**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3375**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Cole, Bannister, Weeks, Horne and G.M. Smith

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Introduced in the House on January 21, 2015

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

Summary: Retail dealer license

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/21/2015 House Introduced and read first time ([House Journal‑page 18](file:///h:\HJ%20Archive\2015\01-21-15.docx))

1/21/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 18](file:///h:\HJ%20Archive\2015\01-21-15.docx))

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**VERSIONS OF THIS BILL**

[1/21/2015](file:///p:\pprever\2015-16\3375_20150121.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑6‑115 SO AS TO LIMIT THE NUMBER OF RETAIL DEALER LICENSES ISSUED IN A COUNTY UNDER CERTAIN CONDITIONS; BY ADDING SECTION 61‑6‑125 SO AS TO PROVIDE FOR THE TRANSFER OF A RETAIL DEALER LICENSE UNDER CERTAIN CONDITIONS AND TRANSFER FEES; TO AMEND SECTION 61‑2‑140, RELATING TO SUSPENSION OR REVOCATION OF LICENSES AND PERMITS, AND SECTION 61‑6‑4280, RELATING TO TRANSFERABILITY OF LICENSES OR PERMITS, BOTH SO AS TO PROVIDE FOR THE TRANSFER OF A RETAIL DEALER LICENSE UNDER CERTAIN CONDITIONS; AND TO REPEAL SECTIONS 61‑6‑130, 61‑6‑140, 61‑6‑150, AND 61‑6‑170 RELATING TO RETAIL DEALER LICENSES.

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

SECTION 1. Subarticle 1, Article 3, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑115. (A) Upon the effective date of this section, the number of retail dealer licenses issued in a county shall not exceed the ratio of one license for every seventy‑five hundred residents. The department shall not issue an additional retail dealer license in a county that has reached or exceeded a ratio of one license for every seventy‑five hundred residents. This limitation upon the number of licenses does not apply to existing licenses or to the renewal or transfer of these licenses. All such licenses are exempt from the provisions of this section as long as the businesses are in continuous operation. The initial population figures used in this computation must be the 2010 United States Decennial Census figures.

(B) The department shall issue an additional retail dealer license in a county: (1) pursuant to licenses authorized under the transfer provisions of Section 61‑6‑125; or (2) pursuant to an increase in population based on annual estimates published by the Revenue and Fiscal Affairs Office. The department shall review the number of retail dealer licenses for each county at the beginning of each fiscal year and publish results no later than August first of the fiscal year.”

SECTION 2. Subarticle 1, Article 3, Chapter 6, Title 61 of the 1976 Code is amended by adding:

“Section 61‑6‑125. When a licensee has made a bona fide sale of the business which holds a retail dealer license, he may obtain a transfer of such license to the purchaser of the business, provided the purchaser and his proposed location are approved by the department in accordance with procedures required of a new applicant and the proposed location is in the same county. If the transferee and his proposed location are approved by the department, the transferee shall pay a transfer fee of five thousand dollars to the department. This fee is in addition to filing fees and license fees required of all applicants.

A change in ownership of twenty‑five percent or more is considered a transfer and subject to the transfer fee.

The department shall waive the transfer fee, but not the filing fee or license fee, when the transfer of interest occurs by operation of law because of death, judicial proceedings, court appointment of a fiduciary, foreclosed or forced judicial sale, or bankruptcy proceedings.”

SECTION 3. Section 61‑2‑140(B) of the 1976 Code is amended to read:

“(B) Except as provided in Section 61‑6‑125, licenses and permits are the property of the department and are not transferable. Licenses and permits must be surrendered immediately to the department upon the termination of a business, upon a change of ownership, possession, or control of a corporation or business entity, or upon a change in the character of the property, facilities, or nature of the business activity for which a license or permit has been issued. The transfer of twenty‑five percent or more of corporate stock is considered a change in ownership.”

SECTION 4. Section 61‑6‑4280 of the 1976 Code is amended to read:

“Section 61‑6‑4280. Except as provided in Section 61‑6‑125, licenses and permits are the property of the department, are not transferable, and, upon the termination of a business or upon a change of ownership, possession, or control, or upon a substantial change in the character of the property or facilities or nature of business for which a license or permit has been issued, must be surrendered immediately to the department.

When a person or business has multiple licenses or permits for locations within three hundred feet of each other, administrative penalties may be applied to all the licenses and permits.”

SECTION 5. Sections 61‑6‑130, 61‑6‑140, 61‑6‑150, and 61‑6‑170 of the 1976 Code are repealed.

SECTION 6. This act takes effect upon approval by the Governor.

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