**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑5‑190 SO AS TO ESTABLISH THAT THE USE AND ENFORCEMENT OF A NONDISPARAGEMENT CLAUSE CONSTITUTES AN UNFAIR TRADE PRACTICE AND TO PROVIDE PENALTIES FOR A 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 39‑5‑190. (A) It is an unfair trade practice and unlawful for a contract or proposed contract for the sale or lease of consumer goods or services to include a provision waiving the consumer’s right to make a statement regarding the seller or lessor or its employees or agents, or concerning the goods or services.

(B) It is an unfair trade practice and unlawful for a person to threaten or to seek to enforce a provision made unlawful or to otherwise penalize a consumer for making a statement protected under this section.

(C) A waiver of the provisions of this section is contrary to public policy and is void and unenforceable.

(D) A person or firm who violates the provisions of this section is subject to the penalties and damages provided in this article.”

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

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