**A** **BILL**

TO AMEND SECTION 56‑15‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGULATION OF MANUFACTURERS, DISTRIBUTORS, AND DEALERS OF MOTOR VEHICLES, SO AS TO PROVIDE THAT BUSINESSES WHICH OPERATE AS WHOLESALE MOTOR VEHICLE AUCTIONS, AND PERSONS DISPOSING OF MOTOR VEHICLES ACQUIRED FOR USE IN THE USUAL COURSE OR BUSINESS ARE NOT MOTOR VEHICLE DEALERS, AND TO PROVIDE THAT A PERSON WHO ATTEMPTS TO SELL OR SELLS FIVE MOTOR VEHICLES ACQUIRED FOR THEIR PERSONAL USE IN ANY ONE CALENDAR YEAR IS A DEALER OR WHOLESALER.

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

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, including businesses which operate as wholesale motor vehicle auctions as defined by Section 56‑15‑510~~.~~;

(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~~ personal use, or for use in the usual course of business, 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 acquired for their personal use in any one calendar year is considered a dealer or wholesaler, as appropriate, for purposes of this chapter. However, this does not apply to persons who effect or attempt to effect the sale of more than five motor vehicles acquired for use in the usual course of business;

(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.”

SECTION 2. This act takes effect upon approval by the Governor.

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