**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑9‑395 SO AS TO REQUIRE THE PROVIDER OF A TEXT MESSAGING SERVICE OR TEXT MESSAGING REMOTE STORAGE SERVICE TO GIVE A PARENT OR GUARDIAN WHO SUBSCRIBES TO THESE SERVICES ACCESS TO THE CONTENT OF TEXT MESSAGES SENT, RECEIVED, OR STORED USING ANY OF THESE SERVICES BY HIS MINOR CHILD, THAT THE PARENT OR GUARDIAN OF A MINOR CHILD SHALL NOT PROVIDE A TEXT MESSAGING SERVICE TO THE MINOR CHILD IF THE CHILD REFUSES TO PROVIDE CONSENT NECESSARY FOR THE PARENT OR GUARDIAN TO OBTAIN ACCESS TO THE CONTENTS OF A TEXT MESSAGE SENT OR RECEIVED BY THE CHILD, TO PROVIDE A PENALTY FOR A VIOLATION, AND TO DEFINE RELATED TERMINOLOGY.

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

SECTION 1. Article 3, Chapter 9, Title 58 of the 1976 Code is amended by adding:

“Section 58‑9‑395. (A) In concert with 18 U.S.C. Section 2702(b)(3), the commission shall require that a parent or guardian of a minor child who subscribes to a telecommunications service that enables the minor child to send or receive a text message using this service or provides remote storage service of a text message sent or received by his minor child shall receive from these service providers a printed copy of the contents of any text message sent, received, or stored using these services upon request by the parent, and these service providers shall respond by giving the requested printed copies to the subscriber parent within fifteen calendar days after its receipt of this request.

(B) A parent or guardian of a minor child who subscribes to a text messaging service shall not provide access to the service to his minor child if the child refuses to provide consent necessary for the parent or guardian to obtain access to the contents of a text message pursuant to subsection (A). A parent or guardian who violates this section must be subject to a fine of two hundred fifty dollars by the commission.

(C) For the purposes of this section, ‘text message’ means a typewritten message transmitted electronically over a cellular network from one cellular telephone to another.”

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

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