**A** **BILL**

TO AMEND SECTION 40‑18‑140 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM CHAPTER 18 OF TITLE 40 PROVIDING FOR THE LICENSURE AND REGULATION OF PRIVATE SECURITY AND INVESTIGATION AGENCIES, TO PROVIDE THAT THE CHAPTER MUST NOT APPLY TO ANY PERSON BASED SOLELY ON BEING ENGAGED IN COMPUTER OR DIGITAL FORENSIC SERVICES OR THE ACQUISITION, REVIEW, OR ANALYSIS OF DIGITAL OR COMPUTER‑BASED INFORMATION OR SYSTEM VULNERABILITY TESTING.

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

SECTION 1. Section 40‑18‑140 of the 1976 Code is amended to read:

“Section 40‑18‑140. (A) This chapter does not apply to:

(1) an officer or employee of the federal government, or of this State or a political subdivision of either, or of a municipal corporation while the employee or officer is engaged in the performance of official duties;

(2) a person or firm engaged as a consumer reporting agency, as defined by the Federal Fair Credit Reporting Act, when gathering, processing, or reporting information directly related to a credit rating or credit status;

(3) an attorney‑at‑law while in the performance of his duties; or

(4) a person, as defined by Section 38‑1‑20(29), licensed or authorized by the Director of Insurance to transact business within the State, when performing duties directly related to that license or authorization.

(B) This chapter must not be applied to any person based solely on being engaged in the following:

(1) computer or digital forensic services or the acquisition, review, or analysis of digital or computer‑based information, whether for the purposes of obtaining or furnishing information for evidentiary or other purposes, or for providing expert testimony before a court; or

(2) network or system vulnerability testing, including network scans and risk assessment and analysis of computers connected to a network.”

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

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