**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 31 TO TITLE 37 SO AS TO ENACT THE “SOUTH CAROLINA CELLULAR DATA PRIVACY PROTECTION ACT”; TO DEFINE RELEVANT TERMS, TO PROHIBIT A MOBILE TELECOMMUNICATIONS PROVIDER FROM SELLING A CUSTOMER’S PERSONAL DATA TO A THIRD PARTY, TO IMPOSE A PENALTY, AND TO AUTHORIZE THE ATTORNEY GENERAL TO INVESTIGATE AND ENFORCE ALLEGED VIOLATIONS OF THIS ACT.

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

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

“CHAPTER 31

South Carolina Cellular Data Privacy Protection Act

Section 37‑31‑10. This chapter may be known and cited as the ‘South Carolina Cellular Data Privacy Protection Act’.

Section 37‑31‑20. As used in this chapter:

(1) ‘Cellular telecommunications provider’ means persons and corporations that provide the services for the transmission of voice, text, and data communications to the public for hire.

(2) ‘Data’ means personal information gathered from a person’s use of a cellular telephone including, but not limited to, location data and history, web browser history, incoming and outgoing text messages as defined in Section 37‑21‑20, and application data.

Section 37‑31‑30. A cellular telecommunications provider may not sell a consumer’s data to a third party.

Section 37‑31‑40. (A) A person who is aggrieved by a violation of this chapter is entitled to initiate an action to enjoin the violation and to recover actual losses in addition to damages in the amount of five thousand dollars.

(B) If the court finds a wilful violation, the court may, in its discretion, increase the amount of the award to an amount not exceeding twenty‑five thousand dollars for each violation.

(C) Notwithstanding another provision of law, in addition to any damages awarded, the person initiating the action for a violation of this chapter may be awarded reasonable attorney’s fees and court costs.

(D) An action for damages, attorney’s fees, and costs brought pursuant to this section may be filed in an appropriate circuit court, municipal, or magistrates court so long as the amount claimed does not exceed the jurisdictional limits as applicable. An action brought pursuant to this section that includes a request for an injunction must be filed in an appropriate circuit court.

Section 37‑31‑50. (A) The Attorney General may investigate and enforce violations of this chapter. The Attorney General may bring an action to enjoin a violation of this chapter by a cellular telecommunications provider and recover damages for an aggrieved person in the amount of five thousand dollars for each violation.

(B) If the court finds a wilful violation, the court, in its discretion, also may award a civil penalty of no more than twenty‑five thousand dollars for each violation.

(C) In an action brought pursuant to this section, the Attorney General may recover reasonable expenses incurred by the State or local governmental agency or department investigating and preparing the case, and attorney’s fees.

Section 37‑31‑60. Nothing in this chapter must be construed to limit any remedies, causes of action, or penalties available to a person or governmental agency under another federal or state law.”

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

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