**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58‑11‑85 SO AS TO PROHIBIT A RADIO COMMON CARRIER FROM AIRING A FRAUDULENT ADVERTISEMENT AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 58‑12‑15 SO AS TO PROHIBIT A CABLE SERVICE PROVIDER FROM AIRING A FRAUDULENT ADVERTISEMENT AND TO PROVIDE PENALTIES.

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

SECTION 1. Article 1, Chapter 11, Title 58 of the 1976 Code is amended by adding:

“Section 58‑11‑85. (A) A radio common carrier in this State is prohibited from airing commercial messages that contain an advertisement or announcement asserting, representing, or stating with respect to the business of the advertising party which is untrue, deceptive, or misleading.

(B) A person may file a claim alleging that a radio common carrier aired commercial messages that violate the provisions of this section with the commission and the commissioner or his designee may conduct an administrative hearing and, upon notice and an opportunity to be heard, may assess a civil penalty of not less than:

(1) five hundred dollars for the first violation;

(2) two thousand dollars for the second violation within one year from the date of the first violation; and

(3) two thousand dollars for each subsequent violation within one year from the date of the first violation.

(C) Nothing in this section may be construed as to limit the rights of a person or entity providing radio service from seeking to recover any penalties levied against him from the advertiser who designed the untrue, deceptive, or misleading advertisement.”

SECTION 2. Article 1, Chapter 12, Title 58 of the 1976 Code is amended by adding:

“Section 58‑12‑15. (A) A cable service provider in this State is prohibited from airing commercial messages that contain an advertisement or announcement asserting, representing, or stating, with respect to the business of the advertising party, which is untrue, deceptive, or misleading.

(B) A person may file a claim alleging that a cable service provider in this State aired commercial messages that violate the provisions of this section with the Public Service Commission and the commissioner or his designee may conduct an administrative hearing and, upon notice and an opportunity to be heard, may assess a civil penalty of not less than:

(1) five hundred dollars for the first violation;

(2) two thousand dollars for the second violation within one year from the date of the first violation; and

(3) two thousand dollars for each subsequent violation within one year from the date of the first violation.

(C) Nothing in this section may be construed as to limit the rights of a cable service provider from seeking to recover any penalties levied against him from the advertiser who designed the untrue, deceptive, or misleading advertisement.”

SECTION 3. This act takes effect upon approval by the Governor.

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