**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3410**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gatch

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Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Unfair trade practices

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/8/2022 House Prefiled

 12/8/2022 House Referred to Committee on **Labor, Commerce and Industry**

 1/10/2023 House Introduced and read first time (House Journal‑page 160)

 1/10/2023 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 160)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3410&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3410_20221208.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 56‑14‑170 so as to PROVIDE IT IS UNLAWFUL FOR MANUFACTURERS, FACTORY BRANCHES, FACTORY REPRESENTATIVES, DISTRIBUTORS, WHOLESALERS, DISTRIBUTOR BRANCHES, DISTRIBUTOR REPRESENTATIVES, OR RECREATIONAL VEHICLE DEALERS TO ENGAGE IN UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE ACTS OR PRACTICES, AND TO PROVIDE PENALTIES.

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

SECTION 1. Chapter 14, Title 56 of the S.C. Code is amended by adding:

 Section 56‑14‑170. (A) Unfair methods of competition and unfair or deceptive acts or practices as contained in subsection (B) are unlawful. In construing this subsection the courts may be guided by the definitions in the Federal Trade Commission Act (15 U.S.C. 45).

 (B) It is unlawful for any manufacturer, factory branch, factory representative, distributor, wholesaler, distributor branch, distributor representative, or recreational vehicle dealer to engage in any action which is arbitrary, in bad faith, or unconscionable and which causes damage to any of the parties or to the public.

 (C) In addition to temporary or permanent injunctive relief, any person who shall be injured in his business or property by reason of anything forbidden in this section may sue in the court of common pleas and shall recover double the actual damages sustained, and the cost of suit, including reasonable attorney’s fees.

 (D) When the action is one of common or general interest to many persons or when the parties are numerous and it is unpractical to bring them all before the court, one or more may sue for the benefit of the whole, including actions for injunctive relief.

 (E) In an action for money damages, if the jury finds that the defendant acted maliciously, the jury may award punitive damages not to exceed three times the actual damages.

 (F) A final judgment, order, or decree rendered against a person in any civil, criminal, or administrative proceeding under the United States antitrust laws, the Federal Trade Commission Act, or under this section shall constitute prima facie evidence against the person subject to the conditions of the United States Antitrust Law (15 U.S.C. 16).

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

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