~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 14, 2014

**S. 561**

Introduced by Senator L. Martin

S. Printed 5/14/14--H.

Read the first time March 25, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 561) to amend Section 16‑17‑680 of the Code of Laws of South Carolina, 1976, relating to the purchasing, selling, and transporting of nonferrous metals, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

F. GREGORY DELLENEY for Committee.

**A** **BILL**

TO AMEND SECTION 16‑17‑680 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASING, SELLING, AND TRANSPORTING OF NONFERROUS METALS, SO AS TO DEFINE THE TERM “COIL” AND PROVIDE THAT A SECONDARY METALS RECYCLER MUST NOT PURCHASE OR OTHERWISE ACQUIRE A COIL.

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

SECTION 1. Section 16‑17‑680(A) of the 1976 Code is amended to read:

“(A) For purposes of this section:

(1) ‘Coil’ means a copper, aluminum, or aluminum‑copper condensing coil or evaporation coil. The term includes, but is not limited to, coil from a commercial or residential heating or air-conditioning system. The term does not include coil from a window air‑conditioning system, if the coil is contained within the system, or coil from an automobile condenser.

~~(1)~~(2) ‘Fixed site’ means a site occupied by a secondary metals recycler as the owner of the site or as a lessee of the site under a lease or other rental agreement providing for occupation of the site by a secondary metals recycler for a total duration of not less than three hundred sixty‑four days.

~~(2)~~(3) ‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including, but not limited to, copper wire, cooper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum other than aluminum cans, a product that is a mixture of aluminum and copper, catalytic converters, lead‑acid batteries, steel propane gas tanks, and stainless steel beer kegs or containers.

~~(3)~~(4) ‘Secondary metals recycler’ means a person or entity who is engaged, from a fixed site or otherwise, in the business of paying compensation for nonferrous metals that have served their original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.”

SECTION 2. Section 16‑17‑680(I) of the 1976 Code is amended to read:

“(I) A secondary metals recycler ~~must~~ shall not purchase or otherwise acquire ~~an iron or steel~~:

(1) an iron or steel manhole cover; ~~or~~

(2) an iron or steel drainage grate; or

(3) a coil, unless the seller is an exempted entity pursuant to subsection (J)(1)(e) or the seller presents a bill of sale from a company licensed pursuant to Chapter 11, Title 40 indicating that the seller acquired the coil as the result of a unit replacement or repair. The bill of sale is sufficient proof of ownership and serves the same purpose as a permit to transport and sell nonferrous metals. A person who presents a falsified bill of sale is guilty of a misdemeanor, and, upon conviction, must be fined in the discretion of the court or imprisoned not more three years, or both.”

SECTION 3. Section 16-17-680(D)(4) of the 1976 Code is amended to read:

“(4) A secondary metals recycler shall not enter into a cash transaction in payment for the purchase of copper, catalytic converters, ~~and~~ or beer kegs, which totals twenty-five dollars or more. Payment for the purchase of copper, catalytic converters, ~~and~~ or beer kegs, which totals twenty-five dollars or more must be made by check alone issued and made payable to the seller. A secondary metals recycler shall neither cash a check issued pursuant to this item nor use an automated teller machine (ATM) or other cash card system in lieu of a check. A secondary metals recycler shall not enter into more than one cash transaction per day per seller in payment for the purchase of copper, catalytic converters, or beer kegs.”

SECTION 4. Section 16-17-680(J) of the 1976 Code is amended to read:

“(J)(1) Except as provided in item (2), the provisions of this section do not apply to:

(a) the purchase or sale of aluminum cans;

(b) a transaction between a secondary metals recycler and another secondary metals recycler;

(c) a governmental entity;

(d) a manufacturing or industrial vendor that generates or sells regulated metals in the ordinary course of its business;

(e) a seller who is a holder of a retail license, an authorized wholesaler, an automobile demolisher as defined in Section 56‑5‑5810(d), a contractor licensed pursuant to Chapter 11, Title 40, a real estate broker or property manager licensed pursuant to Chapter 57, Title 40, a residential home builder licensed pursuant to Chapter 59, Title 40, a demolition contractor, a provider of gas service, electric service, communications service, water service, plumbing service, electrical service, climate conditioning service, core recycling service, appliance repair service, automotive repair service, or electronics repair service; or

(f) ~~organizations, corporations, or associations~~ a seller that is an organization, a corporation, or an association registered with the State as ~~charitable organizations or any nonprofit corporation~~ a charitable organization or a nonprofit corporation.

(2) An exempted entity listed in item (1) is subject to the provisions of subsection (C)(10) and subsection (G)(5).

A secondary metals recycler shall maintain a record of transactions involving exempted entities listed in item (1) pursuant to subsection (D) and is subject to the penalty provisions of subsection (D)(6). Any item of nonferrous metals acquired from an exempted entity listed in item (1) is subject to a hold notice pursuant to subsection (F).”

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

‑‑‑‑XX‑‑‑‑