**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4429**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gilliard

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Introduced in the House on January 12, 2016

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

Summary: Creditor's right to take possession upon default

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2015 House Prefiled

12/3/2015 House Referred to Committee on **Judiciary**

1/12/2016 House Introduced and read first time ([House Journal‑page 63](file:///h:\HJ%20Archive\2016\01-12-16.docx))

1/12/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 63](file:///h:\HJ%20Archive\2016\01-12-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4429&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/3/2015](file:///p:\pprever\2015-16\4429_20151203.docx)

**A** **BILL**

TO AMEND SECTION 37‑5‑112, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A CREDITOR’S RIGHT TO TAKE POSSESSION UPON DEFAULT BY A CONSUMER, SO AS TO ESTABLISH THAT A CREDITOR ONLY MAY TAKE POSSESSION OF A MOTOR VEHICLE DURING DAYLIGHT HOURS AND TO DEFINE DAYLIGHT HOURS.

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

SECTION 1. Section 37‑5‑112 of the 1976 Code is amended to read:

“Section 37‑5‑112. (A) Upon default by a consumer with respect to a consumer credit transaction, unless the consumer voluntarily surrenders possession of the collateral or rented property to the creditor, the creditor may take possession of the collateral or rented property without judicial process only if possession can be taken without entry into a dwelling used as a current residence and without the use of force or other breach of the peace.

(B) The creditor only may take possession of a motor vehicle during daylight hours. Daylight hours must begin at 6 a.m. and must end at 6 p.m. during Eastern Standard Time and at 8 p.m. during daylight saving time.”

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

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