**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34‑3‑120 SO AS TO PROVIDE THAT A FEDERALLY CHARTERED OR STATE‑CHARTERED BANKING INSTITUTION DOING BUSINESS IN THIS STATE AND IN AT LEAST ONE OTHER STATE, AS A CONDITION OF ITS AUTHORIZATION TO DO BUSINESS IN SOUTH CAROLINA, SHALL FILE A WRITTEN CONSENT WITH THE SECRETARY OF STATE WHEREBY THE INSTITUTION, ON BEHALF OF ITS OFFICERS, AGENTS, AND EMPLOYEES NOT LOCATED IN SOUTH CAROLINA, CONSENTS TO THE ACCEPTANCE OF AND RESPONSE TO SUBPOENAS, INCLUDING SUBPOENAS DUCES TECUM, SERVED UPON THESE OUT‑OF‑STATE OFFICERS, AGENTS, OR EMPLOYEES ARISING OUT OF THEIR OFFICIAL CAPACITY WITHOUT THE NECESSITY OF A COURT ORDER ISSUED IN CONJUNCTION WITH PENDING LITIGATION IN THE STATE OR FEDERAL COURTS IN SOUTH CAROLINA, AND TO PROVIDE THE PROCEDURES FOR AND CONDITIONS AND LIMITATIONS ON THE ISSUANCE AND COMPLIANCE WITH THESE SUBPOENAS.

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

SECTION 1. Article 1, Chapter 3, Title 34 of the 1976 Code is amended by adding:

“Section 34‑3‑120. (A) Effective July 1, 2013, as a condition of its authorization to do business in South Carolina, a federally chartered or state‑chartered banking institution doing business in this State and in at least one other state shall file a written consent with the Secretary of State whereby the institution, on behalf of its officers, agents, and employees not located in South Carolina, consents to the acceptance of and response to subpoenas, including subpoenas duces tecum, served upon these out‑of‑state officers, agents, or employees arising out of their official capacity issued by an attorney‑at‑law licensed to practice in this State or by any other person authorized to issue subpoenas in connection with the litigation in the courts of this State or in the federal courts in South Carolina involving a resident of this State and the banking institution as parties to the action or as parties in possession of necessary information or documents to the action. The subpoenas referenced in this section may be served upon the named individual by delivery to the banking institution’s principal business located in this State without the necessity of a court order and must be accepted and appropriately responded to, unless a court of competent jurisdiction quashes, modifies, or otherwise rules the subpoenas are invalid.

The consent required by this section must be narrowly applied to the issuance of and response to subpoenas and is not applicable to any other process or procedural proceedings in the matter that is the subject of the litigation.”

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

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