**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 39‑5‑32 SO AS TO PROVIDE THAT IT IS AN UNFAIR TRADE PRACTICE TO CHARGE OR RECEIVE AN UNREASONABLE FEE TO PREPARE, ASSIST, OR ADVISE A PROSPECTIVE APPLICANT, AN APPLICANT, OR A RECIPIENT IN PROCURING, MAINTAINING, OR SECURING OF PUBLIC SOCIAL SERVICES AND TO PROVIDE TREBLE DAMAGES FOR ENGAGING IN THIS UNFAIR TRADE PRACTICE.

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 unfair trade practice, pursuant to Section 39‑5‑20, to charge or receive an unreasonable fee to prepare, assist, or advise a prospective applicant, an applicant, or a recipient in procuring, maintaining, or securing public social services.

(B) For purposes of this section:

(1) ‘Public social services’ means aid or services, or both, provided by or through federal, state, or local government including, but not limited to, financial aid, health care services, and medical assistance, to persons who, because of their economic circumstances or health, medical, or social condition, are in need of this aid or these services or who may benefit from them.

(2) ‘Unreasonable fee’ means a fee that is exorbitant and disproportionate to the preparation, assistance, or advice provided. Factors to be considered in determining the reasonableness of a fee are based on, but are not limited to, the:

(a) time and effort required to provide the preparation, assistance, or advice;

(b) novelty and difficulty of the preparation, assistance, or advice provided;

(c) skill required to render the preparation, assistance, or advice;

(d) nature and length of the professional relationship between the prospective applicant, applicant, or recipient and the person providing the preparation, assistance, or advice;

(e) experience, reputation, and ability of the person providing the preparation, assistance, or advice.

(C) If it is proven by a preponderance of the evidence that a defendant has engaged in conduct in violation of subsection (A), in addition to all other remedies provided for in this chapter, the court shall award three times the damages sustained.

(D) This section does not apply to attorneys licensed to practice in this State when the fees charged or received are for representing a person in an administrative agency appeal proceeding or in a court proceeding for the purpose of procuring, maintaining, or securing public social services on behalf of that person.”

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

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