**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 45‑1‑15 SO AS TO REQUIRE NOTICE OF BEDBUG INFESTATION TO A TRANSIENT GUEST OF A HOTEL OR SIMILAR LODGING; BY ADDING SECTION 27‑40‑445 SO AS TO REQUIRE NOTICE OF BEDBUG INFESTATION TO A TENANT UNDER THE RESIDENTIAL LANDLORD AND TENANT ACT; AND BY ADDING SECTION 15‑75‑70 SO AS TO REQUIRE NOTICE OF BEDBUG INFESTATION TO A PERSON SEEKING TEMPORARY OR PERMANENT RESIDENCE IN A CHARITABLE OR EMERGENCY PROTECTIVE SHELTER, AMONG OTHER THINGS.

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

SECTION 1. Chapter 1, Title 45 of the 1976 Code is amended by adding:

“Section 45‑1‑15. (A) Every boardinghouse, hotel, motel, bed and breakfast, residential‑type lodging facility, tourist camp, roadhouse, or other similar lodging governed by this chapter where transient guests are lodged in exchange for valuable consideration shall conspicuously post a notice of bedbug infestation in any guestroom in which there has been a bedbug infestation about which the owner, manager, or other responsible party is aware.

(B) The notice required in subsection (A) must be conspicuously posted within one inch of the notice required in Section 45‑1‑10 if the lodging is a hotel.

(C) Whoever fails to comply with the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than three hundred dollars or by imprisonment for not more than sixty days or by both fine and imprisonment in the discretion of the court. Every instance in which the required notice is not provided as required in subsection (A) constitutes a separate offense under this section for the purposes of prosecution and conviction.

(D) As used in this section:

(1) ‘Bed and breakfast’ means a residential‑type lodging facility where transient guests are fed and lodged for valuable consideration, and includes a bed and breakfast inn, homestead bed and breakfast, and a country inn.

(2) ‘Bed and breakfast inn’ means a residential‑type lodging facility that has three to ten guestrooms and serves only breakfast to registered guests.

(3) ‘Guestroom’ means a sleeping room, or a combination of rooms for sleeping and sitting, that include:

(a) a bed;

(b) a private or shared bathroom;

(c) clothes hanging and storage amenities; and

(d) a selection of furniture and lighting.

(4) ‘Home stay bed and breakfast’, a residential‑type lodging facility that has one to three guestrooms and serves only breakfast to registered guests.

(5) ‘Hotel’ means a inn or public lodging place of more than ten bedrooms where transient guests are fed or lodged for compensation.

(6) ‘Innkeeper’ means the proprietor of a bed and breakfast.

(7) ‘Residential‑type lodging facility’ means a facility that:

(a) serves as both the innkeeper’s residence and a place of lodging for transient guests; and

(b) is primarily residential in style regarding the amenities provided to guests.

(8) ‘Transient guest’ means a person who lodges for less than one week at such a hotel.”

SECTION 2. Article 3, Chapter 40, Title 27 of the 1976 Code is amended by adding:

“Section 27‑40‑445. (A) A landlord or a person authorized to enter into a rental agreement on behalf of a landlord shall disclose to the tenant in writing at or before the commencement of the tenancy notice of bedbug infestation in any room in which there has been a bedbug infestation about which the landlord or a person authorized to enter into a rental agreement on his behalf is aware.

(B) A violation of this section entitles a tenant to remedies available under Section 27‑40‑610.

(C) A person authorized to enter in a rental agreement on behalf of a landlord who fails to comply with subsection (A) with regard to such an agreement becomes an agent of the landlord with respect to that rental agreement for:

(1) service of process and receiving and receipting for notices and demands; or

(2) performing the obligations of the landlord under this section.”

SECTION 3. Chapter 75, Title 15 of the 1976 Code is amended by adding:

“Section 15‑75‑70. Notwithstanding another provision of law, if any room in a charitable or emergency protective shelter, public or private, experiences a bedbug infestation, an agent of the shelter shall provide written notice of the bedbug infestation to a person seeking temporary or permanent residence at the shelter within twenty four hours of the person commencing his residency in the shelter. A municipality or county in which a shelter violating this section is situated may obtain injunctive relief against the shelter for a violation of this section.”

SECTION 4. This act takes effect upon approval by the Governor.

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