

South Carolina General Assembly
115th Session, 2003-2004

H. 4434

STATUS INFORMATION

General Bill

Sponsors: Reps. Wilkins, Vaughn, Taylor, Stille, Cotty, Altman, Viers, E.H. Pitts and Sandifer

Prefiled in the House on December 3, 2003

Summary: Certain requirements when state funds are used for telemarketing services; unsolicited telephone calls provisions

HISTORY OF LEGISLATIVE ACTIONS

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
12/3/2003	House	Prefiled
12/3/2003	House	Referred to Committee on Labor, Commerce and Industry

VERSIONS OF THIS BILL

[12/3/2003](#)

A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11-35-1526 SO AS TO PROVIDE THAT AN EXPENDITURE OF STATE FUNDS UNDER CONTRACT THROUGH A GOVERNMENTAL BODY FOR TELEMARKETING SERVICES REQUIRES CONTRACT PROVISIONS THAT THE SERVICES MUST BE PERFORMED IN THE UNITED STATES AND THAT ONLY UNITED STATES CITIZENS AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES MAY BE EMPLOYED; AND TO AMEND SECTION 16-17-445, RELATING TO REGULATION OF UNSOLICITED TELEPHONE CALLS, SO AS TO PROVIDE FOR DISCLOSURE OF CERTAIN INFORMATION FROM A CONSUMER SALES OR SERVICE CALL CENTER.

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

SECTION 1. Subarticle 3, Article 5, Chapter 35 of Title 11 of the 1976 Code is amended by adding:

“Section 11-35-1526. (A) A contract through a governmental body for telemarketing services or telephone center services with a vendor in the performance of telemarketing or telephone center services on behalf of the State must be performed:

(1) in the United States; and

(2) by only United States citizens and persons authorized to work in the United States by federal law.

(B) Each vendor submitting a bid or contract to provide telemarketing or telephone center services for the State must certify that the performance of the contract as bid complies with subsection (A). A person who knowingly submits a false certification required by this subsection is guilty of a felony and must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(C) A contract entered into or performed in violation of this section is void. A contract that is void pursuant to this subsection may continue in effect until an alternative contract is reached if: (1) immediate termination would result in harm to the public health or welfare;

(2) the continuation is approved by the Director of the Office of General Services of the State Budget and Control Board; and

(3) approval of continuation of contracts pursuant to this subsection is limited to the minimum period necessary to protect the public health or welfare.”

SECTION 2. Section 16-17-445 of the 1976 Code is amended by adding at the end:

“(H)(1) As used in this subsection:

(a) ‘Customer sales call center’ means an entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of any person for the purpose of initiating sales, including a consumer telephone call as defined in subsection (A)(1);

(b) ‘Customer service call center’ means an entity whose primary purpose includes the initiating or receiving of telephonic communications on behalf of a person for the purposes of providing or receiving services or information necessary in connection with the providing of services or other benefits; and

(c) ‘Customer services employee’ means a person employed by or working on behalf of a customer sales call center or a customer service call center.

(2) A person who receives a telephone call from, or places a telephone call to, a customer sales call center or a customer service call center has the right, upon request, to:

(a) know the city, state, and country in which the customer service employee is located;

(b) know the name or registered alias of the customer services employee;

(c) know the name of the employer of the customer service employee; and

(d) speak to an authorized employee of the contracting company or government agency the person is doing business with.

(3) The financial, credit, or identifying information of a person who receives a telephone call from, or places a telephone call to, a customer sales call center or a customer service call center must not be sent to any foreign country without express written permission of that person.”

SECTION 3. This act takes effect upon approval by the Governor, and Section 1 applies to contracts entered into on or after the first day of the second month after its effective date.

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