENDING SECTION 15-3-670, RELATING TO
3 CIRCUMSTANCES IN WHICH LIMITATIONS PROVIDED BY SECTIONS 15-3-640 THROUGH
4 15-3-660 ARE NOT AVAILABLE AS DEFENSE, SO AS TO PROVIDE THAT A VIOLATION IS
5 CONSIDERED MATERIAL ONLY IF IT EXISTS WITHIN A COMPLETED BUILDING,
6 STRUCTURE, OR FACILITY WHICH HAS RESULTED IN PHYSICAL HARM TO A PERSON
7 OR SIGNIFICANT DAMAGE TO THE PERFORMANCE OF A BUILDING OR ITS SYSTEMS;
8 BY AMENDING SECTION 56-5-6540, RELATING TO PENALTIES, SO AS TO PROVIDE THAT
9 A VIOLATION IS ADMISSIBLE AS EVIDENCE OF COMPARATIVE NEGLIGENCE; BY
10 ADDING SECTION 15-7-65 SO AS TO PROVIDE THAT A CIVIL ACTION TRIED AGAINST AN
11 UNKNOWN DEFENDANT MUST BE TRIED IN THE COUNTY WHERE THE CAUSE OF
12 ACTION AROSE; BY AMENDING SECTION 38-77-150, RELATING TO UNINSURED
13 MOTORIST PROVISIONS, SO AS TO PROVIDE THAT THE UNINSURED MOTORIST
14 PROVISION IS NOT REQUIRED TO INCLUDE COVERAGE FOR PUNITIVE OR EXEMPLARY
15 DAMAGES; BY AMENDING SECTION 38-77-160, RELATING TO ADDITIONAL UNINSURED
16 MOTORIST COVERAGE, SO AS TO PROVIDE THAT AUTOMOBILE INSURANCE CARRIERS
17 ARE NOT REQUIRED TO INCLUDE COVERAGE FOR PUNITIVE OR EXEMPLARY
18 DAMAGES IN THE MANDATORY OFFER OF UNDERINSURED MOTORISTS COVERAGE;
19 BY AMENDING SECTION 15-78-30, RELATING TO DEFINITIONS, SO AS TO DEFINE
20 OCCURRENCE; BY AMENDING SECTION 15-32-220, RELATING TO NONECONOMIC
21 DAMAGES LIMIT AND EXCEPTIONS, SO AS TO PROVIDE GUIDELINES FOR INTENT TO
22 HARM, FELONY CONVICTIONS, AND INFLUENCE OF ALCOHOL AND OTHER DRUGS;
23 AND BY ADDING SECTION 38-59-23 SO AS TO PROVIDE FOR ACTIONS FOR BAD FAITH
24 INVOLVING A LIABILITY.
25

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

27
28 SECTION 1.A. Section 15-38-15 of the S.C. Code is amended to read:
29

30 Section 15-38-15. (A) In an action to recover damages ~~resulting from personal injury, wrongful~~
31 ~~death, or damage to property or to recover damages for economic loss or for noneconomic loss such as~~
32 ~~mental distress, loss of enjoyment, pain, suffering, loss of reputation, or loss of companionship~~ resulting
33 from tortious conduct; that is (i) brought against one defendant, or two defendants who may be treated
34 as a single party, or two or more defendants, and (ii) tried to a jury, the court shall instruct the jury to
35 determine its verdict in the following manner, unless all of the parties agree otherwise: if indivisible
36 ~~damages are determined to be proximately caused by more than one defendant, joint and several~~
37 ~~liability does not apply to any defendant whose conduct is determined to be less than fifty percent of~~
38 ~~the total fault for the indivisible damages as compared with the total of: (i) the fault of all the~~
39 ~~defendants; and (ii) the fault (comparative negligence), if any, of plaintiff. A defendant whose conduct~~
40 ~~is determined to be less than fifty percent of the total fault shall only be liable for that percentage of the~~
41 ~~indivisible damages determined by the jury or trier of fact.~~

42 (1) The jury shall determine the percentage of fault of the claimant, of the defendant, and of any
43 nonparty whose act or omission was a proximate cause of the claimant's alleged damages. The jury
44 may not be informed of any immunity defense that is available to the nonparty. In assessing percentage

1 of fault, the jury or the court shall consider the fault of all persons or entities whose alleged act or
2 omission was a proximate cause of the alleged damage, regardless of whether the person or entity was
3 or could have been named as a party. The percentage of fault of the parties to the action may total less
4 than one hundred percent if the jury finds that fault contributing to the claimant's loss has also come
5 from a nonparty or nonparties.

6 (2) If the percentage of fault of the claimant is greater than fifty percent of the total fault involved
7 in the act or omission that caused the claimant's damage, then the jury shall return a verdict for the
8 defendant and no further jury deliberation is required.

9 (3) If the percentage of fault of the claimant is not greater than fifty percent of the total fault
10 involved in the act or omission that caused the claimant's damage, then the jury shall determine the
11 total amount of damages the claimant would be entitled to recover if comparative fault were
12 disregarded.

13 (4) Upon the completion of subitem (3), the court shall enter judgment for the claimant against
14 each defendant in an amount equal to the total amount of damages awarded in subitem (3) multiplied
15 by the percentage of fault assigned to each respective defendant in subitem (1).

16 (5) The court may determine that two or more persons are to be treated as a single party. Such
17 treatment must be used where two or more persons acted in concert or where, by reason of agency,
18 employment, or other legal relationship, a party is vicariously responsible for another party.

19 (B) Apportionment of percentages of fault among defendants is to be determined as specified in
20 subsection (C).

21 ~~(C)-(B) The jury, or the court if there is no jury, shall:~~ If there is no jury, then the court shall specify
22 the amount of damages and determine the percentages of fault as prescribed in subsection (A).

23 (1) specify the amount of damages;

24 (2) determine the percentage of fault, if any, of plaintiff and the amount of recoverable damages
25 under applicable rules concerning "comparative negligence"; and

26 (3) upon a motion by at least one defendant, where there is a verdict under items (1) and (2) above
27 for damages against two or more defendants for the same indivisible injury, death, or damage to
28 property, specify in a separate verdict under the procedures described at subitem (b) below the
29 percentage of liability that proximately caused the indivisible injury, death, damage to property, or
30 economic loss from tortious conduct, as determined by item (1) above, that is attributable to each
31 defendant whose actions are a proximate cause of the indivisible injury, death, or damage to property.
32 In determining the percentage attributable to each defendant, any fault of the plaintiff, as determined
33 by item (2) above, will be included so that the total of the percentages of fault attributed to the plaintiff
34 and to the defendants must be one hundred percent. In calculating the percentage of fault attributable
35 to each defendant, inclusion of any percentage of fault of the plaintiff (as determined in item (2) above)
36 shall not reduce the amount of plaintiff's recoverable damages (as determined under item (2) above).

1 (a) For this purpose, the court may determine that two or more persons are to be treated as a
2 single party. Such treatment must be used where two or more defendants acted in concert or where, by
3 reason of agency, employment, or other legal relationship, a defendant is vicariously responsible for
4 the conduct of another defendant.

5 (b) After the initial verdict awarding damages is entered and before the special verdict on
6 percentages of liability is rendered, the parties shall be allowed oral argument, with the length of such
7 argument subject to the discretion of the trial judge, on the determination of the percentage attributable
8 to each defendant. However, no additional evidence shall be allowed.

9 ~~—(D) A defendant shall retain the right to assert that another potential tortfeasor, whether or not a~~
10 ~~party, contributed to the alleged injury or damages and/or may be liable for any or all of the damages~~
11 ~~alleged by any other party.~~

12 ~~—(E) Notwithstanding the application of this section, setoff from any settlement received from any~~
13 ~~potential tortfeasor prior to the verdict shall be applied in proportion to each defendant's percentage of~~
14 ~~liability as determined pursuant to subsection (C).~~

15 ~~—(F) This section does not apply to a defendant whose conduct is determined to be wilful, wanton,~~
16 ~~reckless, grossly negligent, or intentional or conduct involving the use, sale, or possession of alcohol~~
17 ~~or the illegal or illicit use, sale, or possession of drugs.~~

18 B. Section 15-38-20 of the S.C. Code is repealed.

20 C. Section 15-38-30 of the S.C. Code is repealed.

22 D. Section 15-38-40 of the S.C. Code is repealed.

24 SECTION 2.A. Chapter 3, Title 15 of the S.C. Code is amended by adding:

26 Section 15-3-710. (A) As used in this section:

27 (1) "Alcohol" means beer; wine; alcoholic liquors or alcoholic beverages as defined in Section
28 61-6-20; alcoholic liquor by the drink or alcoholic beverage by the drink as defined in Section 61-6-20;
29 or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage
30 for human consumption.

31 (2) "Licensee" means any person or entity licensed to sell alcohol by the State of South Carolina
32 or any agency or department thereof.

33 (3) "Visibly intoxicated" means an individual displayed visible signs and symptoms of
34 intoxication that would have been obvious to a reasonable person.

35 (B) A licensee that knowingly sells, serves, or otherwise furnishes alcohol to an individual is civilly
36 liable to a third party for damages arising out of the sale of alcohol to that individual if the sale of the

1 alcohol was a proximate cause of bodily injury, death, or property damage to the third party and if:

2 (1) the individual was visibly intoxicated at the time the alcohol was sold by the licensee; or

3 (2) at the time the alcohol was sold, the licensee knew or should have known that the individual
4 would become intoxicated based on factors that would be obvious to a reasonable person including, but
5 not limited to, the licensee's knowledge of the number of alcoholic beverages served to the individual
6 while on the licensee's premises.

7 (C) A licensee that knowingly sells, serves, or furnishes alcohol to an individual under the age of
8 twenty-one years old is civilly liable to that individual for damages arising out of the sale of alcohol to
9 that individual if the sale of the alcohol was a proximate cause of bodily injury, death, or property
10 damage to the individual and if:

11 (1) the individual was visibly intoxicated at the time the alcohol was sold by the licensee; or

12 (2) at the time the alcohol was sold, the licensee knew or should have known that the individual
13 would become intoxicated based on factors that would be obvious to a reasonable person including, but
14 not limited to, the licensee's knowledge of the number of alcoholic beverages served to the individual
15 while on the licensee's premise.

16 (D) Upon the death of any party, the action or right of action authorized by this section will survive
17 to or against the party's personal representative.

18 (E) No licensee is chargeable with knowledge of acts by which a person becomes intoxicated at other
19 locations unknown to the licensee.

20
21 Section 15-3-720. An individual who is at least twenty-one years of age is prohibited from
22 recovering damages from a licensee pursuant to Section 15-3-710 if the individual:

23 (1) knowingly rode as a passenger in a motor vehicle that was operated by a driver who was visibly
24 intoxicated and the driver's intoxication was a proximate cause of the individual's damages; or

25 (2) knowingly rode as a passenger in a motor vehicle that was operated by a driver the individual
26 knew or should have known would become intoxicated based on factors that would be obvious to a
27 reasonable person including, but not limited to, the individual's knowledge of the number of alcoholic
28 beverages the driver consumed and the driver's intoxication was a proximate cause of the individual's
29 damages.

30
31 Section 15-3-730. Upon entering judgment against a licensee in an action filed pursuant to Section
32 15-3-710, the clerk of court shall forward a copy of the complaint and judgment to the Department of
33 Revenue for investigation pursuant to Section 61-4-590.

34
35 B. Section 61-4-580(B) of the S.C. Code is amended to read:
36

(B) In addition to civil liability as provided by law, including as provided in Section 15-3-710, a violation of any provision of this section is a ground for the revocation or suspension of the holder's permit.

C. Section 61-4-590(A) of the S.C. Code is amended to read:

Section 61-4-590. (A) The department has jurisdiction to revoke or suspend permits authorizing the sale of beer or wine. ~~The department may, on~~ On its own initiative, upon receipt of a complaint and judgment pursuant to Section 15-3-730, or on complaint signed and sworn to by two or more freeholders resident for the preceding six months in the community in which the licensed premises are located or by a local peace officer, all of whom are charged with the duty of reporting immediately to the department a violation of the provisions of Section 61-4-580, the department may revoke or suspend the permit pursuant to the South Carolina Revenue Procedures Act. The decision of the Administrative Law Court is not automatically superseded or stayed by the filing of a petition for judicial review.

SECTION 3.A. Title 61 of the S.C. Code is amended by adding:

CHAPTER 3

Alcohol Server Training

Section 61-3-100. For the purposes of this chapter, the following definitions apply:

(1) "Alcohol" means beer, wine, alcoholic liquors, or any other type of alcoholic beverage that contains any amount of alcohol and is used as a beverage for human consumption.

(2) "Alcohol server" means an individual who sells alcohol for on-premises consumption at permitted or licensed premises and may include a permittee, licensee, manager, or other employee of a permittee or licensee. "Alcohol server" does not include an individual employed or volunteering on a temporary basis for a one-time special event, such as a banquet, or at an event that has a temporary permit to sell beer, wine, or alcoholic liquors by the drink and does not include an individual transferring alcohol from one location to another as a distributor, wholesaler, or as otherwise lawfully authorized to transfer alcohol from one location to another by this title; and does not include an individual who cannot lawfully serve or deliver alcohol pursuant to Sections 61-4-90(D) and 61-6-2200.

(3) "Alcohol server certificate" means an authorization issued by the department for an individual to be employed or engaged as an alcohol server for on-premises consumption.

(4) "DAODAS" means the South Carolina Department of Alcohol and Other Drug Abuse Services.

(5) "Department" means the South Carolina Department of Revenue.

1 (6) "Division" means the South Carolina Law Enforcement Division.

2 (7) "Employee" means a person who is employed for at least ten hours a week by a permittee or a
3 licensee.

4 (8) "Licensee" means a person issued a license by the department pursuant to Title 61 to sell, serve,
5 transfer, or dispense alcoholic liquors or alcoholic liquor by the drink for on-premises consumption.

6 (9) "Manager" means an individual employed by a permittee or licensee who manages, directs, or
7 controls the sale, service, transfer, or dispensing of alcoholic beverages for on-premises consumption
8 at the permitted or licensed premises.

9 (10) "Permittee" means a person issued a permit by the department pursuant to Title 61 to sell, serve,
10 transfer, or dispense beer, wine, ale, porter, or other malted beverages for on-premises consumption.

11 (11) "Program" means an alcohol server training and education course and examination approved by
12 the department with input from DAODAS and the division that is administered by authorized providers.

13 (12) "Provider" means an individual, partnership, corporation, or other legal entity authorized by the
14 department that offers and administers a program.

15
16 Section 61-3-110. (A) An alcohol server or manager must complete alcohol server training and
17 obtain an alcohol server certificate pursuant to the provisions of this chapter. If an alcohol server or
18 manager does not have a current alcohol server certificate at the time of employment, then the licensee
19 or permittee must provide alcohol server training within one hundred twenty calendar days of
20 employment. An alcohol server shall not be mentally or physically impaired by alcohol, drugs, or
21 controlled substances while serving alcohol.

22 (B) A permittee or licensee shall maintain at all times on its permitted or licensed premises copies of
23 the alcohol server certificates for the permittee or licensee, managers, and alcohol servers for the
24 duration of employment. Copies of the alcohol server certificate must be made available, upon request,
25 to the department, the division, or the agents and employees of each. For the purposes of enforcement
26 of the provisions of this chapter, a permittee or licensee must also make available to the department or
27 the division, when requested, the hire date of an alcohol server.

28 (C) Failure to produce a copy of an alcohol server certificate when an alcohol server has been
29 employed for one hundred twenty calendar days subjects the permittee or licensee to noncompliance
30 with Section 61-2-145(E).

31
32 Section 61-3-120. (A)(1) The department shall approve alcohol server training programs offered by
33 providers that are based on best evidence practice standards. The department may collaborate with
34 DAODAS and the division to determine appropriate providers for the purposes of this chapter. The
35 department shall approve or deny a program within sixty days of application by a provider. A provider
36 may appeal a denial pursuant to Section 61-2-260 and the South Carolina Administrative Procedures

1 Act.

2 (2) A provider may charge a licensee, permittee, or individual seeking training for the purpose of
3 employment as an alcohol server or manager a fee not to exceed fifty dollars per participant.

4 (B) The curricula of each program must include the following subjects:

5 (1) state laws and regulations pertaining to:

6 (a) the sale and service of alcoholic beverages;

7 (b) the permitting and licensing of sellers of alcoholic beverages;

8 (c) impaired driving or driving under the influence of alcohol or drugs;

9 (d) liquor liability issues;

10 (e) the carrying of concealed weapons by authorized permit holders into businesses selling and
11 serving alcoholic beverages; and

12 (f) life consequences, such as the loss of education scholarships, to minors relating to the
13 unlawful use, transfer, or sale of alcoholic beverages;

14 (2) the effect that alcohol has on the body and human behavior including, but not limited to, its
15 effect on an individual's ability to operate a motor vehicle when intoxicated;

16 (3) information on blood alcohol concentration and factors that change or alter blood alcohol
17 concentration;

18 (4) the effect that alcohol has on an individual when taken in combination with commonly used
19 prescription or nonprescription drugs or with illegal drugs;

20 (5) information on recognizing the signs of intoxication and methods for preventing intoxication;

21 (6) methods of recognizing problem drinkers and techniques for intervening with and refusing to
22 serve problem drinkers;

23 (7) methods of identifying and refusing to serve or sell alcoholic beverages to individuals under
24 twenty one years of age and intoxicated individuals;

25 (8) methods for properly and effectively checking the identification of an individual, for
26 identifying illegal identification, and for handling situations involving individuals who have provided
27 illegal identification;

28 (9) South Carolina law enforcement information; and

29 (10) other topics related to alcohol server education and training designated by the department, in
30 collaboration with DAODAS and the division, to be included.

31 (C) The department shall approve only online designed training programs that meet each of the
32 following criteria:

33 (1) a program must cover the content specified in subsection (B);

34 (2) the content in a program must clearly identify and focus on the knowledge, skills, and abilities
35 needed to responsibly serve alcoholic beverages and must be developed using best practices in
36 instructional design and exam development to ensure that the program is fair and legally defensible;

1 (3) a program shall be offered online;

2 (4) online training must be at least four hours, be available in English and Spanish, and include a
3 test;

4 (5) online or computer based training programs must use linear navigation that requires the
5 completion of a module before the course proceeds to the next module, with no content omitted; be
6 interactive; have audio for content; and include a test;

7 (6) training and testing must be conducted online. All tests must be monitored by an online proctor.
8 A passing grade for a test, as provided by the program, is required; and

9 (7) training certificates are issued by the provider only after training is complete and a test has
10 been passed successfully.

11 (D) Within ten business days after a training is completed, each provider must give to the department
12 a report of all individuals who have successfully completed the training and testing. The provider must
13 also maintain these records for at least five years following the end of the training program for purposes
14 of verifying certification validity by the department or the division.

15 (E) The department, in collaboration with DAODAS and the division, may suspend or revoke the
16 authorization of a provider that the department determines has violated the provisions of this chapter.
17 If a provider's authorization is suspended or revoked, then that provider must cease operations in this
18 State immediately and refund any money paid to it by individuals enrolled in that provider's program
19 at the time of the suspension or revocation.

20
21 Section 61-3-130. (A)(1) The department must issue an alcohol server certificate to each applicant
22 who completes an approved program or a recertification program and who provides other information
23 as may be required by the department in an application form that is available on the department's
24 website. An individual must apply for an alcohol server certificate within six months of completing a
25 program. The department, if circumstances warrant the issuance of a temporary alcohol server
26 certificate, may issue a temporary alcohol server certificate that is valid for a period of no more than
27 thirty calendar days.

28 (2) The department, in collaboration with DAODAS and the division, may issue an alcohol server
29 certificate to an individual from outside of the State who applies for an alcohol server certificate if the
30 individual has an alcohol server certificate from a nationally recognized or comparable, state
31 recognized alcohol server certification program that the department, DAODAS, and the division find
32 meets or exceeds the programs offered in this State.

33 (B) Alcohol server certificates shall not be issued to graduates of programs that are not approved by
34 the department.

35 (C) An alcohol server certificate is the property of the individual to whom it is issued and is
36 transferrable among employers. An individual must reimburse a licensee or permittee that paid for the

1 cost of alcohol server training if the individual leaves the employment of the licensee or permittee
2 within six months of its issuance.

3 (D) Alcohol server certificates are valid for a period of five years from the date that the alcohol server
4 certificate was issued. After the five year period, a new or recertified alcohol server certificate must be
5 obtained pursuant to the provisions of this chapter.

6 (E) Upon expiration of an alcohol server certificate, the individual to whom the alcohol server
7 certificate was issued may obtain recertification in accordance with regulations promulgated by the
8 department.

9 (F) The department shall not charge a fee to issue and renew alcohol server certificates to qualifying
10 applicants.

11 (G) An applicant must be deemed to be a qualifying applicant for the purpose of alcohol server
12 certificate issuance and renewal if they have successfully completed all training and testing
13 requirements as found in Section 61-3-120.

14
15 Section 61-3-140. As a requirement for application or renewal of a permit or license for on premises
16 consumption under Chapter 4, Title 61 or Chapter 6, Title 61, a permittee or licensee for on premises
17 consumption seeking to utilize Section 61-2-145(E) must submit to the department proof that the
18 permittee or licensee, if applicable, and each manager and alcohol server employed by the permittee or
19 licensee during the upcoming or prior permit or license period have or have held valid alcohol server
20 certificates at all times that alcoholic beverages were sold, served, or dispensed.

21
22 Section 61-3-150. The division and the department are responsible for enforcement of the
23 provisions of this chapter. The department is responsible for bringing administrative actions for
24 violations of the provisions of this chapter or related regulations, and those actions shall proceed
25 according to the provisions of Section 61-2-260 and the South Carolina Administrative Procedures Act.

26
27 Section 61-3-160. In addition to civil and criminal penalties available for violations of the
28 provisions of Title 61, a permittee or licensee that violates the provisions of this chapter, upon a final
29 administrative determination:

- 30 (1) for a first offense, shall have its alcohol license or permit suspended for six months; and
31 (2) for a second offense not related to the first offense, shall have its alcohol license or permit
32 revoked.

33
34 B. Section 61-2-60 of the S.C. Code is amended by adding:

- 35
36 (9) regulations governing the development, implementation, education, and enforcement of

1 responsible alcohol server training provisions.

3 C. Section 61-6-2220 of the S.C. Code is amended to read:

5 Section 61-6-2220. A person or establishment licensed to sell alcoholic liquors or liquor by the drink
6 pursuant to this article may not knowingly sell these beverages to persons in an intoxicated condition;
7 these sales are considered violations of the provisions thereof and subject to the penalties contained
8 herein.

10 D. This SECTION takes effect six months after the effective date of the act.

12 SECTION 4. Section 38-90-20(A) of the S.C. Code is amended to read:

14 (A) A captive insurance company, when permitted by its articles of incorporation, articles of
15 organization, operating agreement, or charter, may apply to the director for a license to provide any
16 and all insurance, except workers' compensation insurance written on a direct basis, authorized by this
17 title, including, without limitation, liquor liability insurance; however:

18 (1) a pure captive insurance company may not insure any risks other than those of its parent,
19 affiliated companies, controlled unaffiliated business, risks assumed from a risk pool for the purpose
20 of risk sharing, or a combination of them;

21 (2) an association captive insurance company may not insure any risks other than those of the
22 member organizations of its association and their affiliated companies;

23 (3) an industrial insured captive insurance company may not insure any risks other than those of
24 the industrial insureds that comprise the industrial insured group and their affiliated companies;

25 (4) a special purpose captive insurance company may provide insurance or reinsurance, or both,
26 for risks as approved by the director;

27 (5) a captive insurance company may not provide personal motor vehicle or homeowner's
28 insurance coverage written on a direct basis;

29 (6) a captive insurance company may not accept or cede reinsurance except as provided in Section
30 38-90-110.

32 SECTION 5.A. Section 61-2-145(A) of the S.C. Code is amended to read:

34 (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages
35 for on-premises consumption, which remains open after five o'clock p.m. to sell alcoholic beverages
36 for on-premises consumption, is required to maintain a liquor liability insurance policy or a general

1 liability insurance policy with a liquor liability endorsement for ~~a total coverage of~~ at least one million
2 dollars per occurrence during the period of the biennial permit or license. Failure to maintain this
3 coverage during the period of the biennial permit or license constitutes grounds for suspension or
4 revocation of the permit or license and is sufficient ground for the department to seek an emergency
5 revocation order as provided in Sections 12-60-1340 and 1-23-370(c).

6
7 B. Section 61-2-145(C) of the S.C. Code is amended to read:

8
9 (C) Each insurer writing liquor liability insurance policies or general liability insurance policies with
10 a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for
11 on-premises consumption, in which the person so licensed or permitted remains open to sell alcoholic
12 beverages for on-premises consumption after five o'clock p.m., must notify the department in a manner
13 prescribed by department regulation of the lapse or termination of the liquor liability insurance policy
14 or the general liability insurance policy with a liquor liability endorsement. An insurer shall further
15 notify the department if a person licensed or permitted to sell alcoholic beverages for on-premises
16 consumption exceeds its aggregate limit prior to the expiration of the policy.

17
18 C. This SECTION takes effect on July 1, 2026 and applies to all policies issued on and after that date.

19
20 SECTION 6. Section 15-3-670(B) of the S.C. Code is amended to read:

21
22 (B) For the purposes of subsection (A), the violation of a building code of a jurisdiction or political
23 subdivision without physical, material, or resultant damage does not constitute ~~per se~~ fraud, gross
24 negligence, or recklessness, ~~but this type of violation may be admissible as evidence of fraud,~~
25 ~~negligence, gross negligence, or recklessness.~~ A violation is considered material only if it exists within
26 a completed building, structure, or facility which has resulted in physical harm to a person or significant
27 damage to the performance of a building or its systems.

28
29 SECTION 7. Section 56-5-6540(C) of the S.C. Code is amended to read:

30
31 (C) A violation of this article ~~is not negligence per se or contributory negligence, and is not~~
32 ~~admissible as evidence~~ of comparative negligence in a civil action.

33
34 SECTION 8. Chapter 7, Title 15 of the S.C. Code is amended by adding:

35
36 Section 15-7-65. A civil action tried against an unknown defendant as provided in Section 38-77-180

1 must be tried in the county where the cause of action arose, unless otherwise determined by the court
2 pursuant to Section 15-7-100.

3
4 SECTION 9. Section 38-77-150(A) of the S.C. Code is amended to read:

5
6 (A) No automobile insurance policy or contract may be issued or delivered unless it contains a
7 provision by endorsement or otherwise, herein referred to as the uninsured motorist provision,
8 undertaking to pay the insured all sums which he is legally entitled to recover as compensatory damages
9 from the owner or operator of an uninsured motor vehicle, within limits which may be no less than the
10 requirements of Section 38-77-140. The uninsured motorist provision is not required to include
11 coverage for punitive or exemplary damages. The uninsured motorist provision also must provide for
12 no less than twenty-five thousand dollars' coverage for injury to or destruction of the property of the
13 insured in any one accident but may provide an exclusion of the first two hundred dollars of the loss or
14 damage. The director or his designee may prescribe the form to be used in providing uninsured motorist
15 coverage and when prescribed and promulgated no other form may be used.

16
17 SECTION 10. Section 38-77-160 of the S.C. Code is amended to read:

18
19 Section 38-77-160. Automobile insurance carriers shall offer, at the option of the insured, uninsured
20 motorist coverage up to the limits of the insured's liability coverage in addition to the mandatory
21 coverage prescribed by Section 38-77-150. Such carriers shall also offer, at the option of the insured,
22 underinsured motorist coverage up to the limits of the insured liability coverage to provide coverage in
23 the event that compensatory damages are sustained in excess of the liability limits carried by an at-fault
24 insured or underinsured motorist or in excess of any damages cap or limitation imposed by statute. In
25 the mandatory offer of underinsured motorists coverage, automobile insurance carriers are not required
26 to include coverage for punitive or exemplary damages. If, however, an insured or named insured is
27 protected by uninsured or underinsured motorist coverage in excess of the basic limits, the policy shall
28 provide that the insured or named insured is protected only to the extent of the coverage he has on the
29 vehicle involved in the accident. If none of the insured's or named insured's vehicles is involved in the
30 accident, coverage is available only to the extent of coverage on any one of the vehicles with the excess
31 or underinsured coverage. Benefits paid pursuant to this section are not subject to subrogation and
32 assignment.

33 No action may be brought under the underinsured motorist provision unless copies of the pleadings
34 in the action establishing liability are served in the manner provided by law upon the insurer writing
35 the underinsured motorist provision. The insurer has the right to appear and defend in the name of the
36 underinsured motorist in any action which may affect its liability and has thirty days after service of

1 process on it in which to appear. The evidence of service upon the insurer may not be made a part of
2 the record. In the event the automobile insurance insurer for the putative at-fault insured chooses to
3 settle in part the claims against its insured by payment of its applicable liability limits on behalf of its
4 insured, the underinsured motorist insurer may assume control of the defense of action for its own
5 benefit. No underinsured motorist policy may contain a clause requiring the insurer's consent to
6 settlement with the at-fault party.

7
8 SECTION 11. Section 15-78-30(g) of the S.C. Code is amended to read:

9
10 (g) "Occurrence" means an unfolding sequence of events which proximately flow from a single act
11 of negligence. For purposes of medical malpractice claims, "occurrence" means an unfolding sequence
12 of events which proximately flow from a single act of negligence including continuous or repeated
13 exposure to substantially the same harmful conditions. For purposes of this section, multiple events
14 occurring without a break in the causal chain that result in substantially the same damages shall be
15 considered one occurrence.

16
17 SECTION 12. Section 15-32-220(E) of the S.C. Code is amended to read:

18
19 (E) The limitations for noneconomic damages rendered against any health care provider or health
20 care institution do not apply if the jury or court determines that the defendant ~~was grossly negligent,~~
21 ~~wilful, wanton, or reckless, and such conduct was the proximate cause of the claimant's noneconomic~~
22 ~~damages, or if the defendant has engaged in fraud or misrepresentation related to the claim, or if the~~
23 ~~defendant altered or destroyed medical records with the purpose of avoiding a claim or liability to the~~
24 ~~claimant.~~

25 (1) had an intent to harm and did in fact harm the claimant;

26 (2) has pled guilty to or been convicted of a felony arising out of the same act or course of conduct
27 complained of by the plaintiff and that the act or course of conduct is a proximate cause of the plaintiff's
28 damages; or

29 (3) acted or failed to act while under the influence of alcohol, drugs that are not otherwise lawfully
30 prescribed and administered in accordance with a valid prescription, or any intentionally consumed
31 glue, aerosol, or other toxic vapor to the degree that his judgment was materially and appreciably
32 impaired.

33
34 SECTION 13. Chapter 59, Title 38 of the S.C. Code is amended by adding:

35
36 Section 38-59-23. (A) An action for bad faith involving a liability, underinsured motorists, or an

1 uninsured motorists insurance claim, including any such action brought under the common law, is not
2 actionable if:

3 (1) in response to a demand for the policy limits made by the claimant prior to suit being filed on
4 the underlying tort claim, the insurer tenders the policy limits within ninety days after receiving actual
5 notice of a claim that is accompanied by sufficient evidence to support liability and the amount of the
6 claim; or

7 (2) in response to a demand for the policy limits made by the claimant after suit has been filed on
8 the underlying tort claim, the insurer tenders the policy limits by the later of:

9 (a) ten months after the suit was filed, or

10 (b) thirty days after receiving actual notice of the demand for the policy limits.

11 (B) If suit is filed on the underlying tort claim less than ninety days after the insurer receives a
12 demand for policy limits, the time period for review and payment provided in (A)(2) applies rather than
13 the time limit provided in (A)(1).

14 (C)(1) In any bad faith action against an insurer, whether such action is brought under this section or
15 is based on the common law remedy for bad faith, mere negligence or a verdict in excess of the policy
16 limits on the underlying tort claim, by itself, is insufficient to constitute bad faith.

17 (2) In any action for bad faith against an insurer, the trier of fact may consider whether the insured,
18 claimant, or representative of the insured or claimant did not act in good faith, in which case the trier
19 of fact may reasonably reduce the amount of damages awarded against the insurer.

20 (D) The insured, claimant, and representative of the insured or claimant have a duty to act in good
21 faith in furnishing information regarding the claim, in making demands of the insurer, in setting
22 deadlines, and in attempting to settle the claim. This duty does not create a separate cause of action but
23 may only be considered for the purpose of reasonably reducing the amount of damages awarded against
24 the insurer as provided in subsection (C)(2).

25 (E) If two or more third party claimants have competing claims arising out of a single occurrence,
26 which in total may exceed the available policy limits of one or more of the insured parties who may be
27 liable to the third-party claimants, then an insurer is not liable beyond the available policy limits for
28 failure to pay all or any portion of the available policy limits to one or more of the third-party claimants
29 if the insurer issues a global offer for its policy limits within ninety days after receiving notice of the
30 competing claims accompanied by sufficient evidence to support liability and the amount of the claims.
31 If the claims of the competing third-party claimants are found to be in excess of the insurer's policy
32 limits, then the third-party claimants are entitled to a prorated share of the policy limits as determined
33 by the trier of fact.

34
35 SECTION 14. The repeal or amendment by this act of any law, whether temporary or permanent or
36 civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter,

1 discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or
2 amended law, unless the repealed or amended provision shall so expressly provide. After the effective
3 date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full
4 force and effect for the purpose of sustaining any pending or vested right, civil action, special
5 proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the
6 enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or
7 amended laws.

8
9 SECTION 15. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word
10 of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the
11 constitutionality or validity of the remaining portions of this act, the General Assembly hereby
12 declaring that it would have passed this act, and each and every section, subsection, paragraph,
13 subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more
14 other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof
15 may be declared to be unconstitutional, invalid, or otherwise ineffective.

16
17 SECTION 16. This act takes effect upon approval by the Governor.

18 -----XX-----