**South Carolina General Assembly**

118th Session, 2009-2010

**A137, R143, S929**

**STATUS INFORMATION**

General Bill

Sponsors: Senators L. Martin and Elliott

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Companion/Similar bill(s): 374

Introduced in the Senate on January 12, 2010

Introduced in the House on January 21, 2010

Passed by the General Assembly on February 26, 2010

Governor's Action: March 31, 2010, Signed

Summary: Employment

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2009 Senate Prefiled

12/9/2009 Senate Referred to Committee on **Labor, Commerce and Industry**

1/12/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑22

1/12/2010 Senate Referred to Committee on **Labor, Commerce and Industry** [SJ](file:///h:\SJ%20Archive\2010\01-12-10.docx)‑22

1/14/2010 Senate Recalled from Committee on **Labor, Commerce and Industry** [SJ](file:///h:\SJ%20Archive\2010\01-14-10.docx)‑2

1/15/2010 Scrivener's error corrected

1/19/2010 Senate Read second time [SJ](file:///h:\SJ%20Archive\2010\01-19-10.docx)‑11

1/20/2010 Senate Read third time and sent to House [SJ](file:///h:\SJ%20Archive\2010\01-20-10.docx)‑9

1/21/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-21-10.docx)‑21

1/21/2010 House Referred to Committee on **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2010\01-21-10.docx)‑21

2/4/2010 House Committee report: Favorable **Labor, Commerce and Industry** [HJ](file:///h:\HJ%20Archive\2010\02-04-10.docx)‑10

2/24/2010 House Debate adjourned until Thursday, February 25, 2010 [HJ](file:///h:\HJ%20Archive\2010\02-24-10.docx)‑21

2/25/2010 House Read second time [HJ](file:///h:\HJ%20Archive\2010\02-25-10.docx)‑24

2/25/2010 House Unanimous consent for third reading on next legislative day [HJ](file:///h:\HJ%20Archive\2010\02-25-10.docx)‑25

2/26/2010 House Read third time and enrolled [HJ](file:///h:\HJ%20Archive\2010\02-26-10.docx)‑7

3/25/2010 Ratified R 143

3/31/2010 Signed By Governor

4/12/2010 Effective date 03/31/10

4/13/2010 Act No. 137

**VERSIONS OF THIS BILL**

[12/9/2009](file:///p:\pprever\2009-10\929_20091209.docx)

[1/14/2010](file:///p:\pprever\2009-10\929_20100114.docx)

[1/15/2010](file:///p:\pprever\2009-10\929_20100115.docx)

[2/4/2010](file:///p:\pprever\2009-10\929_20100204.docx)

(A137, R143, S929)

**AN ACT** **TO AMEND SECTION 41‑1‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POSTING CERTAIN EMPLOYMENT NOTICES IN THE WORKPLACE, SO AS TO REMOVE A PROVISION REQUIRING NOTICE BE POSTED IN A ROOM WHERE FIVE OR MORE PEOPLE ARE EMPLOYED; TO AMEND SECTION 41‑3‑10, AS AMENDED, RELATING TO THE DIVISION OF LABOR WITHIN THE DEPARTMENT OF LABOR, LICENSING AND REGULATION AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT, SO AS TO REMOVE THE PROVISION ESTABLISHING THE DIVISION; TO AMEND SECTION 41‑3‑40, AS AMENDED, RELATING TO THE DIRECTOR OF THE DEPARTMENT, SO AS TO REMOVE REFERENCES TO THE DIVISION OF LABOR; TO AMEND SECTIONS 41‑3‑50, AS AMENDED, 41‑3‑60, AS AMENDED, 41‑3‑100, AS AMENDED, 41‑3‑120, AS AMENDED, ALL RELATING TO VARIOUS LABOR AND EMPLOYMENT LAWS, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 41‑1‑40 RELATING TO REQUIRING AN EMPLOYER WHO REQUIRES NOTICE FROM AN EMPLOYEE QUITTING WORK TO POST NOTICE OF A SHUTDOWN, SECTION 41‑1‑50 RELATING TO THE ACCEPTANCE OF PAYMENT FROM A RELIEF FUND NOT BARRING A DAMAGES ACTION, SECTION 41‑3‑80 RELATING TO ENFORCEMENT OF THE FAIR LABOR STANDARDS ACT OF 1938, SECTION 41‑15‑10 RELATING TO LOCKING OF EMPLOYEES IN BUILDINGS, SECTION 41‑15‑50 RELATING TO REQUIRING A LIGHT AT AN ELEVATOR SHAFT ENTRANCE WHEN THE ELEVATOR IS IN OPERATION, ARTICLE 5, CHAPTER 3, TITLE 41 RELATING TO THE MIGRANT LABOR SUBDIVISION OF THE DEPARTMENT, CHAPTER 21, TITLE 41 RELATING TO VOLUNTARY APPRENTICESHIPS, AND CHAPTER 23, TITLE 41 RELATING TO AGRICULTURAL LABOR CONTRACTS.**

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

**Employers shall post certain labor laws**

SECTION 1. Section 41‑1‑10 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 41‑1‑10. Every employer shall keep posted in a conspicuous place a printed notice stating the provisions of the law relative to the employment of adult persons and children and the regulation of hours and working conditions. The Director of the Department of Labor, Licensing and Regulation or his designee shall furnish the printed form of such notice upon request.”

**Director of department appointed by Governor**

SECTION 2. Section 41‑3‑10 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 41‑3‑10. A Director of the Department of Labor, Licensing and Regulation must be appointed by the Governor pursuant to the provisions of Section 40‑73‑15. The director means the chief administrative officer of the Department of Labor, Licensing and Regulation. The department is authorized to promulgate regulations for the department, and it is the duty of the department to administer and enforce the regulations and direct all inspections and investigations except as otherwise provided.”

**Department may promulgate regulations to effectuate title**

SECTION 3. Section 41‑3‑40 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 41‑3‑40. The Director of the Department of Labor, Licensing and Regulation, or his designee, shall promulgate regulations with reference to this title as shall be necessary properly to carry out the duties imposed upon the department.”

**Workplace inspections by department**

SECTION 4. Section 41‑3‑50 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 41‑3‑50. The director of the department or his designee shall visit and inspect at reasonable hours, as often as practicable, all places, sites, or areas where employment comes under the jurisdiction of the department to enforce the provisions of Chapters 1 through 24.”

**Enforcement of labor and employment laws; appointment and duties of inspectors and assistants**

SECTION 5. Section 41‑3‑60 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 41‑3‑60. The Director of the Department of Labor, Licensing and Regulation or his designee shall enforce all laws of Chapters 1 through 24 in places, sites, or areas, which come under his jurisdiction, and appoint such assistants and inspectors as necessary to carry out his duties. The duties of such assistants and inspectors shall be prescribed by the director which come under his jurisdiction.”

**Department required to furnish certain required blanks and forms**

SECTION 6. Section 41‑3‑100 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 41‑3‑100. All blanks and forms required by the Director of the Department of Labor, Licensing and Regulation or his designee under provisions of Chapters 1 through 24 must be furnished by the director or his designee.”

**Enforcement and prosecution of violations**

SECTION 7. Section 41‑3‑120 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 41‑3‑120. The Director of the Department of Labor, Licensing and Regulation or his designee shall enforce the provisions of Chapters 1 through 24 and prosecute all violations of law relating to those chapters before any court of competent jurisdiction.”

**Sections repealed**

SECTION 8. Sections 41‑1‑40, 41‑1‑50, 41‑3‑80, 41‑15‑10, 41‑15‑50, Article 5, Chapter 3, Title 41; Chapter 21, Title 41; and Chapter 23, Title 41 of the 1976 Code are repealed.

**Time effective**

SECTION 9. This act takes effect upon approval by the Governor.

Ratified the 25th day of March, 2010.

Approved the 31st day of March, 2010.

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