

## Session 115 - (2003-2004)

### H\*4649 (Rat #0423, Act #0269 of 2004) General Bill, By Harrison

**Summary:** Traffic collisions involving law enforcement vehicle, definition; field investigation required to identify witnesses

AN ACT TO AMEND SECTION 56-5-765, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INVESTIGATION OF TRAFFIC COLLISIONS INVOLVING A LAW ENFORCEMENT AGENCY MOTOR VEHICLE OR MOTORCYCLE, SO AS TO MAKE CERTAIN TECHNICAL CHANGES, TO PROVIDE THAT ANY INVESTIGATION THAT OCCURS AS A RESULT OF A COLLISION INVOLVING A POLICE VEHICLE MUST INCLUDE A FIELD INVESTIGATION TO IDENTIFY POSSIBLE WITNESS, AND TO DEFINE THE TERM "INVOLVED IN A TRAFFIC COLLISION"; TO AMEND SECTION 56-5-2525, RELATING TO THE TOWING OF A MOTOR VEHICLE WITHOUT THE MOTOR VEHICLE OWNER'S KNOWLEDGE, SO AS TO DEFINE THE TERM "VEHICLE", TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO THE STORAGE OF A VEHICLE, TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY THAT RECEIVES NOTICE THAT A VEHICLE HAS BEEN TOWED MUST DRAFT A TOWING REPORT AND FURNISH THE TOWING COMPANY WITH THE REPORT'S DOCUMENT NUMBER, TO PROVIDE THAT A TOWING COMPANY IS NOT REQUIRED TO NOTIFY A LAW ENFORCEMENT AGENCY THAT A VEHICLE HAS BEEN TOWED WHEN THE TOWING IS PERFORMED AT THE DIRECTION OF A LAW ENFORCEMENT OFFICER, AND TO PROVIDE THAT A TOWING COMPANY THAT TOWS A PERSON'S VEHICLE WITHOUT HIS KNOWLEDGE AND STORES IT IS NOT REQUIRED TO RETURN THE VEHICLE TO THE PERSON AFTER THE COMPANY'S NORMAL BUSINESS HOURS; TO AMEND SECTION 56-5-5630, AS AMENDED, RELATING TO THE NOTICE CERTAIN LAW ENFORCEMENT AGENCIES MUST GIVE THE OWNER OF A VEHICLE WHICH THEY HAVE DIRECTED TO BE TOWED, SO AS TO MAKE TECHNICAL CHANGES, REVISE THE DEFINITION OF THE TERM "VEHICLE", TO PROVIDE THAT WHEN AN ABANDONED VEHICLE HAS BEEN TAKEN INTO CUSTODY BY A TOWING COMPANY AND STORAGE FACILITY, THE TOWING COMPANY STORAGE FACILITY AND LAW ENFORCEMENT AGENCY SHALL NOTIFY CERTAIN PERSON THAT THE VEHICLE HAS BEEN TAKEN INTO CUSTODY, AND TO PROVIDE FOR THE CONTENTS OF THE NOTIFICATION AND HOW THE NOTICE MUST BE DELIVERED, TO REVISE THE PROVISION THAT ALLOWS FOR THE RECOVERY OF TOWING AND STORAGE COSTS, TO DELETE THE PROVISION THAT REQUIRES A LAW ENFORCEMENT AGENCY TO PROVIDE A TOWING COMPANY AND STORAGE FACILITY CERTAIN INFORMATION REGARDING AN OBJECT THAT IS TOWED, AND TO PROVIDE THAT THE COURT MAY ORDER RESTITUTION FROM A PERSON CONVICTED OF STEALING A VEHICLE TO COVER THE VEHICLE'S TOWING AND STORAGE COSTS; TO AMEND SECTION 56-5-5635, RELATING TO THE PROCEDURE BY WHICH A LAW ENFORCEMENT OFFICER MAY HAVE A VEHICLE TOWED AND DISPOSED OF, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT BEFORE SELLING, THE VEHICLE, THE SELLER MUST OBTAIN THE NAME AND ADDRESS OF ANY OWNER OR LIENHOLDER, TO REVISE THE PROCEDURE TO NOTIFY THE OWNER OR LIENHOLDER THAT THE VEHICLE HAS BEEN TOWED AND CERTAIN COSTS ASSOCIATED WITH TOWING THE VEHICLE HAVE ACCRUED, AND TO REVISE THE PROCEDURE TO DISPOSE OF THE VEHICLE; TO AMEND SECTION 56-5-5640, AS AMENDED, RELATING TO ABANDONED VEHICLES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE A MAXIMUM AMOUNT OF COSTS THAT MAY BE RECOVERED FROM THE SALE OF A VEHICLE, AND TO PROVIDE THAT THE MAGISTRATE INSTEAD OF THE PROPRIETOR, OWNER, OR OPERATOR OF THE STORAGE PLACE, MUST NOTIFY THE OWNER AND LIENHOLDERS THAT THEY HAVE NINETY DAYS TO CLAIM THE PROCEEDS FROM THE SALE OF THE VEHICLE; TO AMEND SECTION 56-5-5660, RELATING TO AN APPLICATION FOR AND ISSUANCE OF A DISPOSAL AUTHORITY CERTIFICATE, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56-5-5670, AS AMENDED, RELATING TO CERTAIN DUTIES OF DEMOLISHERS OF VEHICLES AND THE SURRENDER OF CERTAIN DOCUMENTS, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56-5-5850, AS AMENDED, RELATING TO THE ATTACHMENT OF COLORED TAGS ON CERTAIN VEHICLES THAT ARE LEFT UNATTENDED ON A HIGHWAY, OR PUBLIC OR PRIVATE PROPERTY, SO AS TO REVISE THE PROCEDURE THAT GOVERNS THE PLACEMENT OF COLORED TAGS ON A VEHICLE, AND THE REMOVAL AND DISPOSAL OF A VEHICLE WHICH HAS A COLORED TAG PLACED ON IT; TO AMEND SECTION 56-19-840, RELATING TO REQUIRING AN OPERATOR OF A PLACE OF BUSINESS FOR GARAGING, REPAIRING, PARKING, OR STORING CERTAIN VEHICLES TO REPORT UNCLAIMED VEHICLES IN HIS POSSESSION TO THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO MAKE TECHNICAL CHANGES, TO REVISE THE DEFINITION OF A VEHICLE THAT IS CONSIDERED TO BE "UNCLAIMED" AND TO REVISE THE PROCEDURE TO REPORT AN UNCLAIMED VEHICLE TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 16-11-760, AS AMENDED, RELATING TO PARKING A VEHICLE ON PRIVATE PROPERTY WITHOUT THE OWNER'S CONSENT AND THE REMOVAL OF THE VEHICLE, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 29-15-10, AS AMENDED, RELATING TO LIENS FOR REPAIR OR STORAGE, SO AS TO REVISE THE PROCEDURE THAT ALLOWS A TOWING COMPANY, STORAGE FACILITY, GARAGE, OR REPAIR SHOP TO SELL

AT PUBLIC AUCTION CERTAIN ARTICLES THAT HAVE NOT BEEN RECLAIMED WITHIN A CERTAIN PERIOD OF TIME. - ratified title

01/29/04 House Introduced and read first time HJ-10  
01/29/04 House Referred to Committee on Judiciary HJ-11  
03/03/04 House Committee report: Favorable Judiciary HJ-2  
03/04/04 House Read second time HJ-16  
03/04/04 House Unanimous consent for third reading on next legislative day HJ-17  
03/05/04 House Read third time and sent to Senate HJ-2  
03/09/04 Senate Introduced and read first time SJ-16  
03/09/04 Senate Referred to Committee on Judiciary SJ-16  
05/12/04 Senate Committee report: Favorable with amendment Judiciary SJ-18  
05/13/04 Senate Amended SJ-16  
05/13/04 Senate Read second time SJ-16  
05/13/04 Senate Ordered to third reading with notice of amendments SJ-16  
06/01/04 Senate Amended SJ-32  
06/01/04 Senate Read third time and returned to House with amendments SJ-32  
06/02/04 House Senate amendment amended HJ-88  
06/02/04 House Returned to Senate with amendments HJ-90  
06/02/04 Senate Non-concurrence in House amendment SJ-44  
06/03/04 House House insists upon amendment and conference committee appointed Reps. Sinclair, Clemons, and Howard HJ-13  
06/03/04 Senate Conference committee appointed Sens. Gregory, Hutto, Knotts SJ-39  
06/03/04 House Free conference powers granted HJ-85  
06/03/04 House Free conference committee appointed Reps. Sinclair, Clemons, and Howard HJ-87  
06/03/04 House Free conference report received and adopted HJ-87  
06/03/04 Senate Free conference powers granted SJ-40  
06/03/04 Senate Free conference committee appointed Sens. Gregory, Hutto, Knotts SJ-40  
06/03/04 Senate Free conference report received and adopted SJ-40  
06/03/04 Senate Ordered enrolled for ratification SJ-57  
06/03/04 Ratified R 423  
07/06/04 Signed By Governor  
07/14/04 Copies available  
07/14/04 Effective date 07/06/04  
07/28/04 Act No. 269