**South Carolina General Assembly**

122nd Session, 2017-2018

**A162, R173, S1041**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Davis, Campsen and Young

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Introduced in the Senate on February 22, 2018

Introduced in the House on April 3, 2018

Passed by the General Assembly on April 26, 2018

Governor's Action: May 3, 2018, Signed

Summary: Vulnerable adults

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/22/2018 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h%3A%5Csj%5C20180222.docx))

 2/22/2018 Senate Referred to Committee on **Banking and Insurance** ([Senate Journal‑page 5](file:///h%3A%5Csj%5C20180222.docx))

 3/14/2018 Senate Committee report: Favorable **Banking and Insurance** ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20180314.docx))

 3/15/2018 Scrivener's error corrected

 3/22/2018 Senate Read second time ([Senate Journal‑page 27](file:///h%3A%5Csj%5C20180322.docx))

 3/22/2018 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 27](file:///h%3A%5Csj%5C20180322.docx))

 3/28/2018 Senate Read third time and sent to House ([Senate Journal‑page 8](file:///h%3A%5Csj%5C20180328.docx))

 4/3/2018 House Introduced and read first time ([House Journal‑page 81](file:///h%3A%5Chj%5C20180403.docx))

 4/3/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 81](file:///h%3A%5Chj%5C20180403.docx))

 4/18/2018 House Committee report: Favorable **Judiciary** ([House Journal‑page 95](file:///h%3A%5Chj%5C20180418.docx))

 4/25/2018 House Debate interrupted ([House Journal‑page 65](file:///h%3A%5Chj%5C20180425.docx))

 4/25/2018 House Read second time ([House Journal‑page 65](file:///h%3A%5Chj%5C20180425.docx))

 4/25/2018 House Roll call Yeas‑74 Nays‑0 ([House Journal‑page 66](file:///h%3A%5Chj%5C20180425.docx))

 4/26/2018 House Read third time and enrolled ([House Journal‑page 7](file:///h%3A%5Chj%5C20180426.docx))

 5/1/2018 Ratified R 173

 5/3/2018 Signed By Governor

 5/9/2018 Effective date 05/03/18

 5/14/2018 Act No. 162

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**VERSIONS OF THIS BILL**

[2/22/2018](file:///p%3A%5Cpprever%5C2017-18%5C1041_20180222.docx)

[3/14/2018](file:///p%3A%5Cpprever%5C2017-18%5C1041_20180314.docx)

[3/15/2018](file:///p%3A%5Cpprever%5C2017-18%5C1041_20180315.docx)

[4/18/2018](file:///p%3A%5Cpprever%5C2017-18%5C1041_20180418.docx)

(A162, R173, S1041)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37‑6‑119 SO AS TO PROHIBIT A PERSON FROM SOLICITING OR UNLAWFULLY OBTAINING THE MONEY, PROPERTY, OR PERSONAL IDENTIFYING INFORMATION OF A VULNERABLE ADULT, TO PROVIDE A CIVIL REMEDY FOR THE VULNERABLE ADULT, AND TO PROVIDE A CRIMINAL PENALTY.**

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

**Trade practices targeting vulnerable adults prohibited**

SECTION 1. Part 1, Chapter 6, Title 37 of the 1976 Code is amended by adding:

 “Section 37‑6‑119. (A) For the purpose of this section:

 (1) ‘Personal identifying information’ has the same meaning as provided in Section 16‑13‑510(D).

 (2) ‘Vulnerable adult’ has the same meaning as provided in Section 43‑35‑10(11).

 (B) A person shall not knowingly or wilfully solicit or obtain by deception, intimidation, undue influence, or false, misleading, or deceptive acts or practices:

 (1) the money or property of a vulnerable adult; or

 (2) the personal identifying information of a vulnerable adult for the purposes of committing financial identity fraud or identity fraud as defined in Section 16‑13‑510.

 (C) A vulnerable adult, a person legally authorized, or the estate of an injured vulnerable adult may file a civil action to enforce the provisions of this section and may recover three times the amount of actual damages or three thousand dollars for each violation, whichever is greater, as well as reasonable attorney’s fees and court costs. In addition, a person seeking damages pursuant to this section may pursue a civil action to enjoin and restrain future acts constituting a violation of this statute.

 (D) For violations of this section, the administrator may issue an administrative order to cease and desist, to return property or money received in violation of this section, and to impose penalties of up to ten thousand dollars per violation. The administrator may bring a civil action seeking equitable relief. Penalties received shall be retained by the administrator for administration of this title.

 (E) Upon conviction, a person violating this section is guilty of:

 (1) a misdemeanor, if the total value of the money or property obtained or sought to be obtained is two thousand dollars or less. The person must be fined not less than one thousand dollars, or imprisoned for not more than thirty days, or both;

 (2) a felony, if the total value of money or property obtained or sought to be obtained is more than two thousand dollars but less than ten thousand dollars. The person must be fined in the discretion of the court or imprisoned for not more than five years, or both; or

 (3) a felony, if the total value of the money or property obtained or sought to be obtained is ten thousand dollars or more. The person must be fined in the discretion of the court or imprisoned for not more than ten years, or both.

 (F) Violations of this section may be considered grounds for revocation, suspension, or nonrenewal of a professional license or registration issued by an agency of this State.

 (G) A violation of this section is considered a violation of Section 39‑5‑20.

 (H) The remedial provisions of this chapter are cumulative of and in addition to any action at law or equity taken by the administrator.”

**Time effective**

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

Ratified the 1st day of May, 2018.

Approved the 3rd day of May, 2018.

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