DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2008 session. The unannotated South Carolina Code, consisting only of Code text and numbering, may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.net regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 65.

 PAYMENT OF POST‑TERMINATION CLAIMS TO SALES REPRESENTATIVES

**SECTION 39‑65‑10.** Definitions.

As used in this chapter:

(1) “Commissions” means compensation accruing to a sales representative for payment by a principal, the rate of which is expressed as a percentage of the amount of orders or sales or as a specified amount of each order or sale.

(2) “Person” means an individual, corporation, partnership, association, estate, or trust.

(3) “Principal” means a person who:

(a) manufactures, produces, imports, or distributes a tangible product for wholesale;

(b) contracts with a sales representative to solicit orders for the product; and

(c) compensates the sales representative, in whole or in part, by commission.

(4) “Sales representative” means a person who:

(a) contracts with a principal to solicit wholesale orders;

(b) is compensated, in whole or in part, by commission;

(c) does not place orders or purchase for his own account or for resale; and

(d) does not sell or take orders for the sale of products to the ultimate consumer.

**SECTION 39‑65‑20.** Principal to pay commissions.

When a contract between a sales representative and a principal is terminated for any reason, the principal shall pay the sales representative all commissions that have or will accrue under the contract to the sales representative according to the terms of the contract.

**SECTION 39‑65‑30.** Principal’s civil liability.

A principal who fails to comply with the provisions of Section 39‑65‑20 is liable to the sales representative in a civil action for:

(1) all amounts due the sales representative plus punitive damages in an amount not to exceed three times the amount of commissions due the sales representative; and

(2) attorney’s fees actually and reasonably incurred by the sales representative in the action and court costs.

**SECTION 39‑65‑40.** Frivolous action; sales representative’s liability.

Where the court determines that an action brought by a sales representative against a principal under this chapter is frivolous, the sales representative is liable to the principal for attorney’s fees actually and reasonably incurred by the principal in defending the action and court costs.

**SECTION 39‑65‑50.** Nonresident principals subject to personal jurisdiction.

A principal who is not a resident of this State who contracts with a sales representative to solicit orders in this State is deemed to be doing business in this State for purposes of the exercise of personal jurisdiction over nonresidents under Part 8, Chapter 2, Title 36.

**SECTION 39‑65‑60.** Effect of chapter on other rights and remedies.

Nothing in this chapter invalidates or restricts any other right or remedy available to a sales representative or precludes a sales representative from seeking to recover in one action on all claims against a principal.

**SECTION 39‑65‑70.** Effect of waiver of chapter provisions in contract.

A provision in any contract between a sales representative and a principal purporting to waive any provision of this chapter, whether by expressed waiver or by a contract subject to the laws of another state, is void.

**SECTION 39‑65‑80.** Restrictions on actions.

Any person bringing an action under the provisions of this chapter may not bring an action under the provisions of Section 41‑10‑10.