

Session 113 - (1999-2000)

S 0364 General Bill, By Martin

Summary: Prizes and gifts, contests provisions; Businesses and Corporations, Consumer Affairs

A BILL TO AMEND SECTION 37-15-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS FOR PURPOSES OF THE PRIZES AND GIFTS ACT, SO AS TO DEFINE "SPONSOR" AS A CORPORATION, PARTNERSHIP, LIMITED LIABILITY COMPANY, SOLE PROPRIETORSHIP, OR NATURAL PERSON THAT OFFERS A PRIZE TO A PERSON IN SOUTH CAROLINA IN CONJUNCTION WITH THE SALE OR LEASE OF ANY PRODUCT OR SERVICE, OR IN CONJUNCTION WITH ANY REAL OR PURPORTED CONTEST, COMPETITION, SWEEPSTAKES, PUZZLE, DRAWING, SCHEME, PLAN, OR OTHER SELECTION PROCESS THAT REQUIRES, OR CREATES THE REASONABLE IMPRESSION OF REQUIRING, OR ALLOWS THE PERSON TO PAY ANY MONEY AS A CONDITION OF RECEIVING, OR IN CONJUNCTION WITH ALLOWING THE PERSON TO RECEIVE, USE, COMPETE FOR, OR OBTAIN A PRIZE, OR INFORMATION ABOUT A PRIZE; TO AMEND SECTION 37-15-30 OF THE 1976 CODE, RELATING TO RESTRICTIONS ON REPRESENTATIONS THAT A PERSON HAS WON A PRIZE OR CONTEST, SO AS TO MAKE THIS SECTION APPLICABLE TO A SPONSOR RATHER THAN TO ANY PERSON IN CONNECTION WITH THE SALE, LEASE, OR SOLICITATION FOR THE SALE OR LEASE OF GOODS, PROPERTY, OR SERVICE; TO AMEND SECTION 37-15-40, RELATING TO THE FORM AND CONTENT OF DISCLOSURES REQUIRED AS PREREQUISITES TO REPRESENTATION THAT PERSON HAS CHANCE TO WIN SOMETHING, SO AS TO REVISE THE DISCLOSURES WHICH MUST BE MADE AND TO PROVIDE AN EXEMPTION FOR SPONSORS OF PRIZE PROMOTIONS THAT AWARD ALL PRIZES ABSOLUTELY FOR FREE AND IN WHICH THERE IS NO OPPORTUNITY FOR THE PAYMENT OF MONEY FROM THE PERSON TO THE SPONSOR, OR ANY AGENT OF THE SPONSOR; TO AMEND CHAPTER 15, TITLE 37 OF THE 1976 CODE, BY ADDING SECTION 37-15-45 SO AS TO PROVIDE THAT A SPONSOR WHO REPRESENTS TO A PERSON THAT THE PERSON HAS BEEN AWARDED A PRIZE SHALL, NOT LATER THAN THIRTY DAYS AFTER MAKING A REPRESENTATION, PROVIDE THE PERSON WITH THE PRIZE, OR WITH A VOUCHER, CERTIFICATE, OR OTHER DOCUMENT GIVING THE PERSON THE UNCONDITIONAL RIGHT TO RECEIVE THE PRIZE, OR SHALL PROVIDE THE PERSON WITH OTHER CONSIDERATION; TO AMEND CHAPTER 15, TITLE 37 OF THE 1976 CODE, BY ADDING SECTION 37-15-55 SO AS TO PROHIBIT CERTAIN ACTS; TO AMEND SECTION 37-15-80, RELATING TO CIVIL ACTIONS TO ENFORCE THE PRIZES AND GIFTS ACT, SO AS TO PROVIDE THAT ANY PERSON SUFFERING A PECUNIARY LOSS BECAUSE OF AN INTENTIONAL VIOLATION OF THIS ACT MAY RECOVER THE GREATER OF FIVE HUNDRED DOLLARS OR TWICE THE AMOUNT OF THE PECUNIARY LOSS; TO AMEND SECTION 37-15-100 OF THE CODE, RELATING TO EXEMPTIONS FROM CERTAIN PROVISIONS OF THIS ACT, SO AS TO PROVIDE THAT ANY WILLFUL FAILURE OF A SELLER CLAIMING EXEMPTION UNDER THIS ACT TO COMPLY WITH ALL OF THE TERMS OF THE EXEMPTION SHALL RENDER A CLAIM OF EXEMPTION VOID; AND TO AMEND SECTION 37-1-203 OF THE 1976 CODE, RELATING TO JURISDICTION OVER CREDITORS, SO AS TO ALSO MAKE THIS SECTION APPLICABLE TO PERSONS OTHER THAN CREDITORS WHOSE CONDUCT IS GOVERNED BY THE PROVISIONS OF TITLE 37.

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01/20/99 Senate Referred to Committee on Banking and Insurance SJ-4