

## Session 115 - (2003-2004)

### H 5116 General Bill, By Harrison

**Summary:** Jurisdiction of the Administrative Law Judge Division

A BILL TO AMEND SECTION 1-23-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION, SO AS TO PROVIDE THAT THE ADMINISTRATIVE LAW JUDGE DIVISION HAS JURISDICTION IN OTHER MATTERS SPECIFICALLY ASSIGNED BY LAW TO THE JURISDICTION OF THE DIVISION; TO AMEND SECTION 16-17-445, RELATING TO REGULATION OF UNSOLICITED CONSUMER TELEPHONE CALLS AND SECTION 34-36-40, RELATING TO LOAN BROKERS, BOTH SO AS TO PROVIDE A PROCEDURE FOR THE DEPARTMENT OF CONSUMER AFFAIRS TO REQUEST A HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION AND TO PROVIDE THAT THE DEPARTMENT MAY REQUEST THAT THE ADMINISTRATIVE LAW JUDGE DIVISION IMPOSE A CIVIL FINE FOR A VIOLATION; TO AMEND SECTION 37-6-106, RELATING TO THE INVESTIGATORY POWERS OF THE ADMINISTRATOR OF THE DEPARTMENT OF CONSUMER AFFAIRS, SO AS TO PROVIDE THAT THE ADMINISTRATOR MAY APPLY TO THE ADMINISTRATIVE LAW JUDGE DIVISION, RATHER THAN THE COURT OF COMMON PLEAS, FOR AN ORDER COMPELLING COMPLIANCE WITH A SUBPOENA; TO AMEND SECTIONS 37-6-108 AND 37-6-113, BOTH AS AMENDED, RELATING TO AN ORDER OF THE ADMINISTRATOR OF THE DEPARTMENT OF CONSUMER AFFAIRS, SO AS TO PROVIDE A PROCEDURE FOR THE ADMINISTRATOR TO REQUEST A HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION AND TO PROVIDE FOR JUDICIAL REVIEW OF THE ADMINISTRATIVE LAW JUDGE DIVISION'S ORDER AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT AND THE RULES GOVERNING PRACTICE BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION; TO AMEND SECTION 37-6-401, RELATING TO THE POWERS OF THE ADMINISTRATOR OF THE DEPARTMENT OF CONSUMER AFFAIRS, SO AS TO PROVIDE THAT A CONFLICT BETWEEN THE PROVISIONS OF PART 4, CHAPTER 6, TITLE 37 AND THE ADMINISTRATIVE PROCEDURES ACT MUST BE RESOLVED IN FAVOR OF THE LATTER; TO AMEND SECTION 37-6-415, RELATING TO APPEALS OF THE PROVISIONS OF PART 4, CHAPTER 6, TITLE 37, SO AS TO PROVIDE THAT A PERSON MAY APPEAL A FINAL JUDGMENT OF THE ADMINISTRATIVE LAW JUDGE DIVISION AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT AND THE RULES GOVERNING PRACTICE BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION; TO AMEND SECTIONS 37-11-100 AND 37-11-110, RELATING TO LICENSING AND REGULATION OF CONTINUING CARE RETIREMENT COMMUNITIES, SO AS TO PROVIDE A PROCEDURE FOR THE DEPARTMENT OF CONSUMER AFFAIRS TO REQUEST A HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION AND TO PROVIDE FOR JUDICIAL REVIEW OF THE ADMINISTRATIVE LAW JUDGE DIVISION'S ORDER AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT AND THE RULES GOVERNING PRACTICE BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION; TO AMEND SECTION 37-16-70, RELATING TO PREPAID LEGAL SERVICES, SO AS TO PROVIDE FOR NOTICE AND OPPORTUNITY FOR A HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION BY A PREPAID LEGAL SERVICES COMPANY FOR A VIOLATION OF THE PROVISIONS OF THE CHAPTER, TO PROVIDE THAT THE ADMINISTRATOR OF THE DEPARTMENT OF CONSUMER AFFAIRS MAY ISSUE AN ORDER REQUIRING THE CLUB REPRESENTATIVE TO CEASE AND DESIST FROM THE VIOLATION, AND TO PROVIDE THAT THE CLUB REPRESENTATIVE MAY REQUEST A HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION; TO AMEND SECTIONS 39-61-100 AND 39-61-130, BOTH AS AMENDED, BOTH RELATING TO MOTOR CLUB SERVICES, SO AS TO PROVIDE A PROCEDURE FOR THE ADMINISTRATOR OF THE DEPARTMENT OF CONSUMER AFFAIRS TO REQUEST A HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION AND TO PROVIDE FOR JUDICIAL REVIEW OF THE ADMINISTRATIVE LAW JUDGE DIVISION'S ORDER AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT AND THE RULES GOVERNING PRACTICE BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION; TO AMEND SECTION 40-39-150, RELATING TO PAWNBROKERS, SECTIONS 40-58-55, 40-58-80, AND 40-58-90, ALL RELATING TO MORTGAGE LOAN BROKERS, SECTION 40-68-160 RELATING TO REGULATION OF STAFF LEASING SERVICES, SECTION 44-79-80, RELATING TO PHYSICAL FITNESS SERVICES, SECTION 56-28-110, RELATING TO NOTIFICATION OF SUBSEQUENT PURCHASERS OF A MOTOR VEHICLE REQUIRED TO BE REPURCHASED RELATING TO MOTOR VEHICLE WARRANTIES, AND SECTION 59-102-20, RELATING TO REGISTRATION OF ATHLETE AGENTS, ALL SO AS TO PROVIDE A PROCEDURE FOR A HEARING BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION AND TO PROVIDE FOR JUDICIAL REVIEW OF THE ADMINISTRATIVE LAW JUDGE DIVISION'S ORDER AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT AND THE RULES GOVERNING PRACTICE BEFORE THE ADMINISTRATIVE LAW JUDGE DIVISION.

**04/14/04 House Introduced and read first time HJ-68**

**04/14/04 House Referred to Committee on Judiciary HJ-70**