**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑10‑25 SO AS TO PROVIDE THAT ALL EMPLOYERS IN SOUTH CAROLINA MUST, AT A MINIMUM, PAY EMPLOYEES A MINIMUM WAGE AT AN HOURLY RATE OF NINE DOLLARS AND SEVENTY‑FIVE CENTS, AND TO PROVIDE THAT ONLY THOSE INDIVIDUALS ENTITLED TO RECEIVE THE FEDERAL MINIMUM WAGE UNDER THE FAIR LABOR STANDARDS ACT MAY BE BROUGHT AS A CLASS ACTION.

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

SECTION 1. Chapter 10, Title 41 of the 1976 Code is amended by adding:

“Section 41‑10‑25. (A) Employers, at a minimum, shall pay employees a minimum wage at an hourly rate of nine dollars and seventy‑five cents for all hours worked in this State. Only those individuals entitled to receive the federal minimum wage under the federal Fair Labor Standards Act and its implementing regulations are eligible to receive this state minimum wage.

(B) A person aggrieved by a violation of this section may bring a civil action in a court of competent jurisdiction against an employer for violating a provision of this section after notifying the employer alleged to have violated this section, in writing, of an intent to initiate the action. The notice must identify the minimum wage to which the person aggrieved claims entitlement, the actual or estimated work dates and hours for which payment is sought, and the total amount of alleged unpaid wages through the date of the notice. Upon prevailing in an action brought pursuant to this section, an aggrieved person also is entitled to legal or equitable relief as appropriate to remedy the violation, including, without limitation, reinstatement in employment and injunctive relief.

(C) The Attorney General may bring a civil action to enforce this section, and this action may:

(1) seek injunctive relief;

(2) impose a fine of one thousand dollars for each violation, payable to the department. The department shall remit these funds to the state general fund; or

(3) both.

(D) The statute of limitations for an action brought pursuant to this section is for five years and begins on the date on which the alleged violation occurred.

(E) An action brought pursuant to this section may be brought as a class action under state law.”

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

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