

South Carolina General Assembly
125th Session, 2023-2024

Bill 3241

~~Indicates Matter Stricken~~

Indicates New Matter

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, BY ADDING ARTICLE 8 TO CHAPTER 23, TITLE 58 BY ENACTING THE "COMMERCIAL DRIVER LICENSE HOLDER EMPLOYMENT PROTECTION ACT"; TO PROVIDE THAT THE SUCCESSFUL COMPLETION OF A FEDERALLY SANCTIONED COMMERCIAL DRIVER LICENSE EXAMINATION AND THE ISSUANCE OF A VALID COMMERCIAL DRIVER LICENSE BY THIS STATE OR ANOTHER STATE CONSTITUTES PRIMA FACIE EVIDENCE OF BASIC QUALIFICATIONS TO DRIVE COMMERCIAL MOTOR VEHICLES; AND TO PROVIDE THAT A VIOLATION OF A REGULATION ENACTED UNDER THE MOTOR VEHICLE TRAFFIC AND SAFETY STATUTES AND REGULATIONS OF THIS STATE, OR OF ANOTHER STATE, OR THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS, OR A CONVICTION OF A MOVING VIOLATION, DOES NOT CONSTITUTE PER SE WILFUL, WANTON, OR RECKLESS CONDUCT, OR GROSS NEGLIGENCE.

Whereas, it is the public policy of this State to recognize that: a viable truck transportation industry with an adequate supply of professionally licensed drivers is critical to the state's economy; commercial motor vehicle owners must meet strict federal and state requirements to maintain fleet operations on public highways; professional drivers must meet strict federal and state requirements in order to obtain and keep a commercial driver license; and they are subject to law enforcement oversight while in the conduct of their ordinary business operations in multiple jurisdictions with exposure to inconsistent enforcement and inspection practices, all of which result in records that may be misconstrued by regulators, plaintiffs, and jurors; and

Whereas, commercial motor vehicle operators and their professional drivers should not face inconsistent, disproportionate, redundant, or excessive exposure to civil lawsuits in the state's courts. Now, therefore,

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

SECTION 1. Chapter 23, Title 58 of the S.C. Code is amended by adding:

Article 8

Commercial Driver License Holder Employment Protection Act

Section [58-23-800](#). This act may be cited and referred to as the "Commercial Driver License Holder Employment Protection Act".

Section [58-23-810](#). (A) The successful completion of a federally sanctioned commercial driver license examination and issuance of a valid commercial driver license by this State or any other state constitutes prima facie evidence of basic qualifications to drive such commercial motor vehicles as the license allows, provided the license is not in an active state of suspension or the driver has not been disqualified to operate such a commercial motor vehicle.

(B) In trials of civil actions where vicarious liability of an employer or principal has been admitted, civil liability claims made against the employer of a person who holds a valid commercial driver license issued by this State or another state based on a theory of negligent hiring, negligent training, negligent supervision, negligent retention, or negligent entrustment must not be considered in the first phase of a bifurcated trial pursuant to Section [15-32-520](#)(E) and can be considered only in the second phase of a bifurcated trial pursuant to Section [15-32-520](#)(E) if there is evidence against the employer which would support an award of punitive damages.

(C) A violation of a regulation enacted under the motor vehicle traffic and safety statutes and regulations of this State, or of another state, or the Federal Motor Carrier Safety Regulations, or a conviction of a moving violation, does not constitute per se wilful, wanton, or reckless conduct, or gross negligence and must not be admissible in the first phase of a bifurcated trial pursuant to Section [15-32-520](#)(E). Evidence of such a violation or conviction that is otherwise admissible must be admissible in the second phase of a bifurcated trial pursuant to Section [15-32-520](#)(E) only for the purpose of proving wilful, wanton, or reckless conduct.

(D) Punitive damages may not be awarded against the employer of a person holding a valid commercial driver license based solely on a finding of vicarious liability.

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

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