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Administrative Interpretation 6.201-7509

AN ATTORNEY WHO SELLS HIS SERVICES ON AN INSTALMENT CONTRACT WITH OR WITHOUT PROVISION FOR A FINANCE CHARGE IS A "PERSON" WHO IS REQUIRED TO FILE A NOTIFICATION AS PROVIDED IN PART 2 ARTICLE 6 OF THE SOUTH CAROLINA CONSUMER PROTECTION CODE.

The question has arisen as to whether attorneys and other professional practitioners who extend credit for services must file the notification and pay the notification fee as set forth in Sections 6.201, 6.202 and 6.203 of Act 1241 of 1974.

The notification and fee requirement "applies to a person engaged in this state in making consumer credit sales . . ." (Section 6.201).

A consumer credit sale includes the credit sale of "services" (Section 2.104).

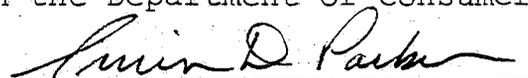
Services includes "work, labor and other personal services" [Section 2.105(3)].

The official comment referring to Subsection 3 in the 1968 Official Text of the Uniform Consumer Credit Code reads as follows:

The retail instalment sales acts often excluded from the definition of services those furnished by members of professions - physicians, dentists, and the like. This Act makes no such exclusion . . .

Section 2.105 of the South Carolina Consumer Protection Code is identical to Section 2.105 of the Uniform Consumer Credit Code.

Based upon the foregoing it is the opinion of this office that attorneys (as well as other professional people) who sell their services to individuals primarily for personal, family or household purpose pursuant to a credit arrangement providing for more than three instalments, with or without a finance charge, are making consumer credit sales and are required to file notification with the Department of Consumer Affairs.


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