

STATE TELEMARKETING LAWS

South Carolina

Telemarketing and Robocall Laws

Statutes, rules, and how they differ from the TCPA



By Adam Young and Harrison Gevirtz

<https://tcpa.com/state-telemarketing-laws/south-carolina/>

01. Telephone Privacy Protection Act

S.C. CODE ANN. §§ 37-21-10 TO 37-21-100

Calls and texts to South Carolina homes and area codes: calling hours, disclosures, caller ID, opt-out messages and do-not-call rules.

02. Former ADAD statute

S.C. CODE ANN. § 16-17-446

Still in the Code, but the Fourth Circuit held it unconstitutional in 2015, and the section it relies on was deleted in 2018.

AT A GLANCE

South Carolina at a glance

WHY SOUTH CAROLINA MATTERS

The SCTPPA pays \$1,000 per violation, twice the TCPA base award, and up to \$5,000 if willful, plus attorney fees. Disclosure, caller ID and opt-out message rules are all privately enforceable.



Who and what is covered

A "telephone solicitation" is a call, or "a text or media message sent," to a home in the state or a wireless number with a South Carolina area code, to offer a sale (§ 37-21-20(6)).

Area code reach

A wireless number with a South Carolina area code is covered wherever the subscriber lives. Texts get every SCTPPA rule.

Aa. **Solicitors**

Anyone who makes, or causes another to make, a telephone solicitation, so sellers using vendors too.

Bb. **Exclusions**

TCPA-compliant political calls, written consent, business or personal relationship, insurers.

Cc. **No bond**

The SCTPPA requires no registration or bond for telemarketers.

3





Consent needs a signed writing

Consent excludes a call from the definition only with a signed or electronically signed written agreement naming the specific seller and the phone number (§ 37-21-20(6)(b)(i)).

Not for do-not-call

These exclusions apply "except for the purposes of" § 37-21-70, so on their face they do not cover registry calls.

Business relationship

Federal limits: a purchase in the last 18 months or an inquiry in the last three. A stop request ends the exclusion.

01. National registry

S.C. CODE ANN. § 37-21-70(B), (C)

No telephone solicitation to a number on the National Do Not Call Registry. South Carolina keeps no separate state list.

02. Stop requests last 5 years

S.C. CODE ANN. § 37-21-70(A)

Once a person asks not to be contacted, by the solicitor or the seller, honor the request for at least five years.

DO-NOT-CALL

Do-not-call and opt-outs

IN PRACTICE

Read literally, written consent or a business relationship does not excuse a call to a registered number. A due-care defense covers callers using a registry copy no more than 31 days old.



Calling hours and disclosures

Solicitations run only 8 a.m. to 9 p.m. local time at the consumer's location, unless the consumer gave prior written consent (§ 37-21-30). The window matches federal law.

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Last call, 9 p.m.

An off-hours call or text carries the SCTPPA's statutory damages, not just a federal rule.



Say who and why

First and last name, seller, contact number and address, purpose and the do-not-call option.



Cost and refunds

A good-faith cost estimate and any no-refund policy. End the contact if the consumer declines.

Caller ID and spoofing

With intent to defraud, harass, cause harm or wrongfully obtain anything of value, no one may display misleading caller ID on a call or text, or circumvent caller ID (§ 37-21-50(A)).

Validity questioned

The Code cites *United Resource Systems v. Wilson* (D.S.C. 2022) on this section. Review it before relying on subsection (A).

Aa. **Transmit**

Send the number and, if the carrier allows, the name; it must take do-not-call requests.

Bb. **Area code**

No South Carolina area code without a physical presence in the state.

SC

Cc. **Carriers**

Safe harbor unless the carrier gives substantial assistance knowingly.



No live agent within 2 seconds

When no live solicitor can speak within two seconds of the completed greeting, the call must play a short identification message and offer an automated opt-out (§ 37-21-60).

2

Seconds to connect

This tracks the federal abandoned-call message, but here it is a freestanding duty with statutory damages.



Identify

Say it is a solicitation; give the seller's name and a do-not-call number, never a 900 number.



Opt out on the call

A voice or key press opt-out records the number on the in-house list and ends the call.

Private lawsuits



\$1,000

Per violation, plus actual losses, for any SCTPPA violation, with attorney fees and court costs.

\$5,000

The court may raise the award to up to \$5,000 per violation for a willful violation.

Defenses



A bona fide error defense for unintended violations, and a due-care defense to do-not-call claims.



South Carolina vs. the TCPA

South Carolina is stricter on damages and makes nearly every rule privately actionable, and its registry ban lacks the federal consent and relationship exceptions. It is looser in having no autodialer, robocall consent or registration rules.

South Carolina

\$1,000 per violation, up to \$5,000 if willful, fees, disclosures and caller ID enforceable by consumers.

Federal TCPA

\$500 per violation, up to \$1,500 if willful or knowing, no fees, no private action for § 227(d).

Key court rulings

The Fourth Circuit struck down the old robocall statute, and a 2022 federal decision bears on the SCTPPA caller ID section.

Less restrictive options

Cahaly named time-of-day limits, caller identity disclosure and do-not-call lists as plausible alternatives to the ban.

Aa. **Cahaly**

4th Cir. 2015: § 16-17-446 is content based and violates the First Amendment.

Bb. **URS**

D.S.C. 2022: addressed a challenge to § 37-21-50; holding not summarized.

2022

Cc. **SCTPPA**

No decision located yet on how texts meet the disclosure rules.



Legal history

2015

Cahaly v. Larosa

The Fourth Circuit holds the ADAD statute, § 16-17-446, unconstitutional.

2018

SCTPPA enacted

2018 Act No. 218, effective May 18, 2018, also deleted former § 16-17-445.

2022

URS v. Wilson

The Code annotation cites it on the validity of the caller ID section.

2026

No amendments

Every SCTPPA section still reads "2018 Act No. 218." None found 2023 to 2026.

01. Calls, texts and hours

S.C. CODE ANN. §§ 37-21-20 TO 37-21-40

- Flag numbers by South Carolina residence and area code.
- Call or text 8 a.m. to 9 p.m. at the consumer's location.
- Script every § 37-21-40 disclosure; end if declined.
- Get signed written consent naming the seller and number.

02. Caller ID and do-not-call

S.C. CODE ANN. §§ 37-21-50 TO 37-21-80

- Send a callback number; no SC area code without presence.
- Play the 2-second message with an automated opt-out.
- Honor stops 5 years; scrub the registry every 31 days.

CHECKLIST

Compliance checklist

PLEASE NOTE

This checklist summarizes state law for general information and is not legal advice. Statutes change; confirm current text with the official source.



Sources behind this deck

SOUTH CAROLINA LAW

[S.C. Code Ann. tit. 37, ch. 21](#) Telephone Privacy Protection Act

[S.C. Code Ann. tit. 16, ch. 17](#) including §§ 16-17-445 and 16-17-446

[S.C. Code Ann. tit. 37, ch. 1](#) definitions, § 37-1-301

[S.C. Code Ann. tit. 37, ch. 6](#) administrator, § 37-6-103

COURT DECISIONS

[Cahaly v. Larosa](#), 796 F.3d 399 (4th Cir. 2015)

FEDERAL LAW

[47 U.S.C. § 227](#) Telephone Consumer Protection Act

[47 C.F.R. § 64.1200](#) FCC telemarketing and robocall rules

[16 C.F.R. Part 310](#) FTC Telemarketing Sales Rule

Read the full South Carolina guide: <https://tcpa.com/state-telemarketing-laws/south-carolina/>

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The law changes

Current as of October 15, 2026. Statutes, FCC and FTC rules and court decisions change, and some changes are adopted before they take effect. This deck may not reflect later developments.

Courts disagree. Courts in different places can read the same rule differently. Case summaries are not predictions: any other matter turns on its own facts, court and law.

Check the official source. Verify each point against the statute, rule or opinion on the Sources slide. If an official source and this deck differ, the official source controls.

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Read the full South Carolina guide on TCPA.com

The guide covers the SCTPPA, calling hours, disclosures, caller ID, opt-out messages, do-not-call, damages and key rulings, with links to the official sources.



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Adam Young is a Miami entrepreneur, the CEO of Ringba and the author of The Pay Per Call Revolution, with more than a decade in telecom, call routing and performance marketing. At TCPA.com he writes about the TCPA, robocall enforcement, tech support fraud cases and what DOJ, FTC and FCC actions mean for companies that make calls. His goal is simple: keep good companies compliant and keep scammers off the phone network.

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