

## Session 121 - (2015-2016)

### H\*5040 (Rat #0281, Act #0244 of 2016) General Bill, By Mack and Sandifer

**Summary:** Territorial application of the Consumer Protection Code

AN ACT TO AMEND SECTION 37-1-201, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERRITORIAL APPLICATION OF THE CONSUMER PROTECTION CODE, SO AS TO EXPAND HOW A CREDITOR MAY INDUCE A CONSUMER TO ENTER INTO A TRANSACTION; TO AMEND SECTION 37-1-203, RELATING TO JURISDICTION AND SERVICE OF PROCESS, SO AS TO REPLACE THE TERM "CREDITOR" WITH THE TERM "PERSON"; TO AMEND SECTION 37-1-302, RELATING TO THE DEFINITION OF THE "FEDERAL CONSUMER CREDIT PROTECTION ACT", SO AS TO REMOVE THE REFERENCE TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM; TO AMEND SECTION 37-2-102, RELATING TO THE SCOPE OF CHAPTER 2 OF THE CONSUMER PROTECTION CODE, SO AS TO APPLY CERTAIN PROVISIONS TO THE SALE OF MOTOR VEHICLES; TO AMEND SECTION 37-2-305, RELATING TO FILING AND POSTING THE MAXIMUM RATE SCHEDULE, SO AS TO REMOVE THE PROVISION REQUIRING THE DEPARTMENT OF CONSUMER AFFAIRS TO MAINTAIN A FILE FOR EACH CREDITOR'S ORIGINAL AND ALL REVISED MAXIMUM RATE SCHEDULES, AMONG OTHER THINGS; TO AMEND SECTION 37-3-305, RELATING TO FILING AND POSTING A MAXIMUM RATE SCHEDULE, SO AS TO REMOVE THE PROVISION REQUIRING THE DEPARTMENT OF CONSUMER AFFAIRS TO MAINTAIN A FILE FOR EACH CREDITOR'S ORIGINAL AND ALL REVISED MAXIMUM RATE SCHEDULES, AMONG OTHER THINGS; TO AMEND SECTION 37-5-102, RELATING TO THE SCOPE OF CHAPTER 5 OF THE CONSUMER PROTECTION CODE, SO AS TO EXTEND THE PROVISIONS OF THE CHAPTER TO OTHER TRANSACTIONS GOVERNED BY TITLE 37; TO AMEND SECTION 37-6-102, RELATING TO THE APPLICABILITY OF CHAPTER 6, TITLE 37, SO AS TO APPLY THE PROVISIONS OF THE CHAPTER TO A PERSON WHO IS SUBJECT TO TITLE 37 OR AN ACTION OF THE ADMINISTRATOR; TO AMEND SECTION 37-6-107, RELATING TO THE APPLICATION OF CHAPTER 6 TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW, SO AS TO REMOVE THE REFERENCE TO PART FOUR OF CHAPTER 6 AND INSERT THAT THE ADMINISTRATIVE PROCEDURES ACT APPLIES TO AND GOVERNS ALL ADMINISTRATIVE ACTIONS TAKEN PURSUANT TO THE CHAPTER; TO AMEND SECTION 37-6-108, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO REMOVE LANGUAGE REQUIRING AN ADMINISTRATOR TO BRING AN ACTION BEFORE THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 37-6-110, RELATING TO INJUNCTIONS AGAINST VIOLATIONS OF THE CONSUMER PROTECTION CODE, SO AS TO REPLACE THE TERM "CREDITOR" WITH THE TERM "PERSON"; TO AMEND SECTION 37-6-113, RELATING TO CIVIL ACTIONS BY THE ADMINISTRATOR, SO AS TO REPLACE THE TERM "CREDITOR" WITH THE TERM "RESPONDENT"; TO AMEND SECTION 37-6-115, RELATING TO REMEDIES AVAILABLE UNDER THE CONSUMER PROTECTION CODE, SO AS TO REPLACE THE TERM "DEBTORS" WITH THE TERM "CONSUMERS"; AND TO AMEND SECTION 37-6-118, RELATING TO INVESTIGATION OF UNFAIR TRADE PRACTICES IN CONSUMER TRANSACTIONS, SO AS TO UPDATE THE PROCEDURES AVAILABLE TO A PERSON AGGRIEVED BY AN ORDER OF THE ADMINISTRATOR. - ratified title

03/03/16	House	Introduced and read first time (House Journal-page 10)
03/03/16	House	Referred to Committee on Labor, Commerce and Industry (House Journal-page 10)
04/14/16	House	Committee report: Favorable Labor, Commerce and Industry (House Journal-page 4)
04/15/16		Scrivener's error corrected
04/20/16	House	Read second time (House Journal-page 239)
04/20/16	House	Roll call Yeas-104 Nays-0 (House Journal-page 241)
04/21/16	House	Read third time and sent to Senate (House Journal-page 13)
04/21/16	Senate	Introduced and read first time (Senate Journal-page 10)
04/21/16	Senate	Referred to Committee on Banking and Insurance (Senate Journal-page 10)
05/17/16	Senate	Committee report: Favorable Banking and Insurance (Senate Journal-page 11)
05/18/16		Scrivener's error corrected
06/01/16	Senate	Read second time (Senate Journal-page 40)
06/01/16	Senate	Roll call Ayes-41 Nays-0 (Senate Journal-page 40)
06/02/16	Senate	Read third time and enrolled (Senate Journal-page 49)
06/02/16		Ratified R 281
06/05/16		Signed By Governor
06/10/16		Effective date 06/05/16
06/13/16		Act No. 244