**A** **BILL**

TO AMEND SECTION 16‑17‑680, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL PURCHASE OF NONFERROUS METALS, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO TRANSPORT NONFERROUS METALS UNDER CERTAIN CIRCUMSTANCES UNLESS THE PERSON POSSESSES A BILL OF SALE SIGNED BY CERTAIN DESIGNATED RETAIL, WHOLESALE, OR DEALERS OF CERTAIN METALS.

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

SECTION 1. Section 16‑17‑680(A) of the 1976 Code, as last amended by Act 260 of 2008, is further amended to read:

“Section 16‑17‑680. (A)~~(1)~~ It is unlawful:

(1) to purchase nonferrous metals in any amount from a person who is not a holder of a retail license or an authorized wholesaler unless the purchaser is a secondary metals recycler and obtains and can verify the name and address of the seller. A secondary metals recycler shall maintain a record containing the date of purchase, name and address of the seller, a photocopy of the seller’s identification, the license plate number of the seller’s motor vehicle, the seller’s photograph, weight or length, and size or other description of the nonferrous metals purchased, amount paid for it, and a signed statement from the seller stating that he is the rightful owner or is entitled to sell the nonferrous metals being sold. All nonferrous metals that are purchased by and are in the possession of a secondary metals recycler and all records required to be kept by this section must be maintained and kept open for inspection by law enforcement officials or local and state governmental agencies during regular business hours. The records must be maintained for two years from the date of purchase~~.~~;

(2) for a person to transport or have in his possession nonferrous metals of an aggregate weight of more than twenty‑five pounds on the highways of this State, in a vehicle other than a vehicle used in the ordinary course of business for the purpose of transporting nonferrous metals of an aggregate weight of more than twenty‑five pounds, unless the person has in his possession a bill of sale signed by:

(i) a holder of a retail license for a business engaged in the sale of nonferrous metals or a mixture of nonferrous metals;

(ii) an authorized wholesaler engaged in the sale of nonferrous metals or a mixture of nonferrous metals; or

(iii) a registered dealer of scrap metals.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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