

Session 119 - (2011-2012)

H 3575 General Bill, By Edge

Summary: Professional Employer Organization Act

A BILL TO AMEND CHAPTER 68, TITLE 40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF PROFESSIONAL EMPLOYER ORGANIZATIONS, SO AS TO REVISE THE CHAPTER IN ITS ENTIRETY, TO REVISE THE CHAPTER TITLE, TO PROVIDE THE CHAPTER MAY BE CITED AS THE "SOUTH CAROLINA PROFESSIONAL EMPLOYER ORGANIZATION ACT", TO PROVIDE CERTAIN DEFINITIONS, TO PROVIDE OBLIGATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS FOR LICENSING AND REGULATING PROFESSIONAL EMPLOYER SERVICE ORGANIZATIONS, TO PROVIDE LICENSING REQUIREMENTS AND PROCEDURES FOR A PROFESSIONAL EMPLOYER SERVICE ORGANIZATION, TO PROVIDE REQUIREMENTS FOR A CONTROLLING PERSON OF A PROFESSIONAL EMPLOYER SERVICE, TO PROVIDE CONTINUING EDUCATION REQUIREMENTS, TO IMPOSE CERTAIN LICENSE FEES AND PROVIDE FOR THEIR MANAGEMENT, TO REQUIRE ACCEPTANCE OF ELECTRONIC FILINGS IN CERTAIN CIRCUMSTANCES, TO PROVIDE LIMITS ON THE APPLICABILITY OF THE CHAPTER, TO REQUIRE AND PROVIDE SPECIFICATIONS FOR A PROFESSIONAL EMPLOYER SERVICES AGREEMENT BY WRITTEN CONTRACT BETWEEN THE LICENSEE AND THE CLIENT, TO PROVIDE CERTAIN REQUIREMENTS WITH RESPECT TO WORKERS' COMPENSATION COVERAGE, TO PROVIDE FOR THE CREATION OF PROFESSIONAL EMPLOYER ORGANIZATION GROUPS, TO PERMIT THE DEPARTMENT TO ISSUE RESTRICTED LICENSES IN CERTAIN CIRCUMSTANCES, TO REQUIRE CERTAIN REPORTING AND DISCLOSURE REQUIREMENTS ON A LICENSEE, TO IMPOSE CERTAIN PROVISIONS RELATED TO INCENTIVE OR BUSINESS PREFERENCE PROGRAMS, TO EXPRESS THE RELATIONSHIP BETWEEN THIS CHAPTER AND THE STATE LAW CONCERNING ILLEGAL ALIENS AND PRIVATE EMPLOYMENT, TO PROVIDE THE DEPARTMENT OF INSURANCE SHALL INVESTIGATE INSURANCE CLAIMS FILED WITH IT BY A LICENSEE, TO PROHIBIT CERTAIN CONDUCT RELATED TO THE PROFESSIONAL EMPLOYER SERVICES AND ORGANIZATIONS; AND TO AMEND SECTION 12-54-240, AS AMENDED, RELATING TO THE PROHIBITION OF CERTAIN DISCLOSURE OF RECORDS, REPORTS, AND RETURNS FILED WITH THE DEPARTMENT OF REVENUE BY EMPLOYEES AND AGENTS OF THE DEPARTMENT AND OFFICE OF THE STATE AUDITOR, SO AS TO PROVIDE THE SECTION DOES NOT PROHIBIT DISCLOSURE OF CERTAIN INFORMATION RELATED TO PAYROLL WITHHOLDING TAXES OF BUSINESSES TO THE DEPARTMENT OF CONSUMER AFFAIRS.

02/02/11 House Introduced and read first time (House Journal-page 60)

02/02/11 House Referred to Committee on Labor, Commerce and Industry (House Journal-page 60)