CHAPTER 27

Junk Dealers

ARTICLE 1

General Provisions

**SECTION 40‑27‑10.** Record of purchases; nonferrous metals.

 A person or entity buying junk other than junk that consists of nonferrous metals, as defined by Section 16‑17‑680, or vehicles shall keep a book that the person or entity shall keep open to the inspection of all persons, wherein the person or entity shall set down the name and address, city, and street of every person selling junk and an itemized statement of all junk bought from such persons and the purchase dates. A person or entity buying junk that consists of nonferrous metals, as defined by Section 16‑17‑680, is subject to the provisions of Section 16‑17‑680. A person or entity buying junk that consists of vehicles is subject to the provisions of Sections 56‑5‑5670 and 56‑5‑5945.

HISTORY: 1962 Code Section 56‑751; 1952 Code Section 56‑751; 1942 Code Section 7138; 1932 Code Section 7138; Civ. C. ‘22 Section 3954; 1913 (28) 209; 2009 Act No. 26, Section 4; 2012 Act No. 242, Section 3, eff December 15, 2012.

Editor’s Note

2012 Act No. 242, Section 13, provides as follows:

“Subsection (H) of Section 56‑5‑5670 of the 1976 Code as contained in SECTION 8 and subsection (H) of Section 56‑5‑5945 of the 1976 Code as contained in SECTION 9 take effect upon approval by the Governor. All other provisions of this act take effect one hundred eighty days after approval by the Governor.”

Effect of Amendment

The 2012 amendment rewrote this section.

**SECTION 40‑27‑20.** Junk required to be kept for certain period of time and open for inspection.

 A person or entity shall keep each article of junk purchased other than junk that consists of nonferrous metals, as defined by Section 16‑17‑680, and vehicles for a period of seventy‑two hours following the purchase and shall keep the junk open to the inspection of all persons. A person or entity buying junk that consists of nonferrous metals, as defined by Section 16‑17‑680, is subject to the provisions of Section 16‑17‑680. A person or entity buying junk that consists of vehicles is subject to the provisions of Sections 56‑5‑5670 and 56‑5‑5945.

HISTORY: 1962 Code Section 56‑752; 1952 Code Section 56‑752; 1942 Code Section 7139; 1932 Code Section 7139; Civ. C. ‘22 Section 3955; 1913 (28) 209; 2012 Act No. 242, Section 4, eff December 15, 2012.

Editor’s Note

2012 Act No. 242, Section 13, provides as follows:

“Subsection (H) of Section 56‑5‑5670 of the 1976 Code as contained in SECTION 8 and subsection (H) of Section 56‑5‑5945 of the 1976 Code as contained in SECTION 9 take effect upon approval by the Governor. All other provisions of this act take effect one hundred eighty days after approval by the Governor.”

Effect of Amendment

The 2012 amendment rewrote this section.

**SECTION 40‑27‑40.** Penalties.

 A person violating a provision of this article shall be fined a sum not exceeding five hundred dollars or imprisoned not exceeding thirty days. Each violation constitutes a separate offense.

HISTORY: 1962 Code Section 56‑753; 1952 Code Section 56‑753; 1942 Code Section 7140; 1932 Code Section 7140; Civ. C. ‘22 Section 3956; Cr. C. ‘22 Section 295; 1913 (28) 209; 2009 Act No. 26, Section 6.

ARTICLE 3

Motor Vehicle Junk Yards in Counties With City Over 70,000

**SECTION 40‑27‑110.** “Motor vehicle junk yard” defined.

 The term “motor vehicle junk yard” shall include any place of storage or deposit, whether in connection with another business or not, which displays, or in or upon which are displayed, to view from the public highway two or more unregistered motor vehicles which are unfit for reconditioning for use on the public highways, used parts of motor vehicles, old iron, metal, glass, paper, cordage or other waste, discarded or secondhand material which has been a part or is intended to be a part of any motor vehicles, the sum of which parts or material shall be equal in bulk to two or more motor vehicles.

HISTORY: 1962 Code Section 56‑761; 1952 Code Section 56‑761; 1942 Code Section 7140‑1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

**SECTION 40‑27‑120.** Annual license fee.

 In all counties of this State containing a city having more than seventy thousand population, according to the then most recent United States official census, there is hereby levied and imposed an annual license fee upon all motor vehicle junk yards which are located within fifty feet of the right of way of any state highway or county road or which shall be visible from any such highway or road, such license to be graduated according to the area occupied by each such motor vehicle junk yard at the rate of one hundred and fifty dollars per acre. Such license fee shall be due and payable on or before July first of each year.

HISTORY: 1962 Code Section 56‑762; 1952 Code Section 56‑762; 1942 Code Section 7140‑1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

**SECTION 40‑27‑130.** Furnishing of list of junk yards to county treasurer.

 The board of assessment and equalization in each such county shall furnish to the county treasurer on or before the first day of March in each year a list of all junk yards required to procure a license under this article and to pay the license fee herein imposed, together with the acreage of the area occupied by each such motor vehicle junk yard.

HISTORY: 1962 Code Section 56‑763; 1952 Code Section 56‑763; 1942 Code Section 7140‑1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

**SECTION 40‑27‑140.** Payment of fee; issuance of license.

 Such license fees shall be payable to the county treasurer of the county in which the motor vehicle junk yard shall be located. Upon receipt of such fees the county treasurer shall issue to the person paying it a receipt which shall constitute the license of such person to conduct such business for the current calendar year.

HISTORY: 1962 Code Section 56‑764; 1952 Code Section 56‑764; 1942 Code Section 7140‑1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

**SECTION 40‑27‑150.** Collection of delinquent license fees.

 In the case of any such motor vehicle junk yard for which no license fee has been paid on or before July first of the preceding year, the county treasurer shall issue his execution to the sheriff for the collection of the license fee due hereunder, together with the same costs and penalties as are provided by law in the case of county taxes, and the sheriff shall enforce such execution and collect it in the manner provided by law for the collection of executions for county taxes.

HISTORY: 1962 Code Section 56‑765; 1952 Code Section 56‑765; 1942 Code Section 7140‑1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

**SECTION 40‑27‑160.** Notice to magistrate of nonpayment of license fee.

 When the county treasurer shall issue his execution to the sheriff under the provisions of Section 40‑27‑150, he shall also notify the magistrate having jurisdiction over the territory in which such junk yard shall lie that the license fee herein imposed has not been paid by the person operating such junk yard and such magistrate shall institute proceedings under Section 40‑27‑170 for the enforcement of the provisions of this article.

HISTORY: 1962 Code Section 56‑766; 1952 Code Section 56‑766; 1942 Code Section 7140‑1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.

**SECTION 40‑27‑170.** Penalties.

 Any person owning, operating or conducting a motor vehicle junk yard in any such county without obtaining a license, as herein provided, and paying the license fee herein levied and imposed on or before the time fixed in this article for the payment thereof shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or imprisoned for not more than thirty days. Each day upon which any such violation occurs shall constitute a separate offense.

HISTORY: 1962 Code Section 56‑767; 1952 Code Section 56‑767; 1942 Code Section 7140‑1; 1939 (41) 176, 535; 1940 (41) 1632; 1941 (42) 49.