**South Carolina General Assembly**

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**H. 5088**

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Introduced in the House on March 10, 2016

Currently residing in the House Committee on **Education and Public Works**

Summary: License plates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/10/2016 House Introduced and read first time ([House Journal‑page 38](file:///h:\HJ%20Archive\2016\03-10-16.docx))

3/10/2016 House Referred to Committee on **Education and Public Works** ([House Journal‑page 38](file:///h:\HJ%20Archive\2016\03-10-16.docx))

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**VERSIONS OF THIS BILL**

[3/10/2016](file:///p:\pprever\2015-16\5088_20160310.docx)

[3/23/2016](file:///p:\pprever\2015-16\5088_20160323.docx)

**A** **BILL**

TO AMEND SECTION 56‑3‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTERING AND LICENSING OF A MOTOR VEHICLE, THE ISSUANCE OF TEMPORARY LICENSE PLATES, AND THE TRANSFER OF A LICENSE PLATE FROM ONE VEHICLE TO ANOTHER VEHICLE, SO AS TO REVISE THE PROCEDURE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES.

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

SECTION 1. Section 56-3-210 of the 1976 Code is amended to read:

“Section 56‑3‑210. (A)(1) The Department of Motor Vehicles is authorized to administer a program for and regulate the issuance of temporary license plates for newly acquired vehicles.

(2) The department shall establish the design and layout of all temporary license plates to be issued within the State. The temporary license plate must be made of a material specified by the department to resist deterioration or fading from exposure to the elements during the period for which display is required.

(3) The department shall administer an electronic system for county auditor’s offices, licensed motor vehicle dealers, leasing companies and other entities authorized by the department to use in issuing temporary license plates. The department may contract with vendors to provide this service, or may provide the service directly to participating entities.

(4) Each temporary license plate must contain identifying information of the vehicle as determined by the department to include: the date of issue, the date of expiration, the name of the issuing entity, and a unique identifying plate text that will be assigned by the department.

(5) The temporary license plate text must be linked to the vehicle record and the vehicle’s owner in the department’s vehicle database. The issuing entity must produce the temporary tag with the prescribed plate text immediately upon the sale of the vehicle and assignment of a temporary license plate so law enforcement and authorized entities can identify the owner of the vehicle.

(6) The department must seek input from the user community during the development of program specifications.

(7) All entities authorized to issue temporary license plates under this program are required to comply with all program specifications within one hundred and eighty days after official publication of the program specifications on the department’s website.

(B) A person who newly acquires a vehicle or an owner of a foreign vehicle being moved into this State that is not properly registered and licensed and is required to be registered under this chapter, ~~before operating the vehicle on the state’s highways during the forty‑five day period contained in this section~~ must meet the requirements of this section before operating the vehicle on the state’s highways during the forty‑five day period allowed for initial registration:

(1) transfer a license plate from another vehicle pursuant to subsection ~~(D)~~(G) of this section and Section 56‑3‑1290;

(2) purchase a new license plate and registration;

(3) purchase a temporary license plate from the Department of Motor Vehicles pursuant to subsection ~~(B)~~(C) of this section;

(4) purchase a temporary license plate from the county auditor’s office in the county in which the person resides pursuant to subsection ~~(B)~~(C) of this section;

(5) obtain a temporary license plate from a dealer of new or used vehicles or leasing company pursuant to subsection ~~(C)~~(D) of this section~~; or~~

~~(6)~~ ~~obtain a temporary license plate from the casual seller of the vehicle pursuant to subsection (B) of this section~~.

~~(B)~~(C) The Department of Motor Vehicles or the county auditor’s office must, upon proper application, issue a temporary license plate designed by the Department of Motor Vehicles to ~~a~~ an ~~casual seller or~~ eligible buyer of a vehicle pursuant to subsection ~~(A)~~(B) of this section. ~~The county auditor’s office may obtain temporary license plates from the Department of Motor Vehicles. If the applicant is a casual buyer of a vehicle, the Department of Motor Vehicles or the county auditor’s office must insert clearly and indelibly on the face of the temporary license plate the date of expiration and other information the Department of Motor Vehicles may require. If the applicant is the casual seller of a vehicle, at the time of the sale, he must insert clearly and indelibly on the face of the temporary license plate the date of expiration and other information the Department of Motor Vehicles may require.~~ The expiration date may not extend beyond forty‑five days from the vehicle’s date of purchase or lease. ~~Neither the casual seller nor the casual buyer may place the temporary license plate on the vehicle until the sale has been completed. The bill of sale, title, rental contract, or a copy of either document must be maintained in the vehicle at all times to verify the vehicle’s date of purchase to a law enforcement officer. The bill of sale, title, rental contract, or a copy of either document must provide a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale. A casual seller who issues a temporary license plate or allows a temporary license plate to be issued in violation of this subsection is guilty of a misdemeanor and, upon conviction, must be fined one hundred dollars for each occurrence.~~ The Department of Motor Vehicles may charge a ~~five~~ six dollar fee for the temporary license plate which the ~~Comptroller General must place into a special restricted account to be used by the~~ Department of Motor Vehicles must use to defray its expenses associated with the production and issuance of the temporary license plates. The Department of Motor Vehicles may distribute a portion of that fee to program participants, or issuing entities, or both as part of the plan they develop for implementation of the temporary license plate program. ~~The county auditor’s office also may charge a five dollar fee for the temporary license plate to defray the expenses of the county auditor’s office associated with the production and issuance of the temporary license plates.~~

~~(C)~~(D) A dealer of new or used vehicles or a leasing company may issue to the purchaser or lessee of a vehicle at the time of its sale or lease a temporary license plate in accordance with subsection (A). ~~The plate must contain the dealer’s name, city, and phone number, or the dealer’s name and computer website address. The plate also must contain a rectangular box, with a white background, on the bottom of the plate, in dimensions not less than six inches wide and two inches high. The rectangular box must contain, in characters not less than one quarter inch wide and one and one half inches high, the expiration date of the period within which the purchaser must register the vehicle pursuant to subsection (E) of this section. The expiration date must be clearly legible from a distance of at least twenty‑five feet, written using a permanent black marker with at least a one quarter inch wide tip, and must contain a numerical month, day, and year.~~ Dealers may utilize designated ‘free space’ on their temporary license plates for dealer advertising. The expiration date may not extend beyond forty‑five days from the date of purchase or lease. ~~The temporary license plate must be made of heavy stock paper or plastic, and designed to resist deterioration or fading from exposure to the elements during the period for which display is required.~~ The bill of sale, title, ~~rental~~ lease contract, or a copy of ~~either document~~ one of these documents must be maintained in the vehicle at all times to verify the vehicle’s date of purchase or lease to a law enforcement officer. The bill of sale, title, ~~rental~~ lease contract, or a copy of ~~either document~~ one of these documents must contain a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale or lease. Except as provided for in this section, a dealer or leasing company may not use a temporary license plate for any other purpose, which includes, but is not limited to, vehicle demonstration, employee use, or transporting vehicles from one location to another location. The dealer of new or used vehicles or a leasing company must charge a fee of six dollars for the temporary license plate which must be distributed in accordance with the program established by the Department of Motor Vehicles. ~~A dealer may not place a temporary license plate on a vehicle, regardless of whether the expiration date has been written on the plate, until the vehicle is sold to a purchaser. A person who issues or uses a temporary license plate or allows a temporary license plate to be issued or used in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined one hundred dollars for each occurrence.~~

(E) Any person or entity authorized by this section to issue a temporary license plate may not place a temporary license plate on a vehicle until the vehicle is sold to a purchaser and until the plate number and other identifying information has been recorded in the electronic database and printed on the temporary plate. A person who issues or uses a temporary license plate or allows a temporary license plate to be issued or used in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined one hundred dollars for each occurrence. A dealer who issues or allows a temporary tag to be issued in violation of this section also may have the dealer’s license suspended or revoked.

(F) Any person or entity authorized by this section to issue a temporary license plate shall maintain records as required by the Department of Motor Vehicles and such records shall be open to inspection by the department or its agents during reasonable business hours.

~~(D)~~(G) If a person intends to transfer a license plate from one vehicle to another vehicle, he may place the license plate to be transferred on the newly acquired vehicle on the date of its purchase or lease. The bill of sale or lease agreement and a copy of the registration which corresponds to the license plate must be maintained in the newly acquired vehicle at all times to verify its date of purchase or lease to a law enforcement officer. The purchaser or lessee must register the vehicle with the Department of Motor Vehicles within forty‑five days from its purchase date. A person who transfers a license plate or allows a license plate to be transferred in violation of this subsection is subject to the vehicle registration and licensing provisions of law.

~~(E)~~(H) A person must replace a temporary license plate issued pursuant to this section with a ~~permanent~~ standard license plate and registration card as required by Section 56‑3‑110 within forty‑five days of acquiring the vehicle or moving a foreign vehicle into this State. A person who operates a vehicle in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars.

~~(F)~~(I) Nothing in this section may be construed to displace or effect the responsibility of a person to obtain insurance before operating a vehicle.

~~(G)~~(J) Only one temporary license plate shall be issued to a purchaser or lessee of a vehicle for the vehicle he has purchased or leased before it is registered permanently. Exceptions only may be approved by the department.”

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

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