

1972 WL 25298 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 28, 1972

***1 Re: Proposed Amendment to H.1444 Consumer Protection No. 36**

The Honorable Walter J. Bristow, Jr.
Senator
Richland County
1306 Main Street
Columbia, South Carolina 29201

Dear Senator Bristow:

By your letter of April 27, 1972, you requested an opinion as to whether the proposed amendment to H.1444 would restrict the bill's coverage so as to limit it to include among those who could levy credit service charges only 'department stores, petroleum companies, and other retail or mercantile organizations'.

In its present form H.1444 now reads in relevant parts as follows:

Department stores, petroleum companies and other retail, mercantile or consumer service organizations doing business in this State may make advances of credit under revolving credit plans for financing the sale of goods, merchandise and services . . .'

In its amended form H.1444 would read in relevant parts as follows:

Department stores, petroleum companies and other retail or mercantile organizations doing business in this State may make advances of credit under revolving credit plans for financing the sale of goods, merchandise and services . . .

By amending out of H.1444 the term 'consumer service organizations', the bill's coverage, on its face, would thus be limited to those persons or organizations who comprise the specific classes set forth in the body of the bill. With this amendment, the bill would thus seemingly cover only those persons or organizations who sell, rent exchange or otherwise distribute commodities directly to the consuming public. The bill as amended would, facially, no longer be applicable to those persons or organizations whose primary business is the performance of services for the consuming public.

In its amended form H.1444 would, however, allow 'Department stores, petroleum companies and other retail or mercantile organizations' to 'make advances of credit under revolving credit plans' for the services which they render to the consuming public, incidental to their main business of selling, renting, exchanging or otherwise distributing commodities. This interpretation would appear to be reasonable inasmuch as the bill, if amended as proposed, would seemingly demonstrate as clear legislative intent to allow only 'department stores, petroleum companies and other retail or mercantile organizations' to make allowable credit advances for services rendered; and the persons or organizations who fall within these specifically enunciated classes are in business primarily to rent, sell, exchange or otherwise distribute commodities directly to the consuming public, not services.

I hope that the foregoing sufficiently answers your question.

Sincerely,

Ellison D. Smith, IV

Assistant Attorney General

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