

1975 S.C. Op. Atty. Gen. 253 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4208, 1975 WL 22505

Office of the Attorney General

State of South Carolina

Opinion No. 4208

December 2, 1975

\*1 The South Carolina Consumer Protection Act incorporates the provisions of the Federal Truth in Lending Act as it existed on the effective date of the Consumer Protection Act.

TO: Irvin D. Parker  
Administrator  
Department of Consumer Affairs

#### QUESTION PRESENTED:

Does the Consumer Protection Code statutory requirement directing the Department of Consumer Affairs to enforce the Federal Truth in Lending Act incorporate Truth in Lending as it existed at the effective date of the Consumer Protection Code or is the directive to be construed to mean the Federal Truth in Lending Act as it may exist at any point in time?

#### STATUTES, CASES, ETC:

Sections 2.301, 3.301, S. C. Consumer Protection Code, Sutherland, Statutory Construction, § 51.07–§ 51.08, 82 C.J.S. § 370, STATUTES.

#### DISCUSSION OF ISSUES:

The South Carolina Consumer Protection Code incorporates by reference the Federal Truth in Lending Act, directing the South Carolina Department of Consumer Affairs to enforce the provisions of the Federal Truth in Lending Act.

As a general rule statutes adopt other statutes by specific reference or general reference. Statutes which refer to other statutes by either title or section number are specifically adopted, other statutes refer to the law of a subject matter generally. Sutherland, § 51.07–51.08. The South Carolina Consumer Protection Act specifically in Sections 2.301 and 3.301 adopts the ‘Federal Truth in Lending Act’.

The question which arises is whether or not the amendments to ‘Truth in Lending’ have also been incorporated into State law by the specific reference. Statutes adopted specifically are to be construed as they existed at the time they are incorporated, unless a contrary intention to include subsequent amendments to the adopted statute is expressed. 82 C.J.S. § 370, STATUTES. No contrary intention to include the subsequent amendments to the Federal Truth in Lending can be found.

#### CONCLUSION

It is the opinion of this office that the South Carolina Consumer Protection Code specifically adopts the Federal Truth in Lending Act as it existed on August 13, 1974, and does not incorporate the subsequent amendments to Truth in Lending.

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