

SOUTH CAROLINA

S.C. Code Ann.

§15-75-50. Unsolicited Advertising by Fax

(A) No person may use a machine that electronically transmits facsimiles through connection with a telephone network to transmit unsolicited advertising material which offers to sell goods or services except as follows:

(A)(1) where a prior or current business relationship exists between the sender and receiver;

(A)(2) where the facsimile transmission is sent as a follow-up or response to a sales call, sales lead, or other business or association-related contact.

(B) A person aggrieved by a violation of the provisions of subsection (A) may bring a civil action to enjoin further violations and to recover the actual damages sustained by reason of the violation, together with costs and a reasonable attorney's fee, or \$200, whichever is greater.

Created by §1, Act No. 58 of 1991, effective May 27, 1991.

§15-75-51. Fax Recipient's Obligation to Notify Sender

The penalty provided by §15-75-50, including injunctive relief, may not be imposed unless the person who is alleged to have violated that section does so after being instructed, (1) in writing, (2) by telephone, or (3) by a machine that electronically transmits facsimiles through connection with a telephone network, by the receiver of the unsolicited advertising material not to transmit the material.

Created by §2, Act No. 58 of 1991, effective May 27, 1991.