**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 41‑1‑125 SO AS TO PROVIDE A BASE STATE MINIMUM WAGE OF SEVENTEEN DOLLARS PER HOUR EFFECTIVE JANUARY 1, 2022, TO PROVIDE FOR THE NOTIFICATION OF THIS MINIMUM WAGE TO EMPLOYERS BY THE DEPARTMENT OF LABOR, LICENSING AND REGULATION BEFORE NOVEMBER 1, 2021, TO PROVIDE THAT IT IS UNLAWFUL FOR AN EMPLOYER TO FAIL TO PAY THE STATE MINIMUM WAGE OR TO RETALIATE AGAINST AN EMPLOYEE FOR CERTAIN ACTIONS REGARDING ENFORCEMENT OF THE STATE MINIMUM WAGE LAW, TO PROVIDE REMEDIES FOR VIOLATIONS, TO PROVIDE A FIVE‑YEAR STATUTE OF LIMITATIONS, AND TO PROVIDE THAT ACTIONS BROUGHT PURSUANT TO THIS ACT MAY BE BROUGHT AS A CLASS ACTION UNDER STATE LAW.

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

SECTION 1. Chapter 1, Title 41 of the 1976 Code is amended by adding:

“Section 41‑1‑125. (A) An employer shall, at a minimum, pay employees a wage at an hourly rate as provided in this section for all hours worked in this State. Only those individuals entitled to receive the federal minimum wage under the federal Fair Labor Standards Act and its implementing regulations are eligible to receive this state minimum wage. The provisions of Sections 213 and 214 of the federal Fair Labor Standards Act, as interpreted by applicable federal regulations and implemented by the United States Secretary of Labor, are incorporated herein.

(B) The minimum wage must be seventeen dollars per hour beginning January 1, 2022. The Department of Labor, Licensing and Regulation shall provide written or electronic notice of this minimum wage to all employers before November 1, 2021.

(C) It is unlawful for an employer or another party to discriminate or take adverse action against a person in retaliation for filing a complaint about a violation of this section or informing any person of the provisions of this section.

(D) A person aggrieved by a violation of this section may bring a civil action in a court of competent jurisdiction against an employer for violating a provision of this section, and if he prevails, must recover the full amount of any unpaid back wages, economic damages, and must be awarded reasonable attorney’s fees and costs. Upon prevailing in an action brought pursuant to this section, an aggrieved person is also entitled to legal or equitable relief as appropriate to remedy the violation including, without limitation, reinstatement in employment and injunctive relief.

(E) The Attorney General may bring a civil action to enforce this section, and this action may:

(1) seek injunctive relief;

(2) impose a fine of one thousand dollars for each violation, payable to the department. The department shall remit these funds to the state general fund; or

(3) both.

(F) The statute of limitations for an action brought pursuant to this section is for five years and begins on the date on which the alleged violation occurred.

(G) An action brought pursuant to this section may be brought as a class action under state law.”

SECTION 2. This act takes effect upon approval by the Governor.

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