**South Carolina General Assembly**

122nd Session, 2017-2018

**A225, R267, H4795**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Herbkersman, Simrill, W. Newton and Bradley

Document Path: l:\council\bills\gt\5421cm18.docx

Introduced in the House on January 31, 2018

Introduced in the Senate on March 28, 2018

Last Amended on May 9, 2018

Passed by the General Assembly on May 10, 2018

Governor's Action: May 18, 2018, Signed

Summary: Dealer and motor vehicle dealer, definitions revised

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/31/2018 House Introduced and read first time ([House Journal‑page 71](file:///h:\hj\20180131.docx))

1/31/2018 House Referred to Committee on **Ways and Means** ([House Journal‑page 71](file:///h:\hj\20180131.docx))

2/1/2018 House Member(s) request name added as sponsor: W.Newton

2/1/2018 House Recalled from Committee on **Ways and Means** ([House Journal‑page 27](file:///h:\hj\20180201.docx))

2/6/2018 House Debate adjourned until Tues., 2‑20‑18 ([House Journal‑page 31](file:///h:\hj\20180206.docx))

2/20/2018 House Debate adjourned until Tues., 2‑27‑18 ([House Journal‑page 7](file:///h:\hj\20180220.docx))

2/27/2018 House Debate adjourned until Tues., 3‑13‑18 ([House Journal‑page 8](file:///h:\hj\20180227.docx))

3/20/2018 House Debate adjourned until Wed., 3‑21‑18 ([House Journal‑page 10](file:///h:\hj\20180320.docx))

3/21/2018 House Member(s) request name added as sponsor: Bradley

3/21/2018 House Amended ([House Journal‑page 43](file:///h:\hj\20180321.docx))

3/21/2018 House Read second time ([House Journal‑page 43](file:///h:\hj\20180321.docx))

3/21/2018 House Roll call Yeas‑106 Nays‑2 ([House Journal‑page 47](file:///h:\hj\20180321.docx))

3/22/2018 House Read third time and sent to Senate ([House Journal‑page 8](file:///h:\hj\20180322.docx))

3/23/2018 Scrivener's error corrected

3/28/2018 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\sj\20180328.docx))

3/28/2018 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 5](file:///h:\sj\20180328.docx))

5/3/2018 Senate Committee report: Favorable with amendment **Transportation** ([Senate Journal‑page 5](file:///h:\sj\20180503.docx))

5/4/2018 Scrivener's error corrected

5/9/2018 Senate Committee Amendment Adopted ([Senate Journal‑page 106](file:///h:\sj\20180509.docx))

5/9/2018 Senate Read second time ([Senate Journal‑page 106](file:///h:\sj\20180509.docx))

5/9/2018 Senate Roll call Ayes‑43 Nays‑0 ([Senate Journal‑page 106](file:///h:\sj\20180509.docx))

5/10/2018 Senate Read third time and returned to House with amendments ([Senate Journal‑page 153](file:///h:\sj\20180510.docx))

5/10/2018 House Concurred in Senate amendment and enrolled ([House Journal‑page 98](file:///h:\hj\20180510.docx))

5/10/2018 House Roll call Yeas‑90 Nays‑0 ([House Journal‑page 98](file:///h:\hj\20180510.docx))

5/14/2018 Ratified R 267

5/18/2018 Signed By Governor

5/25/2018 Effective date 05/18/18

5/31/2018 Act No. 225

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4795&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/31/2018](file:///p:\pprever\2017-18\4795_20180131.docx)

[2/1/2018](file:///p:\pprever\2017-18\4795_20180201.docx)

[3/21/2018](file:///p:\pprever\2017-18\4795_20180321.docx)

[3/22/2018](file:///p:\pprever\2017-18\4795_20180322.docx)

[3/23/2018](file:///p:\pprever\2017-18\4795_20180323.docx)

[5/3/2018](file:///p:\pprever\2017-18\4795_20180503.docx)

[5/4/2018](file:///p:\pprever\2017-18\4795_20180504.docx)

[5/9/2018](file:///p:\pprever\2017-18\4795_20180509.docx)

(A225, R267, H4795)

**AN ACT TO AMEND SECTION 56‑15‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITION OF “DEALER” OR “MOTOR VEHICLE DEALER” TO EXCLUDE CERTAIN PERSONS CONDUCTING AUCTIONS OF CERTAIN INVESTMENT GRADE OR COLLECTOR MOTOR VEHICLES, AND TO PROVIDE DEFINITIONS FOR CERTAIN ADDITIONAL TERMS.**

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

**Definition revised**

SECTION 1. Section 56‑15‑10(h) of the 1976 Code is amended to read:

“(h) ‘Dealer’ or ‘motor vehicle dealer’, any person who sells or attempts to effect the sale of any motor vehicle. These terms do not include:

(1) distributors or wholesalers;

(2) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court;

(3) public officers while performing their official duties;

(4) persons disposing of motor vehicles acquired for their own use and so used in good faith and not for the purpose of avoiding the provisions of law. Any person who effects or attempts to effect the sale of more than five motor vehicles in any one calendar year is considered a dealer or wholesaler, as appropriate, for purposes of this chapter;

(5) finance companies or other financial institutions who sell repossessed motor vehicles and insurance companies who sell motor vehicles they own as an incident to payments made under policies of insurance; or

(6) a South Carolina dealer that conducts the auction of investment grade or collector motor vehicles not more than three days per year and that:

(a) has obtained a surety bond in the amount of one million dollars;

(b) provides this service for an entity organized under Section 501(c)(3) of the Internal Revenue Code;

(c) possesses during the event all vehicle titles unencumbered by liens; and

(d) is responsible for ensuring all taxes are paid and all vehicles have been registered and titled property.

This subitem shall not permit any other temporary retail auctions or any other retail auctions of consignment vehicles.”

**Definitions added**

SECTION 2. Section 56‑15‑10 of the 1976 Code is amended by adding appropriately lettered items at the end to read:

“( ) ‘Investment grade vehicle’, a motor vehicle not currently sold by a franchised motor vehicle dealer and not in current production with a value that exceeds two hundred fifty thousand dollars.

( ) ‘Collector motor vehicle’, a motor vehicle that is at least twenty years old.

( ) ‘Charity vehicle’, a donated vehicle for which the net proceeds go to charity.

( ) ‘Special interest vehicle’, a unique vehicle of rarity, originality, unique or special coachwork, or previous ownership of significance that is not or has not been mass produced.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 14th day of May, 2018.

Approved the 18th day of May, 2018.

\_\_\_\_\_\_\_\_\_\_