

SUPREME COURT OF SOUTH CAROLINA

Boiter v. South Carolina Department of Transportation, 393 S.C. 123

712 S.E.2d 401 (2011) · No. No. 26981 · Decided June 6, 2011

SUMMARY

The Supreme Court of South Carolina held that the two-tier damages cap under the South Carolina Tort Claims Act does not violate equal protection. The court further held that separate and independent negligent acts by the South Carolina Department of Transportation and the South Carolina Department of Public Safety constituted two occurrences, entitling the plaintiffs to a combined verdict of \$1.2 million. The court affirmed in part and reversed in part the circuit court's order.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Justice Hearn; Chief Justice Toal; Justice Beatty; Justice Kittredge; Justice Pleicones
JURISDICTION	South Carolina
DECIDED	June 6, 2011
DOCKET	No. 26981
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	After a jury found in favor of the Boiters and awarded each \$1.875 million, the circuit court denied post-trial motions but reduced the verdict under the South Carolina Tort Claims Act, finding the statutory caps constitutional and determining that the injuries arose from one occurrence. The Boiters appealed.
STANDARD OF REVIEW	Constitutional challenges to the statutory classification were reviewed under rational-basis scrutiny. Questions of statutory construction are matters of law and were reviewed independently.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Larry Lee Boiter, Jeannie Boiter v. South Carolina Department of Transportation, South Carolina Department of Public Safety

TOPICS

negligence

equal protection

damages

statutory interpretation

appellate procedure

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the two-tier damages cap in the South Carolina Tort Claims Act violates equal protection because it provides higher limits for torts committed by government-employed physicians and dentists than for torts committed by other governmental entities.
2. Whether the separate negligent acts of SCDOT and SCDPS constituted one occurrence or two occurrences under the South Carolina Tort Claims Act.

HOLDINGS

1. The two-tier statutory cap is constitutional because the classification satisfies rational-basis review.
2. SCDOT's and SCDPS's separate and independent negligent acts constituted two occurrences, entitling the Boiters to a combined verdict of \$1.2 million.

KEY QUOTATIONS

“While we do not adopt a bright-line test based on the existence of multiple acts of negligence, we find the circuit court erred in tying the number of occurrences to the number of injuries sustained by the Boiters.” (at 134)

“Accordingly, we hold each Respondent's act of negligence was a separate occurrence entitling the Boiters to a combined verdict of 1.2 million dollars, and we reverse the circuit court.” (at 135)

“Therefore, we find that the two-tier cap meets the rational basis test, and we affirm the circuit court's finding of constitutionality.” (at 131)

FACTUAL BACKGROUND

Larry Lee and Jeannie Boiter were injured when their motorcycle collided with a car at an intersection near Inman, South Carolina, after signal bulbs for the other roadway had burned out. The Boiters alleged that SCDOT negligently lacked an adequate re-lamping policy and that SCDPS negligently failed to dispatch a trooper after receiving a citizen's report of the outage. The agencies' negligence was undisputed on appeal, and the Boiters sustained substantial medical expenses and lost wages before settling with the other driver for her \$50,000 policy limits.

PROCEDURAL HISTORY

The Boiters sued SCDOT and SCDPS for negligence arising from a traffic-signal outage and the agencies' alleged failures to prevent the resulting accident. The jury awarded each Boiter \$1.875 million. The circuit court reduced the awards to \$300,000 each, or \$600,000 total, based on its one-occurrence determination. The Supreme Court of South Carolina affirmed the constitutionality ruling but reversed the one-occurrence determination.

DISPOSITION

REMAND INSTRUCTIONS

The circuit court's one-occurrence reduction must be reversed, and the Boiters are entitled to a combined verdict of \$1.2 million based on two occurrences. The statutory-cap constitutionality ruling remains affirmed.

CASES CITED

- Wright v. Colleton County School District, 301 S.C. 282, 391 S.E.2d 564 (1990)
- Samson v. Greenville Hospital System, 295 S.C. 359, 368 S.E.2d 665 (1988)
- Lee v. South Carolina Department of Natural Resources, 339 S.C. 463, 530 S.E.2d 112 (2000)
- Federal Communications Commission v. Beach Communications, Inc., 508 U.S. 307, 113 S. Ct. 2096, 124 L. Ed. 2d 211 (1993)
- Foster v. South Carolina Department of Highways & Public Transportation, 306 S.C. 519, 413 S.E.2d 31 (1992)
- State v. Smith, 271 S.C. 317, 247 S.E.2d 331 (1978)
- Giannini v. South Carolina Department of Transportation, 378 S.C. 573, 664 S.E.2d 450 (2008)
- Wilson v. Gipson, 753 P.2d 1349 (Okla. 1988)
- Lee v. Colorado Department of Health, 718 P.2d 221 (Colo. 1986)
- Charleston County Parks & Recreation Commission v. Somers, 319 S.C. 65, 459 S.E.2d 841 (1995)
- Sumter Police Department v. Blue Mazda Truck, 330 S.C. 371, 498 S.E.2d 894 (Ct. App. 1997)
- TNS Mills, Inc. v. South Carolina Department of Revenue, 331 S.C. 611, 503 S.E.2d 471 (1998)
- Chastain v. AnMed Health Foundation, 388 S.C. 170, 694 S.E.2d 541 (2010)
- Texas Department of Mental Health & Mental Retardation v. Petty By & Through Kauffman, 848 S.W.2d 680 (Tex. 1992)
- Folz v. State, 110 N.M. 457, 797 P.2d 246 (1990)
- Brooks v. Memphis & Shelby County Hospital Authority, 717 S.W.2d 292 (Tenn. App. 1986)
- Williamson v. South Carolina Insurance Reserve Fund, 355 S.C. 420, 586 S.E.2d 115 (2003)