**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3174**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Toole and Brady

Document Path: l:\council\bills\agm\19295bb09.docx

Introduced in the House on January 13, 2009

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

Summary: Unfair trade practice

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Labor, Commerce and Industry**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑78

1/13/2009 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑78

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3174_20081216.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑5‑32 SO AS TO MAKE IT AN UNFAIR TRADE PRACTICE TO ADVERTISE A PRICE FOR A PRODUCT THAT REFLECTS A DISCOUNT REQUIRING A BUYER TO SUBMIT A COUPON TO THE MANUFACTURER FOR A CASH REBATE IN ORDER TO OBTAIN THE ADVERTISED PRICE, AND TO PROVIDE FOR A CIVIL CAUSE OF ACTION FOR VIOLATION OF THIS SECTION.

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

SECTION 1. Article 1, Chapter 5, Title 39 of the 1976 Code is amended by adding:

“Section 39‑5‑32. (A) It is an unlawful trade practice pursuant to Section 39‑5‑20 for a person to advertise a price for a product that reflects a discount that requires a buyer to submit a coupon to the manufacturer for a cash rebate in order to obtain the advertised price. A person who advertises this price must apply the coupon at the time of sale so that the buyer receives the advertised price without being required to submit a coupon to the manufacturer for a cash rebate.

(B) In addition to penalties provided for violation of unfair trade practices in this chapter, there is created a civil cause of action for violation of this section. A person who violates the provisions of subsection (A) must pay the buyer:

(1) three times the actual amount of the coupon for the first violation;

(2) five times the actual amount of the coupon or five hundred dollars, whichever is greater, for the second violation;

(3) eight times the actual amount of the coupon or one thousand dollars, whichever is greater, for the third violation; and

(4) fifteen hundred dollars for the fourth and each additional violation.”

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

‑‑‑‑XX‑‑‑‑