**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 5, TITLE 39 OF THE 1976 CODE, RELATING TO UNFAIR TRADE PRACTICES, BY ADDING SECTION 39-5-45, TO PROVIDE THAT A PERSON WHO ACCEPTS A CHECK FOR A DEFERRED PRESENTMENT TRANSACTION VIOLATES THE SOUTH CAROLINA UNFAIR TRADE PRACTICES ACT; AND TO REPEAL CHAPTER 39, TITLE 34 OF THE 1976 CODE, RELATING TO DEFERRED PRESENTMENT SERVICES.

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

SECTION 1. Article 1, Chapter 5, Title 39 of the 1976 Code is amended by adding:

“Section 39-5-45. (A) For the purposes of this section:

(1) ‘Check’ means a check signed by the maker and made payable to a person for a fee, interest, or other consideration. The name must be preprinted on the face of the check. ‘Counter checks’ and checks without the name of the maker preprinted on the face of the check may not be accepted.

(2) ‘Deferred presentment’ means a transaction pursuant to a written agreement involving the following combination of activities in exchange for a fee, interest, or other consideration:

(a) accepting a check dated on the date it was written; and

(b) holding the check for a period of time before presentment for the payment of a deposit.

(3) ‘Person’ means an individual, group of individuals, partnership, association, corporation, or other business unit or legal entity.

(B) Pursuant to Section 39‑5‑20, it is an unfair trade practice for a person to accept a check for deferred presentment.”

SECTION 2. Chapter 39, Title 34 of the 1976 Code, relating to deferred presentment services, is repealed.

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

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