

SOUTH CAROLINA CODE OF LAWS
TITLE 39 – TRADE AND COMMERCE
CHAPTER 65 – PAYMENT OF POST-TERMINATION CLAIMS TO SALES
REPRESENTATIVES

Section 39-65-10

Definitions.

As used in this chapter:

- (1) "Commissions" means compensation accruing to a sales representative for payment by a principal, the rate of which is expressed as a percentage of the amount of orders or sales or as a specified amount of each order or sale.
- (2) "Person" means an individual, corporation, partnership, association, estate, or trust.
- (3) "Principal" means a person who:
 - (a) manufactures, produces, imports, or distributes a tangible product for wholesale;
 - (b) contracts with a sales representative to solicit orders for the product; and
 - (c) compensates the sales representative, in whole or in part, by commission.
- (4) "Sales representative" means a person who:
 - (a) contracts with a principal to solicit wholesale orders;
 - (b) is compensated, in whole or in part, by commission;
 - (c) does not place orders or purchase for his own account or for resale; and
 - (d) does not sell or take orders for the sale of products to the ultimate consumer.

HISTORY: 1988 Act No. 489, eff May 2, 1988.

Section 39-65-20

Principal to pay commissions.

When a contract between a sales representative and a principal is terminated for any reason, the principal shall pay the sales representative all commissions that have or will accrue under the contract to the sales representative according to the terms of the contract.

HISTORY: 1988 Act No. 489, eff May 2, 1988.

Section 39-65-30

Principal's civil liability.

A principal who fails to comply with the provisions of Section 39-65-20 is liable to the sales representative in a civil action for:

- (1) all amounts due the sales representative plus punitive damages in an amount not to exceed three times the amount of commissions due the sales representative; and
- (2) attorney's fees actually and reasonably incurred by the sales representative in the action and court costs.

HISTORY: 1988 Act No. 489, eff May 2, 1988.

Section 39-65-40

Frivolous action; sales representative's liability.

Where the court determines that an action brought by a sales representative against a principal under this chapter is frivolous, the sales representative is liable to the principal for attorney's fees actually and reasonably incurred by the principal in defending the action and court costs.

HISTORY: 1988 Act No. 489, eff May 2, 1988.

Section 39-65-50

Nonresident principals subject to personal jurisdiction.

A principal who is not a resident of this State who contracts with a sales representative to solicit orders in this State is deemed to be doing business in this State for purposes of the exercise of personal jurisdiction over nonresidents under Part 8, Chapter 2, Title 36.

HISTORY: 1988 Act No. 489, eff May 2, 1988.

Section 39-65-60

Effect of chapter on other rights and remedies.

Nothing in this chapter invalidates or restricts any other right or remedy available to a sales representative or precludes a sales representative from seeking to recover in one action on all claims against a principal.

HISTORY: 1988 Act No. 489, eff May 2, 1988.

Section 39-65-70

Effect of waiver of chapter provisions in contract.

A provision in any contract between a sales representative and a principal purporting to waive any provision of this chapter, whether by expressed waiver or by a contract subject to the laws of another state, is void.

HISTORY: 1988 Act No. 489, eff May 2, 1988.

Section 39-65-80

Restrictions on actions.

Any person bringing an action under the provisions of this chapter may not bring an action under the provisions of Section 41-10-10.

HISTORY: 1988 Act No. 489, eff May 2, 1988.

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