**A** **BILL**

TO AMEND ARTICLE 3, CHAPTER 4, TITLE 12 OF THE 1976 CODE, RELATING TO THE GENERAL POWERS AND DUTIES OF THE DEPARTMENT OF REVENUE, BY ADDING SECTION 12‑4‑355 TO ESTABLISH IIN THE STATE TREASURY THE DEPARTMENT OF REVENUE IDENTITY THEFT REIMBURSEMENT FUND, TO PROVIDE THAT PROCEEDS FROM THE FUND MUST BE USED TO REIMBURSE PEOPLE WHOSE PERSONALLY IDENTIFIABLE INFORMATION HAS BEEN OBTAINED BY A THIRD PARTY FROM A COMPROMISED COMPUTER SYSTEM MAINTAINED BY THE STATE OR A POLITICAL SUBDIVISION, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

“Section 12‑4‑355. (A) For the purposes of this section:

(1) ‘Eligible person’ shall mean a person whose personally identifiable information was obtained by a third party from a compromised computer system maintained by a state agency, board, committee, commission, public institution of higher learning, political subdivision, or other governmental or quasi‑governmental entity.

(2) ‘Eligible expenses’ shall mean the cost incurred by an eligible person related to purchasing and maintaining identity fraud and theft protection services, including, but not limited to, credit monitoring and alerts, identity theft insurance, and identity theft resolution services that are designed to detect, protect, and resolve potential identity theft and related matters.

(3) ‘Person’ shall mean an individual, corporation, firm, association, joint venture, partnership, limited liability corporation, or any other business entity.

(4) ‘Personally identifiable information’ means information that can be used to uniquely identify, contact, or locate a single person or can be used with other sources to uniquely identify a single individual, including, but not limited to, social security numbers, debit card numbers, and credit card numbers.

(B) There is established in the State Treasury the Department of Revenue Identity Theft Reimbursement Fund which must be maintained separately from the general fund of the State and all other funds. The proceeds of the fund must be utilized to reimburse eligible expenses incurred by an eligible person.”

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

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