

1. Statute of Repose, S.C. Code § 15-3-640

- a. Reduces the time within which an action arising from defective or unsafe construction may be brought from 13 years to 8 years after the date of substantial completion of the improvement. This includes actions for:
 - breach of contract to construct or repair improvements
 - negligent construction
 - personal injury, death, or damage to property
 - economic damages
 - tort claims arising from defective or unsafe construction
- b. This provision applies to actions for defective or unsafe construction brought against:
 - a surety or guarantor of a defendant
 - a current or prior owner of the real property or improvement
 - owners or manufacturers of components, or any person furnishing materials
 - real estate developers
 - architects, designers, surveyors
 - general contractors and sub-contractors
- c. Effective Date: July 1, 2005, and applies to improvements for which certificates of occupancy are issued or completion of a final inspection by the responsible local building official after July 1, 2005.

2. Venue, S.C. Code § 15-7-30

- a. Civil actions against a resident individual defendant must be brought and tried in the county:
 - where the defendant resides at the time the cause of action arose, or
 - where the most substantial part of the cause of action occurred
- b. Civil actions against a nonresident individual defendant must be brought and tried in the county:
 - where the most substantial part of the cause of action occurred, or
 - where the plaintiff resides at the time the cause of action arose
- c. Civil actions against (i) a domestic corporation or (ii) a foreign corporation required to possess and possessing a certificate of authority from the Secretary of State must be brought and tried in the county:

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- where the defendant has its principal place of business at the time the cause of action arose, or
 - where the most substantial part of the cause of action occurred
- d. Civil actions against a foreign corporation that does not possess a certificate of authority from the Secretary of State must be brought and tried in the county:
- where the most substantial part of the cause of action occurred, or
 - where the plaintiff resides at the time the cause of action arose
- e. “Principal place of business” is defined as:
- the corporation’s home office within the State;
 - the location of the corporation’s manufacturing, sales, or purchasing facility within the State if there is no home office in the State; or
 - the location where the majority of corporate activity takes place if there are multiple manufacturing, sales, or purchasing centers and there is no home office in the State.
- f. Owning property and transacting business in a county is insufficient in and of itself to establish the principal place of business for a corporation for purposes of determining proper venue.
- g. If there is more than one defendant, the action may be tried in any county where the action may properly be maintained against any one of the defendants.
- h. Effective Date: July 1, 2005, and applies only to causes of action arising on or after that date.
- 3. Changing Place of Trial, S.C. Code § 15-7-100**
- a. The court may change the place of trial if the county in which the plaintiff’s complaint is filed is not the proper county pursuant to the venue statute.
- b. Effective Date: July 1, 2005, and applies only to causes of action arising on or after that date.
- 4. Frivolous Lawsuits, S.C. Code § 15-36-100**
- a. The signature of an attorney or a pro se litigant on a document filed in a civil action certifies to the court that the claim or defense is not frivolous and is not intended to merely harass or injure the other party.

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- b. An attorney or pro se litigant may be sanctioned for filing a frivolous pleading or making a frivolous argument which a reasonable attorney would believe was not reasonably supported by the facts or law.
- c. Sanctions may include an order for the party represented by the sanctioned attorney to pay the reasonable costs and attorney's fees of the prevailing party, an order for the attorney to pay a fine to the court, or an injunction designed to deter future frivolous action.
- d. Effective Date: July 1, 2005, and applies only to causes of action arising on or after that date.

5. Joint and Several Liability, S.C. Code § 15-38-15

- a. If there are multiple defendants in a civil action, joint and several liability does not apply to any defendant whose conduct is determined to be less than 50% of the total fault for the damages in the action.
- b. The comparative fault of the plaintiff is included in the calculation of the total fault in the case. Under the rules of comparative negligence, if the plaintiff's fault is determined to be greater than 50% of the total fault, then the plaintiff shall be completely barred from recovery.
- c. If a defendant's conduct is determined to be less than 50% of the total fault, such defendant shall only be responsible for its proportional share of the damages based on its percentage of liability.
- d. The "empty chair" defense is specifically preserved. That is, a defendant retains the right to assert that another potential tortfeasor, whether or not a party, contributed to the alleged damages and may be liable for any or all of the damages alleged by another party.
- e. Setoff from any settlement received prior to verdict shall be applied to any damage award in proportion to each defendant's percentage of liability.
- f. Joint and several liability shall still apply to a defendant whose conduct is determined to be willful, wanton, reckless, grossly negligent, or intentional, or to a defendant whose conduct involves the use, sale, or possession of alcohol or illegal or illicit drugs.
- g. Effective Date: July 1, 2005, and applies only to causes of action arising on or after that date.

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6. Legal Rate of Interest, S.C. Code § 34-31-20

- a. Post-judgment interest rates are changed from 12% per year to the prime rate plus 4 percentage points.
- b. The prime rate shall be defined as it is listed in the first edition of the Wall Street Journal published for each calendar year for which damages are awarded, and the S.C. Supreme Court will confirm the annual prime rate in an order issued by January 15 of each year.
- c. Effective Date: March 21, 2005, and applies to all judgments entered on or after July 1, 2005.

7. Attorney Advertising, S.C. Code § 39-5-39

- a. It is now considered an unlawful trade practice under S.C. Code § 39-5-20 for an attorney to advertise his services in a false, deceptive, or misleading manner, including but not limited to the use of a nickname that creates an unreasonable expectation of results.
- b. Effective Date: March 21, 2005, and applies only to advertisements appearing after that date.