**South Carolina General Assembly**

126th Session, 2025-2026

**A42, R61, H3430**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. B. Newton, Murphy, Caskey, Mitchell, Pope, W. Newton, Bannister, Sessions, Jordan, Robbins, Collins, Martin, Lawson, Wickensimer, Landing, Long, Hiott, Forrest, Sanders, Teeple, Oremus, Hartz, Guest, Pedalino, M.M. Smith, Schuessler, Chapman, Gatch, McGinnis, Neese, Hardee, Ligon, Taylor, Willis, Vaughan, Brittain, Erickson, Bradley, Rankin, Hager, Whitmire, Gilliam, Crawford, Hewitt, Yow, Hixon, Ballentine, Gagnon and Brewer

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Introduced in the House on January 14, 2025

Introduced in the Senate on February 26, 2025

Last Amended on May 6, 2025

Currently residing in the Senate

Governor's Action: May 12, 2025, Signed

Summary: Tort Reform and Liquor Liability

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/5/2024 House Prefiled

12/5/2024 House Referred to Committee on **Judiciary**

1/14/2025 House Introduced and read first time ([House Journal‑page 199](h:\hj\20250114.docx))

1/14/2025 House Referred to Committee on **Judiciary** ([House Journal‑page 199](h:\hj\20250114.docx))

1/16/2025 House Member(s) request name added as sponsor:
Bannister, Sessions, Jordan, Robbins,
Collins, Martin, Lawson, Wickensimer,
Landing, Long, Hiott, Forrest, Sanders,
Teeple, Oremus, Hartz, Guest, Pedalino,
M.M. Smith, Schuessler, Hixon, Chapman,
Gatch, McGinnis, Neese, Hardee, Ligon,
Taylor, Willis, Vaughan, Brittain, Erickson,
Bradley, Rankin, Hager, Whitmire, Gilliam,
Crawford, Hewitt, Yow

2/12/2025 House Committee report: Favorable **Judiciary** ([House Journal‑page 7](h:\hj\20250212.docx))

2/18/2025 House Member(s) request name added as sponsor:
Ballentine, Gagnon

2/18/2025 House Debate adjourned ([House Journal‑page 24](h:\hj\20250218.docx))

2/19/2025 House Member(s) request name added as sponsor: Brewer

2/19/2025 House Read second time ([House Journal‑page 20](h:\hj\20250219.docx))

2/19/2025 House Roll call Yeas-105 Nays-0 ([House Journal‑page 20](h:\hj\20250219.docx))

2/20/2025 House Read third time and sent to Senate ([House Journal‑page 14](h:\hj\20250220.docx))

2/26/2025 Senate Introduced and read first time ([Senate Journal‑page 9](h:\sj\20250226.docx))

2/26/2025 Senate Referred to Committee on **Finance** ([Senate Journal‑page 9](h:\sj\20250226.docx))

3/26/2025 Senate Committee report: Favorable with amendment **Finance** ([Senate Journal‑page 21](h:\sj\20250326.docx))

4/1/2025 Senate Committee Amendment Adopted ([Senate Journal‑page 29](h:\sj\20250401.docx))

4/1/2025 Senate Read second time ([Senate Journal‑page 29](h:\sj\20250401.docx))

4/1/2025 Senate Roll call Ayes-45 Nays-0 ([Senate Journal‑page 29](h:\sj\20250401.docx))

4/2/2025 Senate Read third time and returned to House with amendments ([Senate Journal‑page 10](h:\sj\20250402.docx))

4/3/2025 Scrivener's error corrected

4/3/2025 Scrivener's error corrected

4/9/2025 House Debate adjourned until Thur., 4-10-25 ([House Journal‑page 55](h:\hj\20250409.docx))

4/10/2025 House Debate adjourned

4/23/2025 House Debate adjourned until Thur., 4-24-25 ([House Journal‑page 19](h:\hj\20250423.docx))

4/24/2025 House Debate adjourned ([House Journal‑page 69](h:\hj\20250424.docx))

4/30/2025 House Amended ([House Journal‑page 79](h:\hj\20250430.docx))

4/30/2025 House Debate adjourned ([House Journal‑page 79](h:\hj\20250430.docx))

5/1/2025 House Debate adjourned ([House Journal‑page 160](h:\hj\20250501.docx))

5/6/2025 House Senate amendment amended ([House Journal‑page 111](h:\hj\20250506.docx))

5/6/2025 House Returned to Senate with amendments ([House Journal‑page 111](h:\hj\20250506.docx))

5/7/2025 Senate Concurred in House amendment and enrolled ([Senate Journal‑page 20](h:\sj\20250507.docx))

5/7/2025 Senate Roll call Ayes-41 Nays-1 ([Senate Journal‑page 20](h:\sj\20250507.docx))

5/8/2025 Ratified R 61

5/12/2025 Signed By Governor

5/19/2025 Effective date See Act for Effective Date

5/19/2025 Act No. 42

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3430_20241205.docx)

[02/12/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3430_20250212.docx)

[03/26/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3430_20250326.docx)

[04/01/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3430_20250401.docx)

[04/03/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3430_20250403.docx)

[04/03/2025-A](https://www.scstatehouse.gov/sess126_2025-2026/prever/3430_20250403a.docx)

[04/30/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3430_20250430.docx)

[05/07/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3430_20250507.docx)

(A42, R61, H3430)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15‑38‑15, RELATING TO JOINT AND SEVERAL LIABILITY AND THE APPORTIONMENT OF PERCENTAGES OF FAULT AND ALCOHOLIC BEVERAGE OR DRUG EXCEPTIONS, AMONG OTHER THINGS, SO AS TO FURTHER MODIFY PROVISIONS RELATING TO JOINT AND SEVERAL LIABILITY, TO REMOVE THE EXCEPTION TO THE PROVISIONS OF THE SECTION APPLYING TO THE USE, SALE, OR POSSESSION OF ALCOHOL, TO PROVIDE PROCEDURES FOR THE INCLUSION OF ADDITIONAL TORTFEASORS IN A CAUSE OF ACTION AND FOR THE TRIER OF FACT TO ALLOCATE FAULT TO ADDITIONAL TORTFEASORS, AND TO PROVIDE CIRCUMSTANCES UNDER WHICH ADDITIONAL NONDEFENDANT TORTFEASORS SHALL BE ADDED TO A VERDICT FORM AND CIRCUMSTANCES UNDER WHICH THEY SHALL NOT BE ADDED; BY AMENDING SECTION 61‑6‑2220, RELATING TO ALCOHOL SALES, SO AS TO PROHIBIT A PERSON FROM KNOWINGLY SELLING ALCOHOL TO AN INTOXICATED PERSON; BY ADDING CHAPTER 3 TO TITLE 61 SO AS TO ESTABLISH AN ALCOHOL SERVER TRAINING REQUIREMENT; BY AMENDING SECTION 61‑2‑60, RELATING TO REGULATIONS OF THE DEPARTMENT OF REVENUE, SO AS TO AUTHORIZE REGULATIONS FOR THE ALCOHOL SERVER TRAINING REQUIREMENTS; BY AMENDING SECTION 61‑4‑580, RELATING TO PROHIBITED ACTS BY HOLDERS OF PERMITS AUTHORIZING THE SALE OF BEER OR WINE, SO AS TO PROVIDE PENALTIES FOR VIOLATIONS; BY ADDING SECTION 61‑4‑523 SO AS TO PROVIDE PROCEDURES FOR THE SALE OF BEER AND WINE AT COLLEGIATE SPORTING EVENTS UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 38‑73‑550 SO AS TO REQUIRE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO MAKE CERTAIN REPORTS REGARDING LIQUOR LIABILITY COVERAGE IN THIS STATE; BY AMENDING section 38‑90‑20, RELATING TO LICENSING, REQUIRED INFORMATION AND DOCUMENTATION, FEES, AND RENEWAL, SO AS TO INCLUDE LIQUOR LIABILITY INSURANCE; BY AMENDING SECTION 61‑2‑145, RELATING TO THE REQUIREMENT OF LIABILITY INSURANCE COVERAGE, SO AS TO PROVIDE FOR LIQUOR LIABILITY RISK MITIGATION; AND BY ADDING SECTION 61‑2‑147 SO AS TO PROVIDE THAT TORTFEASORS CHARGED WITH CERTAIN DRIVING UNDER THE INFLUENCE OFFENSES SHALL APPEAR ON THE JURY VERDICT FORM UPON MOTION OF THE DEFENDANT UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE IF A VERDICT IS RENDERED AGAINST BOTH A LICENSEE AND A DEFENDANT CHARGED WITH CERTAIN DRIVING UNDER THE INFLUENCE OFFENSES THAT THE LICENSEE IS JOINTLY AND SEVERALLY LIABLE FOR FIFTY PERCENT OF THE PLAINTIFF’S ACTUAL DAMAGES.

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

Torts, apportionment of fault, additional tortfeasor inclusion, verdict form inclusion and exclusion

SECTION 1. Section 15‑38‑15 of the S.C. Code is amended to read:

Section 15‑38‑15. (A) In an action to recover damages resulting from personal injury, wrongful death, or damage to property or to recover damages for economic loss or for noneconomic loss such as mental distress, loss of enjoyment, pain, suffering, loss of reputation, or loss of companionship resulting from tortious conduct, if indivisible damages are determined to be proximately caused by more than one tortfeasor, joint and several liability does not apply to any defendant whose conduct is determined to be less than fifty percent of the total fault for the indivisible damages as compared with the total of: (i) the fault of all the defendants and tortfeasors; and (ii) the fault (comparative negligence), if any, of plaintiff. A defendant whose conduct is determined to be less than fifty percent of the total fault shall only be liable for that percentage of the indivisible damages determined by the jury or trier of fact.

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

(C) The jury, or the court if there is no jury, shall:

(1) specify the amount of damages;

(2) determine the percentage of fault, if any, of plaintiff under applicable rules concerning “comparative negligence”; and

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

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

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

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

(E) Notwithstanding the application of this section, setoff from any settlement received from any potential tortfeasor not placed on the verdict form prior to the verdict shall be applied in proportion to each defendant’s percentage of liability as determined pursuant to subsection (C).

(F) The provisions of subsection (A) do not apply to a defendant whose conduct is determined to be wilful, wanton, reckless, or intentional or conduct involving the illegal or illicit use, sale, or possession of drugs, and such a defendant shall be jointly and severally liable for all damages described in subsection (A).

(G) In order for the trier of fact to allocate fault to a nondefendant tortfeasor for the purpose of apportioning damages, the following requirements apply:

(1) the tortfeasor must be disclosed within one hundred eighty days of the commencement of the action or at a later time for good cause shown, and the plaintiff may add the tortfeasor as a party defendant with the amended pleading relating back to the commencement of the action;

(2) the defendant bears the burden of proof that the added tortfeasor’s breach of duty was a proximate cause of the plaintiff’s injuries unless the plaintiff amends his pleadings to add the tortfeasor as a party;

(3) if the plaintiff does not add the tortfeasor in a direct action, the plaintiff may challenge the addition of the tortfeasor pursuant to South Carolina Rules of Civil Procedure Rule 56 and Rule 50. If those motions are denied then the tortfeasor appears on the verdict form; and

(4) notwithstanding the time requirement in item (1), a settling tortfeasor, whether or not a party, shall be added to the verdict form unless excluded by subsection (H).

(H) A nondefendant tortfeasor shall not be added to the verdict form if:

(1) the nondefendant tortfeasor is immune from liability or prohibited from suit under statute or common law or otherwise not subject to suit in this action, not including settled or released tortfeasors who were or could have been parties in the civil action;

(2) the nondefendant tortfeasor’s conduct is wilful, wanton, reckless, or intentional;

(3) the defendant’s liability is imputed to or based upon fault of the tortfeasor;

(4) the causes of action involve strict liability;

(5) the causes of action involve asbestos; or

(6) an action is commenced by the State, a state agency, municipality, county, local government, regional public authority, special purpose district, public utility, or any other governmental entity or political subdivision including, but not limited to, claims seeking recovery of public funds, remediation costs, or other damages arising from acts or omissions of third parties that result in harm to public health, safety, infrastructure, or the environment, other than claims involving per‑ and polyfluoroalkyl substances.

Sale of alcoholic beverages, knowingly selling to intoxicated persons

SECTION 2. Section 61‑6‑2220 of the S.C. Code is amended to read:

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

Alcohol Server Training, regulations authorized

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) “DBHDD” means the Department of Behavioral Health and Developmental Disabilities, Office of Substance Abuse.

(5) “Department” means the South Carolina Department of Revenue.

(6) “Division” means the South Carolina Law Enforcement Division.

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

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

(9) “Manager” means an individual permittee, an individual licensee, and any person employed by a permittee or licensee who manages, directs, or controls the sale, service, transfer, or dispensing of alcoholic beverages for on‑premises consumption at the permitted or licensed premises.

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

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

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

Section 61‑3‑110. (A) An alcohol server or manager must complete alcohol server training and obtain an alcohol server certificate pursuant to the provisions of this chapter. If an alcohol server or manager does not have a current alcohol server certificate at the time of employment in that capacity, then the licensee or permittee must provide alcohol server training within thirty calendar days of employment. An alcohol server shall not be mentally or physically impaired or intoxicated by alcohol, drugs, or controlled substances while serving alcohol on behalf of the licensee.

(B) A permittee or licensee shall maintain at all times on its permitted or licensed premises physical or electronic copies of the alcohol server certificates for its managers and alcohol servers for the duration of employment. Copies of the alcohol server certificate must be made available, upon request, to the department, the division, or the agents and employees of each. For the purposes of enforcement of the provisions of this chapter:

(1) a permittee or licensee must also make available to the department or the division, when requested, the date a manager or alcohol server began employment in the capacity; and

(2) a permittee or licensee shall be excused for the failure to produce the alcohol server certificate if that failure is due to a provider’s failure to report the successful completion of training and testing or the department’s failure to issue a certificate to an applicant who has met the requirements of Section 61‑3‑130.

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

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

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

(1) state laws and regulations pertaining to:

(a) the sale and service of alcoholic beverages;

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

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

(d) liquor liability issues;

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

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

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

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

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

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

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

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

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

(9) South Carolina law enforcement information including, but not limited to, the most recently published official statistics on drunk driving accidents, injuries, and deaths in South Carolina; and

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

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

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

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

(3) a program shall be offered online;

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

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

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

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

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

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

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

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

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

(C) An alcohol server certificate is the property of the individual to whom it is issued and is transferrable among employers. An individual must reimburse a licensee or permittee that paid for the cost of alcohol server training if the individual leaves the employment of the licensee or permittee within six months of its issuance.

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

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

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

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

Section 61‑3‑140. The division and the department are responsible for enforcement of the provisions of this chapter. The department is responsible for bringing administrative actions for violations of the provisions of this chapter or related regulations, and those actions shall proceed according to the provisions of Section 61‑2‑260 and the South Carolina Administrative Procedures Act.

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

(9) regulations governing the development, implementation, education, and enforcement of responsible alcohol server training provisions.

Penalties for prohibited acts relating to the sale of beer or wine

SECTION 4. Section 61‑4‑580(B) of the S.C. Code is amended to read:

(B) In addition to civil liability as provided by law, a violation of any provision of this section is a ground for the revocation or suspension of the holder’s permit. A permittee or licensee who violates any provision of this section:

(1) for a first offense, shall be fined two thousand five hundred dollars by the department;

(2) for a second offense within two years of the first offense, shall have its alcohol license or permit suspended for up to fourteen days as determined by the department; and

(3) for a third offense within three years of the first offense, shall have its alcohol license or permit revoked.

Sale of beer or wine at collegiate sporting venues

SECTION 5. Article 5, Chapter 4, Title 61 of the S.C. Code is amended by adding:

Section 61‑4‑523. (A) Notwithstanding any other provision of law, the sale of beer and wine at collegiate sporting venues pursuant to Section 61‑4‑520 is prohibited unless the holder of the permit:

(1) requires all sales personnel to complete mandatory alcohol server training approved by the department;

(2) utilizes internal, random checks of sales locations during an event of sufficient frequency to reasonably determine that sales procedures and identification verification procedures comply with established protocol;

(3) utilizes forensic digital identification systems, or other means acceptable to the department, to verify the authenticity of identification at the point of sale;

(4) prohibits sales of beer and wine in student sections with designated concession areas; and

(5) prohibits sales of beer and wine to customers presenting vertical identification cards.

(B) The department shall consider these preventative measures and other factors described in subsection (C) when assessing administrative penalties in the event violations of this chapter occur and may reduce any administrative penalty when the department finds the permit holder acted in good faith to prevent a violation.

(C) Notwithstanding Section 61‑4‑580(B), in administering the provisions of this section, the department shall develop and implement an alternate revenue and penalty structure for collegiate sporting venues which recognizes the unique characteristics of such venues including, but not limited to, the number of sales locations within the collegiate sporting venue, sales volume and number of patrons served per event held at such collegiate sporting venue, number of sales personnel necessary to staff sales locations within the collegiate sporting venue, and frequency of events held at such collegiate sporting venue during which sales of beer and wine occur. The department shall develop and implement the alternative revenue procedure and penalty structure for collegiate sporting venues not later than August 31, 2025. The department shall determine the seating capacity necessary for a collegiate sporting venue to be subject to the alternate revenue procedure and penalty structure.

Reports regarding liquor liability coverage

SECTION 6. Chapter 73, Title 38 of the S.C. Code is amended by adding:

Section 38‑73‑550. (A) Due to the mandatory requirement for commercial casualty coverage contained in Section 61‑2‑145, the availability of affordable commercial casualty coverage, including liquor liability coverage, is found to be essential to South Carolina’s hospitality industry and by South Carolina citizens.

(B) By January thirty‑first of each year, the director must prepare and submit a report to the President of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Banking and Insurance Committee, the Chairman of the House Labor, Commerce and Industry Committee, the Chairman of the Senate Judiciary Committee, and the Chairman of the House Judiciary Committee regarding the status of commercial general liability and liquor liability markets, including the insurance industry’s participation and profitability in the commercial general liability and the liquor liability sub‑line of that market. The report shall be posted in an electronic format on the department’s website within five days of its submission. The report shall include, but not be limited to, the following:

(1) the number of policies written in South Carolina that provide coverage by insurers for liquor liability in South Carolina, whether as a stand‑alone product or as another commercial liability insurance product;

(2) the volume of earned premiums associated with the coverage provided by the insurers for liquor liability in South Carolina and written in South Carolina;

(3) the number of claims closed with payments and the volume of those payments associated with liquor liability coverage written in South Carolina;

(4) the number of claims open and the volume of actual reserves on those claims associated with liquor liability coverage written in South Carolina;

(5) the volume of reserves for incurred but not reported claims associated with liquor liability coverage;

(6) the sum of subrogation and salvage associated with liquor liability coverage written in South Carolina;

(7) the volume of combined losses as a percentage of premiums associated with liquor liability coverage written in South Carolina and the methodology of its determination;

(8) the amount of profit as a percentage of premiums associated with liquor liability coverage written in South Carolina and the methodology of its determination;

(9) the number of insurers participating in commercial general liability market and the liquor liability sub‑line of that market;

(10) the director’s conclusions as to the availability of commercial general liability and liquor liability coverage and the trends in changes in the rates for that coverage; and

(11) the director’s recommendations to continue to improve the availability of insurance coverage as mandated in Section 61‑2‑145 and the rates associated with that coverage.

Liquor liability coverage

SECTION 7. Section 38‑90‑20(A) of the S.C. Code is amended to read:

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

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

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

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

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

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

(6) a captive insurance company may not accept or cede reinsurance except as provided in Section 38‑90‑110;

(7) a captive insurance company may not issue eroding or declining liquor liability insurance coverage to any alcohol licensee or permittee in South Carolina whereby the occurrence or aggregate limits are reduced by costs or expenses arising from the insurance company’s duty to defend a claim.

Liquor liability risk mitigation

SECTION 8. Section 61‑2‑145 of the S.C. Code is amended to read:

Section 61‑2‑145. (A) In addition to all other requirements, a person licensed or permitted to sell alcoholic beverages for on‑premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on‑premises consumption, is required to maintain a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement with an annual aggregate limit of at least one million dollars during the period of the biennial permit or license, unless the person licensed or permitted to sell alcoholic beverages qualifies under the terms of a liquor liability risk mitigation program pursuant to subsection (E). Failure to maintain this coverage during the entire period of the biennial permit or license constitutes grounds for suspension or revocation of the permit or license and is sufficient grounds for the department to seek an emergency revocation order as provided in Sections 12‑60‑1340 and 1‑23‑370(c). An insurance policy issued pursuant to this section must provide for minimum coverage of at least fifty percent of the total aggregate limit, per occurrence, giving rise to the claim.

(B) The department shall add this requirement to all applications and renewals for biennial permits or licenses to sell alcoholic beverages for on‑premises consumption, in which the permittees and licensees remain open and sell alcoholic beverages for on‑premises consumption after five o’clock p.m. Each applicant or person renewing its license or permit, to whom this requirement applies, shall provide the department with documentation of a liquor liability insurance policy or a general liability insurance policy with a liquor liability endorsement in the required amounts.

(C) Each insurer writing liquor liability insurance policies or general liability insurance policies with a liquor liability endorsement to a person licensed or permitted to sell alcoholic beverages for on‑premises consumption, in which the person so licensed or permitted remains open to sell alcoholic beverages for on‑premises consumption after five o’clock p.m., must notify the department in a manner prescribed by department regulation of the lapse or termination of the liquor liability insurance policy or the general liability insurance policy with a liquor liability endorsement within thirty days of the lapse or termination.

(D) For the purposes of this section, the term “alcoholic beverages” means beer, wine, alcoholic liquors, and alcoholic liquor by the drink as defined in Chapter 4, Title 61, and Chapter 6, Title 61.

(E) A person licensed or permitted to sell alcoholic beverages for on‑premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on‑premises consumption, may qualify for liquor liability risk mitigation. A licensee or permittee qualifies if the licensee or permittee:

(1) stops serving alcohol by twelve o’clock a.m. for the entire policy period;

(2) has all employees who serve alcohol complete an alcohol server training course pursuant to Title 61, Chapter 3, within sixty days of employment in that capacity;

(3) has less than forty percent of its total sales deriving from alcohol sales;

(4) uses a forensic digital identification system that validates the identification of any person attempting to enter the premises between the hours of 12:00 a.m. and 4:00 a.m.; or

(5) is a nonprofit organization which is exempt from taxation pursuant to Section 501(c)(3) of Title 26 of United States Code, as amended, or the entity is engaging in a single event for which a Beer and Wine Special Event License or Liquor Special Event Permit is obtained.

(6) A licensee or permittee meeting the requirement of item (1) may reduce the required annual aggregate limit by two hundred and fifty thousand dollars. A licensee or permittee meeting the requirements of item (2), (3) or (4) may reduce the required annual aggregate limit by one hundred thousand dollars per item satisfied. A licensee or permittee meeting the requirements of item (5) may reduce the annual aggregate limit by five hundred thousand dollars. A licensee or permittee who has met the requirements of any combination of items (1)‑(5) must receive the permitted reduction in the required annual aggregate limit for each item the licensee or permittee complies with provided a person licensed or permitted to sell alcoholic beverages for on‑premises consumption, which remains open after five o’clock p.m. to sell alcoholic beverages for on‑premises consumption, must at all times maintain coverage with an annual aggregate limit of at least three hundred thousand dollars during the entire period of the biennial permit or license.

(7) Insurers must establish liquor liability mitigation measures and offer reasonable premium discounts for compliance therewith that reduce the risk to the general public associated with the service of on‑premises consumption of alcohol.

(F) Permittees and licensees selling alcoholic beverages for on‑premises consumption at any time between the hours of 12:00 a.m. and 4:00 a.m. shall use a forensic digital identification system that validates the identification of any person attempting to enter the premises as a patron.

(G) For purposes of this section, the calculation of total sales shall include sales of alcohol sold for on‑premises consumption and all food and nonalcoholic beverages sold on the premises where the alcohol is sold, including food and nonalcoholic beverages sold by third‑party vendors.

Tortfeasors charged with certain driving under the influence offenses, verdict form inclusion, apportionment of liability

SECTION 9. Chapter 2, Title 61 of the S.C. Code is amended by adding:

Section 61‑2‑147. (A) Notwithstanding the provisions of Section 15‑38‑15, a tortfeasor charged under Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 shall appear on the jury verdict form upon motion of the defendant, provided such motion is made within one hundred eighty days of the commencement of the action or at a later time for good cause shown. The plaintiff may also add the tortfeasor charged under Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 as a party defendant with the amended pleading relating back to the commencement of the action. If a verdict is rendered against both a licensee and a defendant charged under Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, then the licensee is jointly and severally liable for fifty percent of the plaintiff’s actual damages.

(B) Notwithstanding the time requirement in subsection (A), a settling tortfeasor, whether or not a party, shall be added to the verdict form.

Severability clause

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

Time effective

SECTION 11. This act takes effect January 1, 2026, and applies only to causes of action or claims arising or accruing after January 1, 2026, and applies to all policies issued after that date, other than Section 61‑4‑523 which takes effect upon approval by the Governor.

Ratified the 8th day of May, 2025.

Approved the 12th day of May, 2025.

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