~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

February 18, 2009

**S. 184**

Introduced by Senators McConnell and Ford

S. Printed 2/18/09--S.

Read the first time January 13, 2009.

**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.

Amend Title To Conform

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:

“Section 40‑27‑10. 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. Any person buying junk that consists of a catalytic converter or twenty‑five pounds or more of scrap metal or vehicle parts, other than nonferrous metals, as defined by Section 16‑17‑680, shall 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, and the person must make payment to the seller by means of a check mailed to the seller’s address as shown on the seller’s driver’s license or other government issued picture identification card or to the seller’s physical business address. Any person buying junk that consists of nonferrous metals is subject to the provisions of Section 16‑17‑680.”

SECTION 2. Section 40-27-30 of the 1976 Code is repealed.

SECTION 3. Section 40‑27‑40 of the 1976 Code of Laws is amended to read:

“Section 40‑27‑40. 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 4. Section 56‑5‑5670 of the 1976 Code of Laws is amended to read:

“Section 56‑5‑5670. (A) A demolisher who purchases or otherwise acquires a vehicle 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, catalytic converters, and vehicle parts with a total weight of twenty-five pounds or more 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~~ the vehicle, catalytic converter, or vehicle parts ~~was~~ were 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, catalytic converter, or vehicle parts, 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 demolisher who purchases a vehicle, catalytic converter, or parts of a vehicle with a total weight of twenty-five pounds or more must make payment to the seller by means of a check mailed to the seller’s address as shown on the seller’s driver’s license or other government issued picture identification card or to the seller’s physical business address.

(D) 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 not to exceed 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. Section 56‑5‑5945 of the 1976 Code of Laws is amended to read:

“Section 56‑5‑5945. (a) Any demolisher who purchases or otherwise acquires a vehicle 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, catalytic converters, and vehicle parts with a total weight of twenty-five pounds or more 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~~ the vehicle, catalytic converter, or vehicle parts ~~was~~ were 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, catalytic converter, or vehicle parts, 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 demolisher who purchases a vehicle, catalytic converter, or parts of a vehicle with a total weight of twenty-five pounds or more must make payment to the seller by means of a check mailed to the seller’s address as shown on the seller’s driver’s license or other government issued picture identification card or to the seller’s physical business address.

(d) 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 not to exceed 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 6. Section 56‑5‑5850 of the 1976 Code is amended to read:

“Section 56‑5‑5850. (A) When any vehicle is left unattended on a highway or on other public or private property without the consent of the owner or person in control of the property, an officer may place a colored tag on the vehicle which is notice to the owner, the person in possession of the vehicle, or any lienholder that it may be considered to be derelict or abandoned and is subject to forfeiture to the State.

(B) The colored tag serves as the only legal notice that the vehicle will be moved to a designated place to be sold if the vehicle is not removed by the owner or person in control of the vehicle. The vehicle must be removed within the following times from the date the tag is placed on the vehicle:

(1) forty‑eight hours if it is located on a highway, or

(2) seven days if it is located on other public or private property.

(C) A vehicle that has had at least two colored tags previously placed on it is an abandoned vehicle for purposes of this article and may be removed immediately by a law enforcement agency to a designated placed to be sold.

(D) Abandoned or derelict vehicles must be disposed of pursuant to Sections 29‑15‑10 and 56‑5‑5635.”

SECTION 7. Section 57‑27‑20(a) of the 1976 Code is amended to read:

“(a) The term ‘junk’ shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, junked, dismantled, or wrecked automobiles, trucks and other motor vehicles, or parts ~~thereof~~ of them, iron, steel, and other old or scrap ferrous or nonferrous material.”

SECTION 8. Chapter 27, Title 57 of the 1976 Code is amended by adding:

“Section 57‑27‑57. It is unlawful for a junkyard owner to allow motor vehicles to be parked on a highway adjacent to its property.”

SECTION 9. This act takes effect upon approval by the Governor.

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