**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3608**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Toole

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Introduced in the House on February 8, 2011

Currently residing in the House Committee on **Judiciary**

Summary: Unfair trade practice

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/8/2011 House Introduced and read first time ([House Journal‑page 48](file:///h:\hj%20archive\2011\02-08-11.docx))

2/8/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 48](file:///h:\hj%20archive\2011\02-08-11.docx))

**VERSIONS OF THIS BILL**

[2/8/2011](file:///p:\pprever\2011-12\3608_20110208.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑5‑32 SO AS TO MAKE IT AN UNFAIR TRADE PRACTICE TO ADVERTISE A PRICE FOR A PRODUCT THAT REFLECTS A DISCOUNT REQUIRING A BUYER TO SUBMIT A COUPON TO THE MANUFACTURER FOR A CASH REBATE IN ORDER TO OBTAIN THE ADVERTISED PRICE, AND TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR VIOLATION OF THIS SECTION.

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

SECTION 1. Article 1, Chapter 5, Title 39 of the 1976 Code is amended by adding:

“Section 39‑5‑32. (A) It is an unlawful trade practice pursuant to Section 39‑5‑20 for a person to advertise a price for a product that reflects a discount that requires a buyer to submit a coupon to the manufacturer for a cash rebate in order to obtain the advertised price. A person who advertises this price must apply the coupon at the time of sale so that the buyer receives the advertised price without being required to submit a coupon to the manufacturer for a cash rebate.

(B) In addition to penalties provided for violation of unfair trade practices in this chapter, there is created a civil cause of action for violation of this section. A person who violates the provisions of subsection (A) must pay the buyer:

(1) three times the actual amount of the coupon for the first violation;

(2) five times the actual amount of the coupon or five hundred dollars, whichever is greater, for the second violation;

(3) eight times the actual amount of the coupon or one thousand dollars, whichever is greater, for the third violation; and

(4) fifteen hundred dollars for the fourth and each additional violation.”

SECTION 2. This act takes effect upon approval by the Governor.

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