



*South Carolina*  
**DEPARTMENT OF CONSUMER AFFAIRS**  
 293 GREYSTONE BOULEVARD, STE. 400  
 P. O. BOX 5757  
 COLUMBIA, SC 29250-5757

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 Administrator/  
 Consumer Advocate

**PROTECTING CONSUMERS SINCE 1975**

December 6, 2023

*Via Electronic Mail Only*

Mr. Lewis Carter  
 House of Representatives Legislative Oversight Committee  
 P O Office Box 11867  
 Columbia SC 29211

**RE: Department of Consumer Affairs- Presentations Follow-Up**

Dear Lewis:

During our internal debrief on presentations, we identified a couple Department of Consumer Affairs' ("DCA") staff statements or responses made during the various House Legislative Oversight Healthcare and Regulatory Subcommittee meetings that we would like to clarify or amend. Please find below such items organized by presentation date and topic:

***October 19, 2023- Consumer Services Presentation***

When asked about the statutes that require a company to provide DCA's name and contact information in a contract or through other notice to a consumer, I misspoke. I mentioned mortgage brokers, cable companies and homeowners associations ("HOA"), but that statute only requires DCA take HOA complaints. The areas where notice is required by law are:

- Mortgage Brokers per S.C. Code Ann. § 37-23-70(D)
- Cable Providers per S.C. Code Ann. § 58-12-360
- Timeshare Resellers per S.C. Code Ann. § 27-32-55(A)(8)
- Continuing Care Retirement Communities per S.C. Regs. 28-600(M)(1)(e)
- Renewable Energy Retailers per S.C. Regs. 28-78(B)(1), (C)(2)
- Professional Employer Organizations per S.C. Code Ann. § 40-68-130

***October 19, 2023- Advocacy Presentation***

Roger Hall would like to clarify his statements made to Rep. Cromer on who is required to notify DCA of insurance rate filings, the company or Department of Insurance ("DOI"). While DOI does typically send us both:

- For workers compensation filings, the companies are required to provide it to us directly per S.C. Code Ann. § 38-73-525 (B)(1).

**ADMINISTRATOR**  
 Tel.: (803) 734-4233

**PUBLIC INFORMATION**  
 Tel.: (803) 734-4296

**CONSUMER ADVOCACY**  
 Tel.: (803) 734-4200

**LEGAL/ LICENSING**  
 Tel.: (803) 734-0046

**CONSUMER COMPLAINTS**  
 Tel.: (803) 734-4200

**ID THEFT UNIT**  
 Tel.: (803) 434-4200

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 Tel.: (803) 734-4264



- For fire/allied/homeowners insurance, the statute says DOI is to provide it or they can direct the companies to provide the filing to us. (S.C. Code Ann. § 38-73-260(E)).

***November 9, 2023- Legal Presentation***

Kelly Rainsford mentioned industries that have a biannual renewal and wanted to clarify her response. The industries who renew their license every other year with DCA are Preneed Funeral Contract Providers, Athlete Agents and Professional Employer Organizations (PEOs). PEOs, however, have an assessment during the year when they do not renew their license, so we touch them each year in some capacity.

***November 9, 2023- Legal Presentation***

Rep. Cromer requested a copy of the Pawnbroker Rate Chart which shows the sliding scale of APR a pawnbroker can charge. Rates are set forth in S.C. Code Ann. § 40-39-100 and must be posted in this format. The most recent chart can be found on our website at [https://consumer.sc.gov/sites/consumer/files/Documents/Business%20Resources%20Laws/Regulatory/Pawnbrokers/Revised\\_Rate\\_Schedule\\_\(eff\\_7-1-2021\).pdf](https://consumer.sc.gov/sites/consumer/files/Documents/Business%20Resources%20Laws/Regulatory/Pawnbrokers/Revised_Rate_Schedule_(eff_7-1-2021).pdf). I've also included a copy of it with this correspondence.

We appreciate the opportunity to provide clarification and hope this information is helpful. Please feel free to reach me at 803-734-4233 or [CLybarker@scconsumer.gov](mailto:CLybarker@scconsumer.gov) with any questions.

Best regards,

Carri Grube Lybarker, Esq.

Enclosures: As stated.