

Session 112 - (1997-1998)

H 4508 General Bill, By Davenport

A BILL TO AMEND SECTION 1-23-370, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROCEDURES FOR LICENSING UNDER THE ADMINISTRATIVE PROCEDURES ACT, SO AS TO AFFORD THE LICENSEE A REASONABLE OPPORTUNITY TO SHOW COMPLIANCE BEFORE INSTITUTION OF A PROCEEDING TO REVOKE, SUSPEND, ANNUL, OR WITHDRAW A LICENSE AND TO REQUIRE A GOOD FAITH FINDING OF EMERGENCY BEFORE A SUMMARY SUSPENSION OF A LICENSE; TO AMEND SECTION 15-77-300, RELATING TO ATTORNEY'S FEES TAXED AGAINST A STATE AGENCY, SO AS TO ALLOW THE TAXING OF ATTORNEY'S FEES AGAINST A STATE LICENSING BOARD WHICH SUMMARILY SUSPENDS A LICENSE WITHOUT COMPLIANCE WITH THE REQUIREMENTS OF SECTION 1-23-370 PROVIDED ABOVE; AND TO AMEND SECTION 40-1-100, AS AMENDED, RELATING TO EQUITABLE REMEDIES AVAILABLE TO LICENSING BOARDS, SO AS TO REQUIRE A GOOD FAITH BELIEF THAT A VIOLATION IS OCCURRING OR MAY OCCUR BEFORE A BOARD SEEKS AN EQUITABLE REMEDY AND TO CREATE A CAUSE OF ACTION FOR DAMAGES RESULTING FROM WRONGFUL EQUITABLE RELIEF.

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