

1981 WL 158015 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 16, 1981

*1 The Honorable Bryce H. Pettey
Assistant Attorney General
State of Utah
State Capitol
Salt Lake City, Utah 84114

Dear Mr. Pettey:

Your letter of September 17, 1981, to the Attorney General has been referred to me for an appropriate response. South Carolina's Consumer Protection Code (CPC) has non-conforming provisions which more clearly resemble the 1974 version of the UCCC. [Sections 37-2-416](#) and [37-3-408 of the 1976 Code](#) require thirty (30) days notice, while Regulation Z only requires fifteen (15) days. The South Carolina Department of Consumer Affairs, which has the responsibility of administering the CPC, has required compliance with both provisions, finding the requirements to be separate and distinct, rather than conflicting. Regulation Z is a disclosure requirement whereas the provisions of South Carolina's CPC is a substantive requirement giving creditors the right to change the terms of an agreement upon notice to the consumer. In some instances, notice under Regulation Z would be required but notice under the CPC would not, and vice versa. In instances where notice would be required under both laws, the requirements can be harmonized by giving thirty (30) days notice.

It you should have any further questions with regard to this matter, I would suggest you contact the Department of Consumer Affairs, P. O. Box 5757, Columbia, South Carolina, 29250.

Very truly yours,

Richard B. Kale, Jr.
Senior Assistant Attorney General

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