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 2009 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.gov 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 37.

 EMPLOYMENT SECURITY ‑ EMPLOYER’S COVERAGE

**SECTION 41‑37‑10.** Period of coverage generally.

Except as provided in Section 41‑37‑20, any employing unit which is or becomes an employer subject to Chapters 27 through 41 of this Title within any calendar year shall be subject to such chapters during the whole of such calendar year.

**SECTION 41‑37‑20.** Election as to coverage.

(1) An employing unit not otherwise subject to Chapters 27 through 41 of this Title, which files with the Commission its written election to become an employer subject to such chapters for not less than two calendar years, shall, with the written approval of such election by the Commission, become an employer subject to the same extent as all other employers as of the date stated in such approval and shall cease to be subject to such chapters as of January first of any calendar year subsequent to such two calendar years if by the thirtieth day of April of such year it has filed with the Commission a written notice to that effect.

(2) Any employing unit, for which services that do not constitute employment as defined in Chapters 27 through 41 of this Title are performed, may file with the Commission a written election that all such services performed by individuals in its employment in one or more distinct establishments or places of business shall be deemed to constitute employment by an employer for all the purposes of such chapters for not less than two calendar years. Upon the written approval of such election by the Commission such services shall be deemed to constitute employment subject to such chapters from and after the date stated in such approval. Such services shall cease to be deemed employment subject to such chapters as of January first of any calendar year subsequent to such two calendar years if by the thirtieth day of April of such year such employing unit has filed with the Commission a written notice to that effect.

**SECTION 41‑37‑30.** Termination of coverage.

Except as otherwise provided in Section 41‑37‑20:

(1) As of January 1, 1972, an employing unit shall cease to be an employer subject to Chapters 27 through 41 of this Title only if it files with the Commission by the thirtieth day of April of that year an application for termination of coverage and the Commission finds that there were no twenty different weeks within the preceding calendar year within which such employing unit had four or more individuals in employment subject to such chapters.

(2) As of January 1, 1973, an employing unit shall cease to be an employer subject to Chapters 27 through 41 of this Title only if it files with the Commission by the thirtieth day of April of any calendar year an application for termination of coverage and the Commission finds that there were no twenty different weeks within the preceding calendar year within which such employing unit had at least one individual in employment subject to such chapters and that there was no calendar quarter within the preceding calendar year in which such employing unit paid fifteen hundred dollars or more in wages for service in employment; provided, however, that no employing unit for which service is performed in employment as defined in Section 41‑27‑230 (3) shall cease to be an employer subject to Chapters 27 through 41 of this Title unless it files with the Commission by the thirtieth day of April of any calendar year an application for termination of coverage and the Commission finds that there were no twenty different weeks within the preceding calendar year within each of which such employing unit had four or more persons in employment.

(3) As of January 1, 1979, any employing unit, as defined in Section 41‑27‑230(5), shall cease to be an employer subject to Chapters 27 through 41 of this Title only if it files with the Commission by the thirtieth day of April of any calendar year an application for termination of coverage and the Commission finds that there were no twenty different weeks within the preceding calendar year within which such employing unit had at least ten individuals in employment subject to Chapters 27 through 41 of this Title and that there was no calendar quarter within the preceding calendar year in which such employing unit paid twenty thousand dollars or more in wages for service in employment.

(4) As of January 1, 1979, any employing unit, as defined in Section 41‑27‑230(6), shall cease to be an employer subject to Chapters 27 through 41 of this Title only if it files with the Commission by the thirtieth day of April of any calendar year an application for termination of coverage and the Commission finds that there was no calendar quarter within the preceding calendar year in which such employing unit paid one thousand dollars or more in wages for service in employment.

(5) Any employer who shall have rendered no employment and paid no wages in the State for a continuous period of one calendar year may submit an application for termination of coverage upon the resumption of employment in the State. Provided, further, that when a successor employer acquired substantially all of the business of a predecessor employer and the experience rating reserve of the predecessor is transferred to the successor, the liability of the predecessor may be terminated at the end of the calendar year during which such succession occurred, provided that the predecessor did not within such calendar year subsequent to the date of succession render employment or pay wages sufficient to remain an employer as defined in Section 41‑27‑210.

(6) The provisions of this section shall not be applicable to any employing unit for services performed in employment as defined by Section 41‑27‑230(2).

For the purpose of this section, the two or more employing units mentioned in items (3) and (4) of Section 41‑27‑210 shall be treated as a single employing unit.