**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4199**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Forrest, Kirby, Ballentine, Calhoon, Caskey, Clemmons, Crawford, Elliott, Huggins, Johnson, Pope, Simrill, Taylor, Toole, Weeks, Dillard, Rose, B. Cox, Garvin, Robinson, Yow, McGinnis, Fry, Anderson, Mack, McKnight, Collins, King, R. Williams, Moore, S. Williams, Jefferson, Norrell, Funderburk, Whitmire, Bennett, Brown, Bryant, Felder, Hayes, Hixon, Hyde, McCoy, Ridgeway, Sandifer, Spires, Stringer, West, Wheeler and Young

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Introduced in the House on March 7, 2019

Currently residing in the House Committee on **Judiciary**

Summary: Commercial circulars and handbills

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/7/2019 House Introduced and read first time ([House Journal‑page 72](file:///h:\hj\20190307.docx))

3/7/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 72](file:///h:\hj\20190307.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4199&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/7/2019](file:///p:\pprever\2019-20\4199_20190307.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 37‑1‑110 SO AS TO PROVIDE THAT AN INDIVIDUAL MAY OPT OUT OF RECEIVING COMMERCIAL CIRCULARS OR HANDBILLS THAT ARE DISTRIBUTED ON HIS PRIVATE PROPERTY AND TO PROVIDE THAT AN ENTITY THAT DISTRIBUTES COMMERCIAL CIRCULARS OR HANDBILLS TO AN INDIVIDUAL WHO HAS NOTIFIED THE ENTITY OF HIS DESIRE TO OPT OUT IS IN VIOLATION OF CERTAIN LITTERING PROVISIONS.

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

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

“Section 37‑1‑110. (A) For purposes of this section:

(1) ‘Commercial circular’ means an advertisement, notice, or statement printed or written for general distribution in connection with a commercial activity or event including, but not limited to, newspapers, papers, periodicals, books, magazines, circulars, cards, or pamphlets.

(2) ‘Handbill’ means an advertisement, notice, or statement printed or written for general distribution in connection with a noncommercial activity or event including, but not limited to, newspapers, papers, periodicals, books, magazines, circulars, cards, or pamphlets.

(B) An individual may opt out of receiving any commercial circular or handbill that is distributed on his private property within the State including, but not limited to, a building, home, mailbox, porch, step, yard, or driveway. An individual may opt out by phone, mail, or email notification to the entity distributing the unwanted commercial circulars or handbills.

(C) An entity that distributes commercial circulars or handbills to an individual who has notified the entity of his desire to opt out is in violation of Section 16‑11‑700, relating to littering for each offense committed.

(D) This section does not prohibit the distributing, handing, or transmitting of any commercial circular or handbill to the owner or occupant of any private property who is willing to accept the commercial circular or handbill.”

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

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