**A** **BILL**

TO AMEND SECTION 56‑5‑5660(E)(1) OF THE 1976 CODE, RELATING TO THE APPLICATION FOR AND ISSUANCE OF DISPOSAL AUTHORITY CERTIFICATES, TO INCREASE THE AGE OF A VEHICLE THAT MAY BE DISPOSED OF BY A DEMOLISHER WITHOUT A CERTIFICATE OF TITLE OR OTHER NOTICE REQUIREMENTS FROM EIGHT TO FIFTEEN YEARS; TO AMEND SECTION 56‑5‑5670(A), RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING A VEHICLE ABANDONED ON A HIGHWAY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH A VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, A DISPOSAL AUTHORITY CERTIFICATE, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION; TO AMEND SECTION 56‑5‑5670(D), RELATING TO PENALTIES FOR DEMOLISHERS THAT BREACH DUTIES ESTABLISHING IN THIS SECTION, TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56‑5‑5670; TO AMEND ARTICLE 39, CHAPTER 5, TITLE 56, RELATING TO THE DISPOSITION OF ABANDONED MOTOR VEHICLES ON HIGHWAYS, BY ADDING SECTION 56‑5‑5680 TO PROVIDE FOR AN AFFIDAVIT OF LAWFUL POSSESSION THAT A DEMOLISHER MAY ACCEPT IN LIEU OF A CERTIFICATE OF TITLE, AN AUCTION SALES RECEIPT, OR A DISPOSAL AUTHORITY CERTIFICATE, TO PROVIDE FOR THE CONTENTS OF THE AFFIDAVIT, TO PROVIDE THAT IT IS FELONY TO KNOWINGLY PROVIDE FALSE INFORMATION IN THE AFFIDAVIT, TO REQUIRE A DEMOLISHER ACCEPTING AN AFFIDAVIT TO TRANSMIT THE INFORMATION CONTAINED IN THE AFFIDAVIT TO THE DEPARTMENT OF MOTOR VEHICLES, TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO REPORT THE INFORMATION TRANSMITTED BY THE DEMOLISHER TO THE NATIONAL MOTOR VEHICLE TITLE INFORMATION SYSTEM, AND TO PROVIDE PRESCRIBE THE APPROPRIATE USES OF THE INFORMATION; TO AMEND SECTION 56‑5‑5945, RELATING TO DUTIES OF DEMOLISHERS PRIOR TO DEMOLISHING AN ABANDONED OR DERELICT MOTOR VEHICLE FOUND ON PRIVATE PROPERTY, TO ESTABLISH A FIFTEEN DAY WAITING PERIOD BEFORE A DEMOLISHER MAY WRECK, DISMANTLE, OR DEMOLISH AN ABANDONED VEHICLE UNLESS THE DEMOLISHER IS PROVIDED WITH A CERTIFICATE OF TITLE, A SALES RECEIPT ISSUED PURSUANT TO SECTION 56‑5‑5850, OR AN AFFIDAVIT OF PROOF OF LAWFUL POSSESSION, AND TO INCREASE PENALTIES FOR VIOLATIONS OF SECTION 56‑5‑5945; AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO ESTABLISH A MECHANISM FOR THE ELECTRONIC TRANSMISSION OF THE INFORMATION REQUIRED UNDER THIS ACT AT NO CHARGE TO THE DEMOLISHER SUBMITTING THE INFORMATION.

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

SECTION 1. Section 56‑5‑5660(E)(1) of the 1976 Code is amended to read:

“(1) the vehicle is over ~~eight~~ fifteen years old;”

SECTION 2. Section 56‑5‑5670(A) of the 1976 Code is amended to read:

“(A)(1) A demolisher who purchases or otherwise acquires a vehicle for purposes of wrecking, dismantling, or demolishing that is still in working condition and that is not listed on the National Motor Vehicle Title Information System must hold the vehicle for fifteen calendar days before he may wreck, dismantle, or demolish it unless, at the time of purchase or acquisition, the demolisher is provided with the vehicle’s certificate of title free and clear of any encumbrances by the record owner, an auction sales receipt, disposal authority certificate, or an affidavit executed in the form provided in Section 56‑5‑5680. A demolisher who is provided with the vehicle’s certificate of title by the record owner, an auction sales receipt, disposal authority certificate, or an affidavit executed in the form provided in Section 56‑5‑5680 at the time of purchaser or acquisition is not subject to the fifteen day waiting period and may proceed with wrecking, dismantling, or demolishing the vehicle at his convenience.

(2) A demolisher who purchases or otherwise acquires a vehicle for purposes of wrecking, dismantling, or demolishing is not required to obtain a certificate of title for the vehicle in his own name.

(3) After the vehicle has been demolished, processed, or changed so that it physically is no longer a vehicle, the demolisher must surrender for cancellation the certificate of title, auction sales receipt, or disposal authority certificate. The Department of Motor Vehicles must issue forms~~, rules,~~ and regulations governing the surrender of auction sales receipts, disposal authority certificates, and certificates of title, as appropriate.”

SECTION 3. Section 56‑5‑5670(D) of the 1976 Code is amended to read:

“(D)(1) A person who violates the provisions of this section:

(a) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for each offense not to exceed five thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than sixty days, or both. Each violation constitutes a separate offense.

(b) for a second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, or imprisoned for not more than one hundred twenty days, or both; and

(c) for third and subsequent offenses, is guilty of a felony and, upon conviction, must be fined in the discretion of the court and imprisoned for not more than five years, or both.

(2) Each violation constitutes a separate offense.”

SECTION 4. Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑5680. (A) For the purposes of Section 56‑5‑5680 and Section 56‑5‑5945, a demolisher may accept an affidavit as proof of lawful possession of a vehicle in lieu of a certificate of title, an auction sales receipt, or a disposal authority certificate. The executed affidavit must include:

(1) a statement that the vehicle shall never be titled again, it must be wrecked, dismantled, or demolished;

(2) a description of the vehicle including the year, make, model, vehicle identification number, and color;

(3) the name, address, and driver’s license number of the person selling or transferring possession of the vehicle;

(4) a certification by the person selling or transferring possession of the vehicle that:

(a) he obtained title to the vehicle in his name, purchased the vehicle at auction, and was issued an auction sales receipt, or was issued a disposal authority certificate; and

(b) the certificate of title, auction sales receipt, or disposal authority certificate was lost or stolen;

(5) a certification by the person selling or transferring possession of the vehicle that the vehicle is at least fifteen years old;

(6) a certification by the person selling or transferring possession of the vehicle that the vehicle is not subject to any secured interest or lien;

(7) an acknowledgement by the person selling or transferring possession of the vehicle that the affidavit that he is executing will be filed with the Department of Motor Vehicles and that it is a felony to knowingly falsify any information contained in the affidavit.

(B) A person who knowingly falsifies any information contained in an affidavit executed pursuant to this section is guilty of a felony and, upon conviction, must be fined in the discretion of the court and imprisoned for not more than five years, or both.

(C) Demolishers must maintain original affidavits executed pursuant to this section on file for a period of five years from the date of execution.

(D) A demolisher that accepts an affidavit executed pursuant to subsection (A) must mail a copy of the affidavit or electronically transmit the information contained in the affidavit to the department within seventy‑two hours of the completion of the transaction and request that the department cancel the certificate of title for the vehicle.

(E) Within forty‑eight hours of each day’s close of business, a demolisher shall electronically transmit to the department a list of vehicles purchased for wrecking, dismantling, or demolishing. The list shall contain the following information for each vehicle:

(1) the demolisher’s name, address, and contact information;

(2) the vehicle identification number;

(3) the name of the person from whom the demolisher purchased or otherwise acquired the vehicle for use by law enforcement and appropriate government agencies only;

(4) a statement concerning the disposition of the vehicle;

(5) the demolisher’s National Motor Vehicle Title Information System identification number.

(F) The department shall report the information obtained pursuant to subsection (C) to the National Motor Vehicle Title Information System, in accordance with 28 C.F.R. 25.56.

(G) The information obtained by the department pursuant to subsection (C) shall be made available to law enforcement agencies upon request and shall not be subject to the provisions contained in Chapter 4, Title 30. The department may utilize the information only to cancel certificates of title.”

SECTION 5. Section 56‑5‑5945(A) of the 1976 Code is amended to read:

“(A)(1) A demolisher who purchases or otherwise acquires a vehicle for purposes of wrecking, dismantling, or demolition that is still in working condition and that is not listed on the National Motor Vehicle Title Information System must hold the vehicle for fifteen calendar days before he may wreck, dismantle, or demolish it unless, at the time of purchase or acquisition, the demolisher is provided with the vehicle’s certificate of title by the record owner, a sales receipt issued pursuant to Section 56‑5‑5850, or an affidavit executed in the form provided in Section 56‑5‑5680. A demolisher who is provided with the vehicle’s certificate of title free and clear of encumbrances by the record owner, a sales receipt issued pursuant to Section 56‑5‑5850, or an affidavit executed in the form provided in Section 56‑5‑5680 at the time of purchaser or acquisition is not subject to the fifteen day waiting period and may proceed with wrecking, dismantling, or demolishing the vehicle at his convenience.

(2) A demolisher who purchases or otherwise acquires a vehicle for purposes of wrecking, dismantling, or demolishing shall not be required to obtain a certificate of title for the vehicle in his own name.

(3) After the vehicle has been demolished, processed, or changed so that it physically is no longer a vehicle, the demolisher shall surrender for cancellation the certificate of title or sales receipt issued under Section 56‑5‑5850.”

SECTION 6. Section 56‑5‑5945(D) of the 1976 Code is amended to read:

“(D)(1) A person who violates the provisions of this section:

(a) for a first offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars for each offense not to exceed five thousand dollars for the same set of transactions or occurrences, or imprisoned for not more than sixty days, or both. Each violation constitutes a separate offense.

(b) for a second offense, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars, or imprisoned for not more than one hundred twenty days, or both; and

(c) for a third and subsequent offenses, is guilty of a felony and, upon conviction, must be fined in the discretion of the court and imprisoned for not more than five years, or both.

(2) Each violation constitutes a separate offense.”

SECTION 7. The Department of Motor Vehicles shall provide a mechanism to receive information required to be submitted by demolishers to the department pursuant to this act. The department shall not charge a fee or otherwise charge demolishers for transmitting the information to the department.

SECTION 8. This act takes effect upon approval by the Governor.

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