**South Carolina General Assembly**

123rd Session, 2019-2020

**A46, R66, S323**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Alexander

Document Path: l:\council\bills\nbd\11087dg19.docx

Introduced in the Senate on January 8, 2019

Introduced in the House on February 20, 2019

Last Amended on February 7, 2019

Passed by the General Assembly on May 9, 2019

Governor's Action: May 16, 2019, Signed

Summary: DOR; allow DOR to submit certain information to a financial institution regarding a debtor that has been named on a warrant for distraint

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/8/2019 Senate Introduced and read first time ([Senate Journal‑page 183](file:///h%3A%5Csj%5C20190108.docx))

 1/8/2019 Senate Referred to Committee on **Finance** ([Senate Journal‑page 183](file:///h%3A%5Csj%5C20190108.docx))

 2/5/2019 Senate Committee report: Favorable with amendment **Finance** ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20190205.docx))

 2/7/2019 Senate Committee Amendment Adopted ([Senate Journal‑page 12](file:///h%3A%5Csj%5C20190207.docx))

 2/14/2019 Senate Read second time ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20190214.docx))

 2/14/2019 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20190214.docx))

 2/19/2019 Senate Read third time and sent to House ([Senate Journal‑page 16](file:///h%3A%5Csj%5C20190219.docx))

 2/20/2019 House Introduced and read first time ([House Journal‑page 6](file:///h%3A%5Chj%5C20190220.docx))

 2/20/2019 House Referred to Committee on **Ways and Means** ([House Journal‑page 6](file:///h%3A%5Chj%5C20190220.docx))

 5/2/2019 House Committee report: Favorable **Ways and Means** ([House Journal‑page 12](file:///h%3A%5Chj%5C20190502.docx))

 5/8/2019 House Read second time ([House Journal‑page 118](file:///h%3A%5Chj%5C20190508.docx))

 5/8/2019 House Roll call Yeas‑98 Nays‑1 ([House Journal‑page 119](file:///h%3A%5Chj%5C20190508.docx))

 5/9/2019 House Read third time and enrolled ([House Journal‑page 132](file:///h%3A%5Chj%5C20190509.docx))

 5/13/2019 Ratified R 66

 5/16/2019 Signed By Governor

 5/31/2019 Effective date 05/16/19

 6/5/2019 Act No.  46

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=323&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/8/2019](file:///p%3A%5Cpprever%5C2019-20%5C323_20190108.docx)

[2/5/2019](file:///p%3A%5Cpprever%5C2019-20%5C323_20190205.docx)

[2/7/2019](file:///p%3A%5Cpprever%5C2019-20%5C323_20190207.docx)

[5/2/2019](file:///p%3A%5Cpprever%5C2019-20%5C323_20190502.docx)

(A46, R66, S323)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑54‑265 SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO SUBMIT CERTAIN INFORMATION TO A FINANCIAL INSTITUTION REGARDING A DEBTOR THAT HAS BEEN NAMED ON A WARRANT FOR DISTRAINT, AND TO REQUIRE THE FINANCIAL INSTITUTION PROVIDE CERTAIN INFORMATION TO THE DEPARTMENT.**

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

**Information on debtor named on a warrant for distraint**

SECTION 1. Chapter 54, Title 12 of the 1976 Code is amended by adding:

 “Section 12‑54‑265. (A) Notwithstanding any other provision of law, the department may submit to a financial institution, as defined in Section 63‑17‑2310(A)(2), information that identifies a debtor named on a warrant for distraint that has been issued and filed by the department or whose debt has been submitted to the department for collection under the provisions of Section 12‑4‑580. For purposes of debts named on warrants for distraint, the debt must be at least one hundred eighty days old from the date of assessment. The department may submit the information to the financial institution on a quarterly basis or, with the agreement of the financial institution, on a more frequent basis. A financial institution that receives the information must conduct a data match. The financial institution must then provide to the department, in a manner and form prescribed by the department, information concerning the debtor for purposes of collecting outstanding debts. The information provided to the department must include, but is not limited to, the information required pursuant to Section 63‑17‑2320(A). The financial institution must be paid a reasonable fee out of the collected funds not to exceed actual cost.

 (B) Notwithstanding any other provision of law, a financial institution is not liable to a person for disclosure of information to the department, its designee, or the department’s or its designee’s employees pursuant to subsection (A) or for encumbering or surrendering any deposits, credits, or other personal property in response to a notice of lien or levy by the department, or its designee, or for any other action taken in good faith to comply with the requirements of subsection (A).”

**Time effective**

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

Ratified the 13th day of May, 2019.

Approved the 16th day of May, 2019.

\_\_\_\_\_\_\_\_\_\_