**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5345**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Yow, Mitchell, Connell, Henegan, Brewer, Caskey, Bamberg, Bailey, Wooten, B.J. Cox, Jordan, Atkinson, Neese, B. Newton, Hager, Moss, Murphy, Sandifer and Wheeler

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Introduced in the House on March 28, 2024

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: ORS Investigations

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/28/2024 House Introduced and read first time (House Journal‑page 10)

 3/28/2024 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 10)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=5345&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5345_20240328.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 58‑4‑52 SO AS TO SPECIFY THE INFORMATION AND FORM REQUIRED TO BE INCLUDED ON A COMPLAINT FILED WITH THE OFFICE OF REGULATORY STAFF, AND TO SET FORTH PENALTIES FOR WILFULLY FILING A GROUNDLESS COMPLAINT.

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

SECTION 1. Chapter 4, Title 58 of the S.C. Code is amended by adding:

 Section 58‑4‑52. (A) The Office of Regulatory Staff must not initiate an investigation based upon a complaint unless the complaint is in writing and notarized. The complaint must include the name of the entity or persons alleged to have committed a violation and the particulars of the violation. The Office of Regulatory Staff shall forward a copy of the complaint, a general statement of the applicable law with respect to the complaint and request the respondent to respond within ten days.

 (B) If a complaint is found to be groundless by the Office of Regulatory Staff, the matter must not be made public. If the Office of Regulatory Staff finds that the complaining party wilfully filed a groundless complaint, the finding may be reported to the Attorney General. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this item, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was wilful and without just cause or with malice. In addition to any civil or criminal penalties, the filer of the groundless complaint may be ordered to reimburse the Office of Regulatory Staff for its costs associated with the investigation and disposition of the complaint.

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

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