

Session 112 - (1997-1998)

S 0978 General Bill, By Wilson, Alexander, Cork, Courtney, Drummond, Fair, Grooms, Hayes, Holland, Lander, Leatherman, Mescher, Ravenel, Russell, Setzler, J.V. Smith, Thomas and Waldrep

A BILL TO ENACT THE "TELEMARKETING PRIVACY ACT OF 1998" BY AMENDING CHAPTER 9, TITLE 58, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PUBLIC UTILITIES AND TELEPHONE, TELEGRAPH, AND EXPRESS COMPANIES BY ADDING ARTICLE 23 SO AS TO ENACT PROVISIONS ESTABLISHING TELEMARKETING PRIVACY IN THIS STATE, INCLUDING PROVISIONS FOR, AMONG OTHER THINGS, A DATABASE, CRIMINAL PENALTIES, INVESTIGATIONS BY THE ATTORNEY GENERAL AND THE CIRCUIT SOLICITORS, AND THE SEEKING OF INJUNCTIVE AND OTHER RELIEF BY THE ATTORNEY GENERAL; BY AMENDING SECTION 35-1-520, AS AMENDED, RELATING TO THE UNIFORM SECURITIES ACT, BROKER-DEALERS, AGENTS, INVESTMENT ADVISERS, INVESTMENT ADVISER REPRESENTATIVES, AND DENIAL, SUSPENSION, OR REVOCATION OF REGISTRATION, SO AS TO PROVIDE THAT THE SECURITIES COMMISSIONER MAY BY ORDER DENY, SUSPEND, OR REVOKE A REGISTRATION IF HE FINDS THAT THE ORDER IS IN THE PUBLIC INTEREST AND THAT THE APPLICANT OR REGISTRANT OR, IN THE CASE OF A BROKER-DEALER OR INVESTMENT ADVISER, A PARTNER, OFFICER, OR DIRECTOR, A PERSON OCCUPYING A SIMILAR STATUS OR PERFORMING SIMILAR FUNCTIONS, OR A PERSON DIRECTLY OR INDIRECTLY CONTROLLING THE BROKER-DEALER OR INVESTMENT ADVISER HAS CONTACTED BY TELEPHONE A PERSON OR AN ENTITY WHO HAS FILED A NOTICE WITH THE LOCAL EXCHANGE CARRIER AS PROVIDED IN SECTION 58-9-2710; BY AMENDING SECTION 33-56-140, AS AMENDED, RELATING TO SOLICITATION OF CHARITABLE FUNDS, INVESTIGATIONS OF CHARITABLE ORGANIZATIONS OR PROFESSIONAL SOLICITORS, NOTICE OF NONCOMPLIANCE, PENALTIES, AND GROUNDS FOR INJUNCTION, SO AS TO, AMONG OTHER THINGS, PROVIDE THAT IF A CHARITABLE ORGANIZATION, PROFESSIONAL FUND-RAISING COUNSEL, OR PROFESSIONAL SOLICITOR FAILS TO FILE A REGISTRATION APPLICATION, STATEMENT, REPORT, OR OTHER INFORMATION REQUIRED TO BE FILED WITH THE ATTORNEY GENERAL OR VIOLATES THE PROVISIONS OF CHAPTER 56 OF TITLE 33 OR OF THE TELEMARKETING PRIVACY ACT OF 1998, THE ATTORNEY GENERAL SHALL NOTIFY THE CHARITABLE ORGANIZATION, PROFESSIONAL FUND-RAISING COUNSEL, OR PROFESSIONAL SOLICITOR OF THIS FACT BY MAILING A NOTICE BY REGISTERED OR CERTIFIED MAIL, WITH RETURN RECEIPT REQUESTED, TO ITS LAST KNOWN ADDRESS, AND PROVIDE THAT THE ATTORNEY GENERAL, IF HE HAS REASON TO BELIEVE THAT A PERSON IS KNOWINGLY AND WILFULLY OPERATING IN VIOLATION OF CHAPTER 56 OF TITLE 33 OR OF THE TELEMARKETING PRIVACY ACT OF 1998, MAY BRING AN ACTION TO ENJOIN THE CHARITABLE ORGANIZATION, PROFESSIONAL FUND-RAISING COUNSEL, PROFESSIONAL SOLICITOR, OR OTHER PERSON FROM CONTINUING THE VIOLATION, DOING ANY OTHER ACTS IN FURTHERANCE OF IT, AND FOR OTHER RELIEF THE COURTS CONSIDER APPROPRIATE.

02/03/98 Senate Introduced and read first time SJ-4

02/03/98 Senate Referred to Committee on Judiciary SJ-4