~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 4, 2009

**S. 184**

Introduced by Senator McConnell

S. Printed 2/4/09--S. [SEC 2/5/09 3:57 PM]

Read the first time January 13, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 184) to amend Section 40‑27‑10, Code of Laws of South Carolina, 1976, relating to a person who buys junk, so as to require a person who buys junk, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 2, by striking lines 25‑34 in their entirety and inserting:

/ “Any person buying junk shall keep a book ~~which~~ that he shall keep open to the inspection of all persons, wherein he shall set down the name and address, city and street, of every person selling junk and an itemized statement of all junk bought from such person and the date of purchase. If a person buys junk that consists of twenty‑five pounds or more of scrap metal or vehicle parts, other than nonferrous metals, as defined by Section 16‑17‑680, the person must keep with the record of purchase a photocopy of the seller’s driver’s license or other government issued picture identification card that shows the seller’s name and address. A person buying nonferrous metals is subject to the provisions of Section 16‑17‑680.” /

Amend the bill further, as and if amended, by adding an appropriately numbered section to read:

/ SECTION \_\_. Section 40-27-30 of the 1976 Code is repealed. /

Renumber sections to conform.

Amend title to conform.

JOHN M. KNOTTS, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Judicial Department and the Department of Motor Vehicles indicate this bill will have no impact on the General Fund of the State, nor on federal and/or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 40‑27‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON WHO BUYS JUNK, SO AS TO REQUIRE A PERSON WHO BUYS JUNK THAT CONSISTS OF TWENTY-FIVE POUNDS OF SCRAP METAL OR VEHICLE PARTS TO KEEP WITH THE RECORD OF PURCHASE A PHOTOCOPY OF THE SELLER’S DRIVER’S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER’S NAME AND ADDRESS; TO AMEND SECTION 40‑27‑40, RELATING TO PENALTIES FOR VIOLATING PROVISIONS OF THE JUNK DEALER ARTICLE, SO AS TO INCREASE THE FINE FROM A MAXIMUM OF ONE HUNDRED DOLLARS TO FIVE HUNDRED DOLLARS AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE; TO AMEND SECTION 56‑5‑5670, RELATING TO A DEMOLISHER PURCHASING OR ACQUIRING A VEHICLE TO DEMOLISH, SO AS TO REQUIRE A DEMOLISHER THAT ACQUIRES A VEHICLE OR VEHICLE PARTS WITH A TOTAL WEIGHT OF TWENTY-FIVE POUNDS OR MORE TO KEEP A PHOTOCOPY OF THE SELLER’S DRIVER’S LICENSE OR OTHER GOVERNMENT ISSUED PICTURE IDENTIFICATION CARD THAT SHOWS THE SELLER’S NAME AND ADDRESS AND TO ESTABLISH THAT A VIOLATION OF THOSE PROVISIONS IS A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, WITH EACH VIOLATION CONSTITUTING A SEPARATE OFFENSE; AND TO AMEND SECTION 56‑5‑5945, RELATING TO A DEMOLISHER OBTAINING A VEHICLE TITLE, SO AS TO REQUIRE A DEMOLISHER WHO PURCHASES OR ACQUIRES A VEHICLE OR VEHICLE PART WITH A TOTAL WEIGHT OF TWENTY-FIVE OR MORE POUNDS TO KEEP A PHOTOCOPY OF THE SELLER’S DRIVER’S LICENSE OR OTHER GOVERNMENT PICTURE IDENTIFICATION CARD THAT SHOWS THE PERSON’S NAME AND ADDRESS AND THE YEAR, MAKE, MODEL, AND IDENTIFICATION NUMBER OF THE VEHICLE, IF AVAILABLE, ALONG WITH ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A VIOLATION CONSTITUTES A MISDEMEANOR WITH A FINE NO MORE THAN FIVE HUNDRED DOLLARS FOR EACH OFFENSE OR NO MORE THAN FIVE THOUSAND DOLLARS FOR THE SAME SET OF TRANSACTIONS OR IMPRISONED FOR NO MORE THAN SIXTY DAYS, OR BOTH, AND TO ESTABLISH THAT EACH VIOLATION CONSTITUTES A SEPARATE OFFENSE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 40‑27‑10 of the 1976 Code of Laws is amended to read:

“Any person buying junk shall keep a book ~~which~~ that he shall keep open to the inspection of all persons, wherein he shall set down the name and address, city and street, of every person selling junk and an itemized statement of all junk bought from such person and the date of purchase. If a person buys junk that consists of twenty‑five pounds or more of scrap metal or vehicle parts, the person must keep with the record of purchase a photocopy of the seller’s driver’s license or other government issued picture identification card that shows the seller’s name and address.”

SECTION 2. Section 40‑27‑40 of the 1976 Code of Laws is amended to read:

“Any person violating any of the provisions of this article shall be fined ~~in~~ a sum not exceeding ~~one~~ five hundred dollars or imprisoned not exceeding thirty days. Each violation constitutes a separate offense.”

SECTION 3. Section 56‑5‑5670 of the 1976 Code of Laws is amended to read:

“(A) A demolisher who purchases or otherwise acquires a vehicle or any part or parts of a vehicle with a total weight of twenty-five pounds or more for purposes of wrecking, dismantling, or demolishing is not required to obtain a certificate of title for the vehicle in his own name. After the vehicle has been demolished, processed, or changed so that it physically is no longer a vehicle, the demolisher must surrender for cancellation the certificate of title, auction sales receipt, or disposal authority certificate. The Department of Motor Vehicles must issue forms, rules, and regulations governing the surrender of auction sales receipts, disposal authority certificates, and certificates of title as appropriate.

(B) A demolisher must keep an accurate and complete record of all abandoned vehicles purchased or received by him in the course of his business. These records must contain the name and address of the person from whom each vehicle was purchased or received, a photocopy of the person’s driver’s license or other government issued picture identification card that shows the person’s name and address, the date when the purchases or receipts occurred, and the year, make, model, and identification number of the vehicle, if ascertainable, along with any other identifying features. The records are open for inspection by any police officer at any time during normal business hours. Any record required by this section must be kept by the demolisher for at least one year after the transaction to which it applies.

(C) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined no more than five hundred dollars or each offense for a fine not exceeding five thousand dollars for the same set of transactions or occurrences or imprisoned for no more than sixty days, or both. Each violation constitutes a separate offense.”

SECTION 4. Section 56‑5‑5945 of the 1976 Code of Laws is amended to read:

“(a) Any demolisher who purchases or otherwise acquires a vehicle or any part or parts of a vehicle with a total weight of twenty-five pounds or more for purposes of wrecking, dismantling, or demolition shall not be required to obtain a certificate of title for such vehicle in his own name. After the vehicle has been demolished, processed, or changed so that it physically is no longer a vehicle, the demolisher shall surrender for cancellation the certificate of title or sales receipt issued under Section 56‑5‑5850.

(b) A demolisher shall keep an accurate and complete record of all vehicles purchased or received by him in the course of his business. These records shall contain the name and address of the person from whom each vehicle was purchased or received, a photocopy of the person’s driver’s license or other government issued picture identification card that shows the person’s name and address, ~~and~~ the date when such purchases or receipts occurred, and the year, make, model, and identification number of the vehicle, if ascertainable, along with any other identifying features. The records shall be open for inspection by any law enforcement officer at any time during normal business hours. Any record required by this section shall be kept by the demolisher for at least one year after the transaction to which it applies.

(c) A person who violates the provisions of this section is guilty of a misdemeanor ,and upon conviction, must be fined no more than five hundred dollars for each offense or a fine not exceeding five thousand dollars for the same set of transactions or occurrences or imprisoned for no more than sixty days, or both. Each violation constitutes a separate offense.”

SECTION 5. This act takes effect upon approval by the Governor.

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