



South Carolina Servicemembers Civil Relief Act

What is the South Carolina Servicemembers Civil Relief Act?

The South Carolina Servicemembers Civil Relief Act (SC-SCRA) is designed to expand and supplement the federal Servicemembers Civil Relief Act (US-SCRA). The US-SCRA provides many powerful legal rights to active-duty servicemembers and their families; however, there are many scenarios wherein the US-SCRA does not apply to South Carolina National Guard service.

The following provides a bullet point summary of the SC-SCRA and its protections:

Where can I find the actual law?

- §25-1-4010 et seq South Carolina Code
- https://www.scstatehouse.gov/sess123_2019-2020/bills/3180.htm

What is the intent of the South Carolina Servicemembers Civil Relief Act?

- The SC-SCRA expands and supplements the rights, benefits, and protections of the US-SCRA. The SC-SCRA also provides that a violation of the US-SCRA constitutes a violation of the SC-SCRA.

Who does it apply to?

- Applies when a servicemember is engaged in military service.
 - SC-SCRA defines “military service” as the following:
 - Military service as defined in US-SCRA
 - Full-time training duty
 - Annual training duty
 - Attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned.
 - For members of the South Carolina National Guard service also includes the following:
 - Duty authorized pursuant to Title 25 Chapter 1 Article 15, which includes State Active Duty, for a period of more than 30 consecutive days.
- If the servicemember is on duty pursuant to Title 25 Chapter 1 Article 15, which includes State Active Duty, the servicemember must provide a written or electronic copy of the order to military service to trigger the remedies or penalties of the SC-SCRA.

- A dependent of a servicemember engaged in military service has the same rights and protections.

What rights and protections are included in the SC-SCRA?

- In addition to the rights and protections found in the US-SCRA related to rent, installment contracts, mortgages, liens, assignment, leases and communications service contracts, a servicemember may terminate the following types of contract when the member receives military orders to relocate for a period of service of at least ninety (90) days to a location that does not support the contract:
 - Telecommunication services
 - Internet services
 - Television services
 - Athletic club or gym memberships
 - Satellite radio services.
- To terminate the contract, the servicemember shall give the provider written or electronic notice of the termination, with a copy of the order to relocate, as well as the date the service is to be terminated.
- If the service is terminated pursuant to the state or federal Servicemembers Civil Relief Act, the provider may not impose an early termination penalty, charge, or fee.
- If the service is terminated, the provider shall refund any fee paid for a service beyond the termination date within sixty days.
- If the servicemember resubscribes to the service within ninety days of returning from military service, the service provider may only charge the usual and customary charge and fees for installation or acquisition imposed on other subscribers.

What happens if the Servicemembers Civil Relief Act is violated?

- If any provision of the SC-SCRA is violated, the servicemember, the dependent of the servicemember or the South Carolina Attorney General may bring a civil action.
 - The following remedies are available:
 - Injunction
 - Payment of restitution
 - The Court may assess a civil penalty not to exceed five thousand dollars per violation.

Questions should be directed to the South Carolina National Guard Office of the Staff Judge Advocate at 803-299-4319.