**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3153**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Harrison and Daning

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Companion/Similar bill(s): 184

Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Junk dealers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑67

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑68

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3153_20081216.docx)

**A** **BILL**

TO AMEND SECTION 56‑5‑5670 AND 56‑5‑5945, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF A DEMOLISHER WHO ACQUIRES A VEHICLE FOR THE PURPOSE OF WRECKING, DISMANTLING, OR DEMOLITION, SO AS TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO A DEMOLISHER WHO ACQUIRES PARTS OF A VEHICLE WITH A TOTAL WEIGHT OF TWENTY‑FIVE POUNDS OR MORE FOR THE PURPOSE OF WRECKING, DISMANTLING, OR DEMOLITION, TO PROVIDE THAT A DEMOLISHER MUST MAINTAIN IN HIS RECORDS OF ALL VEHICLE’S HE ACQUIRES A PHOTOCOPY OF THE PERSON’S IDENTIFICATION CARD FROM WHOM HE ACQUIRED THE VEHICLE ALONG WITH THE YEAR, MAKE, AND IDENTIFICATION NUMBER OF THE VEHICLE OR ANY OTHER IDENTIFYING FEATURES, AND TO PROVIDE A PENALTY FOR VIOLATIONS OF BOTH PROVISIONS; TO AMEND SECTION 40‑27‑10, RELATING TO CERTAIN RECORDS THAT A PERSON WHO BUYS JUNK MUST MAINTAIN, SO AS TO PROVIDE THAT FOR PURCHASES OF JUNK THAT CONSISTS OF CERTAIN AMOUNTS OF SCRAP METAL OR VEHICLE PARTS, THE PERSON MUST MAINTAIN IN HIS RECORDS A PHOTOCOPY OF THE SELLER’S PICTURE IDENTIFICATION CARD; AND TO AMEND SECTION 40‑27‑40, RELATING TO PENALTIES ASSOCIATED WITH THE PURCHASE OF JUNK, SO AS TO INCREASE THE PENALTY.

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

SECTION 1. Section 56‑5‑5670 of the 1976 Code is amended to read:

“Section 56‑5‑5670. (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 another 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 not more than five hundred dollars for each offense for a fine not exceeding five thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than sixty days, or both. Each violation constitutes a separate offense.”

SECTION 2. Section 56‑5‑5945 of the 1976 Code is amended to read:

“Section 56‑5‑5945. ~~(a)~~ ~~Any~~ (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 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)~~(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 ~~and~~, a photocopy of the person’s driver’s license or another government issued picture identification card that shows the person’s name and address, 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 not more than five hundred dollars for each offense for a fine not exceeding five thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than sixty days, or both. Each violation constitutes a separate offense.”

SECTION 3. Section 40‑27‑10 of the 1976 Code is amended to read:

“Section 40‑27‑10. ~~Any~~ A person buying junk shall keep a book which 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 4. Section 40‑27‑40 of the 1976 Code is amended to read:

“Section 40‑27‑40. Any person violating any of the provisions of this article ~~shall~~ must be fined in a sum not exceeding ~~one~~ five hundred dollars or imprisoned not exceeding thirty days.”

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

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