

SOUTH CAROLINA STATUTE IMPOSING STRICT LIABILITY IN TORT ON SELLERS OF DEFECTIVE PRODUCTS

§ 15-73-10. Liability of seller for defective product.

1. One who sells any product in a defective condition unreasonably dangerous to the user or consumer or to his property is subject to liability for physical harm caused to the ultimate user or consumer, or to his property, if
 - a. The seller is engaged in the business of selling such a product, and
 - b. It is expected to and does reach the user or consumer without substantial change
2. The rule stated in subsection (1) shall apply although
 - a. The seller has exercised all possible care in the preparation and sale of his product, and
 - b. The user or consumer has not bought the product from or entered into any contractual relation with the seller.

HISTORY: 1962 Code § 66-371; 1974 (58) 2782.

Cross references--

As to implied warranty of fitness for a particular purpose under Commercial Code, see § 36-2-317.

§ 15-73-20. Situation in which recovery shall be barred.

If the user or consumer discovers the defect and is aware of the danger, and nevertheless proceeds unreasonably to make use of the product and is injured by it, he is barred from recovery.

HISTORY: 1962 Code § 66-372; 1974 (58) 2782.

Cross references--

As to implied warranty of fitness for a particular purpose under Commercial Code, see § 36-2-317.

§ 15-73-30. Intent of chapter.

Comments to § 402A to the Restatement of Torts, Second, are incorporated herein by reference thereto as the legislative intent of this chapter.

HISTORY: 1962 Code § 66-373; 3974 (58) 2782.

Cross references--

As to implied warranty of fitness for a particular purpose under Commercial Code, see § 36-2-317.