

## Session 113 - (1999-2000)

### H 3729 General Bill, By Jennings

#### *Similar (S 0576)*

**Summary:** Trade practices, unfair or deceptive; actions brought against person for; Businesses, Consumer Affairs

A BILL TO AMEND SECTION 39-5-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITIONS IN THE UNFAIR TRADE PRACTICES ACT, SO AS TO ADD A DEFINITION FOR RELATOR; TO AMEND SECTION 39-5-40, RELATING TO THE PRACTICES TO WHICH THIS ARTICLE DOES NOT APPLY, SO AS TO MAKE THE ARTICLE APPLY TO TRADE PRACTICES IN THE BUSINESS OF INSURANCE; AND TO AMEND SECTION 39-5-50, RELATING TO THE RIGHT OF THE ATTORNEY GENERAL TO BRING ACTIONS FOR INJUNCTIONS AND ACTIONS TO RECOVER ASCERTAINABLE LOSSES FOR VIOLATIONS OF THIS ARTICLE, SO AS TO PROVIDE THAT ASCERTAINABLE LOSS INCLUDES DAMAGES SHOWN IN THE AGGREGATE UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE THE COURT MAY MAKE ADDITIONAL ORDERS TO RESTORE A PERSON WHO HAS SUFFERED AN ASCERTAINABLE LOSS BEFORE THE ORDER DECLARING THE PRACTICE UNLAWFUL BECOMES FINAL, AND TO PROVIDE THE PROCEDURES FOR A RELATOR TO NOTIFY THE ATTORNEY GENERAL THAT PERSONS HAVE SUFFERED ASCERTAINABLE LOSS BECAUSE OF UNFAIR TRADE PRACTICES AND, IF THE ATTORNEY GENERAL DECLINES TO ACT OR FAILS TO BRING AN ACTION, THAT THE RELATOR MAY BRING AN ACTION, AND IF THE ATTORNEY GENERAL CERTIFIES THE RELATOR'S ATTORNEY'S EXPERIENCE, THE RELATOR MAY BRING AN ACTION IN THE NAME OF THE STATE AND OTHERS SIMILARLY SITUATED AS THE RELATOR TO RECOVER THE ASCERTAINABLE LOSSES.

**03/11/99 House Introduced and read first time HJ-8**

**03/11/99 House Referred to Committee on Judiciary HJ-8**