~~Indicates Matter Stricken~~

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COMMITTEE REPORT

April 25, 2018

**S. 1083**

Introduced by Senators Grooms, Campbell and Verdin

S. Printed 4/25/18--H.

Read the first time April 3, 2018.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (S. 1083) to amend Section 56-3-210 of the 1976 Code, relating to the time period for procuring registration and licensing, temporary license plates, and the transfer of license, etc., respectfully

**REPORT:**

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

MERITA A. ALLISON for Committee.

**A** **BILL**

TO AMEND SECTION 56-3-210 OF THE 1976 CODE, RELATING TO THE TIME PERIOD FOR PROCURING REGISTRATION AND LICENSING, TEMPORARY LICENSE PLATES, AND THE TRANSFER OF LICENSE PLATES, TO PROVIDE THAT THE DEPARTMENT IS AUTHORIZED TO ADMINISTER A PROGRAM FOR AND REGULATE THE ISSUANCE OF TEMPORARY LICENSE PLATES FOR NEWLY ACQUIRED VEHICLES; TO PROVIDE FOR DESIGN AND OTHER SPECIFICATIONS; TO PROVIDE THAT THE DEPARTMENT IS AUTHORIZED TO 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; TO PROVIDE THAT ANY PERSON OR ENTITY AUTHORIZED BY THIS SECTION TO ISSUE A TEMPORARY LICENSE PLATE SHALL MAINTAIN RECORDS AS REQUIRED BY THE DEPARTMENT; TO PROVIDE FOR EXEMPTIONS; AND TO PROVIDE FOR PENALTIES.

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 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. Temporary license plates shall be of a material specified by the department so as to resist deterioration or fading from exposure to the elements during the period for which display is required.

(3) Temporary license plates must be six inches wide and at least eleven inches in length. Temporary motorcycle license plates must be four inches wide and seven inches in length.

(4) Licensed motor vehicle dealers, leasing companies, and other entities shall not:

(a) obtain or procure a temporary license plate from any entity other than the department or one of the department's registered temporary license plate distributors; or

(b) charge a fee that exceeds the actual cost of issuing a temporary license plate plus standard shipping and handling costs.

(5) The department is authorized to 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 service connection between the issuing entities and the department, or may provide the service directly to participating entities.

(6) Each temporary license plate must contain a vehicle’s identifying information 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 license plate text that will be assigned by the department.

(7) 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 a temporary license plate with the prescribed plate text immediately upon sale of a vehicle and assignment of a temporary license plate, so that law enforcement and authorized entities can identify the owner of the vehicle.

(8) The department shall develop program specifications that define the requirements of the temporary license plate program governing the issuance of temporary license plates by all authorized entities.

(9) Registered temporary license plate distributors must be statewide dealer associations.

(a) Licensed dealers and leasing companies must receive temporary license plates from registered temporary license plate distributors.

(b) Counties and other non-dealer entities may receive temporary license plates from a registered distributor or the department.

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

(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~~ department pursuant to subsection ~~(B)~~(D) 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)~~(D) of this section; or

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

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

(C) The owner of a foreign vehicle being moved into this State from a state in which the vehicle is properly licensed and registered need not purchase a temporary license plate. The owner has forty-five days to properly license and register the vehicle in South Carolina, unless his foreign registration is expired, in which case he must properly license and register the vehicle immediately.

~~(B)~~(D) The ~~Department of Motor Vehicles~~ department or the county auditor’s office must, upon proper application, issue a temporary license plate ~~designed by the Department of Motor Vehicles~~ to a casual ~~seller or~~ 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~~ lease contract, temporary registration card issued in conjunction with a temporary license plate, 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 to a law enforcement officer. The bill of sale, title, ~~rental~~ lease contract, or ~~a copy of either document~~ copy of one of these documents 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 or lease. ~~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~~ department may charge a five dollar fee for the temporary license plate ~~which the Comptroller General must place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167~~. 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)~~(E) A licensed vehicle dealer or a leasing company of new or used vehicles may issue to the ~~purchaser~~ buyer 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.~~ 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.~~ Issuing entities may utilize the top fifty percent free space on their temporary license plates for dealer or company identification. The bottom fifty percent of all temporary license plates is reserved to display the temporary license plate number and other information required by the department. The bill of sale, title, ~~rental~~ lease contract, temporary registration card issued in conjunction with a temporary license plate, 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. A dealer or leasing company 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 and until the temporary license plate number and other identifying information has been recorded in the electronic database and printed on the bottom fifty percent of the temporary license 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 that issues or allows a temporary license plate to be issued in violation of this section may also have the dealer violation points assessed. A non-dealer issuing entity that violates this section may have its issuing privileges suspended by the department.

(F) Any person or entity authorized by this section to issue a temporary license plate shall maintain records as required by the department. Records maintained pursuant to this subsection 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. The bill of sale 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 to a law enforcement officer. The purchaser must register the vehicle with the ~~Department of Motor Vehicles~~ department 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 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 of a vehicle for the vehicle he has purchased before it is registered permanently. The department may issue special permits to consumers who have not received their registration within the prescribed forty-five days.

(K) The department may restrict or revoke the ability to issue temporary license plates for an issuing entity found to be in violation of this section.”

SECTION 2. All entities authorized to issue temporary license plates pursuant to Section 56-3-210 must comply with all program specifications within one hundred eighty days of the effective date of this act.

SECTION 3. This act takes effect twelve months after approval by the Governor.

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