

## Session 115 - (2003-2004)

### **S 0984 General Bill, By Knotts and Cromer**

#### ***Similar (H 4869)***

**Summary:** Motor vehicles, towing, provisions

A BILL TO AMEND SECTION 16-11-760, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON PARKING ON PRIVATE PROPERTY WITHOUT THE OWNER'S CONSENT AND THE REMOVAL OF THE VEHICLE, SO AS TO DELETE THE PROVISION THAT REQUIRES THE OWNER OF COMMERCIAL PROPERTY TO POST A NOTICE ON HIS PROPERTY THAT PROHIBITS PARKING, AND TO DELETE A CODE REFERENCE; TO AMEND SECTION 29-15-10, AS AMENDED, RELATING TO LIENS FOR REPAIRS OR STORAGE, SO AS TO REVISE THE PROCEDURES FOR EXECUTING LIENS FOR REPAIRS OR STORAGE OF VEHICLES; TO AMEND SECTION 56-5-2525, RELATING TO REQUIRING A TOWING COMPANY THAT TOWS A MOTOR VEHICLE WITHOUT ITS OWNER'S KNOWLEDGE TO NOTIFY A LAW ENFORCEMENT AGENCY THAT IT TOWED THE VEHICLE, SO AS TO PROVIDE THAT THE LAW ENFORCEMENT AGENCY THAT RECEIVES THIS NOTICE MUST CREATE A REPORT AND FURNISH THE TOWING COMPANY WITH ITS DOCUMENT NUMBER, AND PROVIDE THAT NOTIFICATION IS NOT REQUIRED WHEN TOWING IS DONE AT THE DIRECTION OF A LAW ENFORCEMENT OFFICER; TO AMEND SECTION 56-5-5630, AS AMENDED, RELATING TO CERTAIN NOTICE THAT MUST BE PROVIDED TO OWNERS AND LIENHOLDERS OF VEHICLES THAT HAVE BEEN TAKEN INTO CUSTODY, SO AS TO REVISE THE DEFINITION OF THE TERM "VEHICLE", TO REVISE THE CONTENTS OF THE NOTICE THAT MUST BE PROVIDED TO THE OWNERS AND LIENHOLDERS OF THE VEHICLES, TO DELETE THE PROVISION THAT ALLOWS CERTAIN STORAGE COSTS TO BE RECOVERED FROM THE PROCEEDS OF THE SALE OF THE VEHICLES, AND TO PROVIDE THAT COSTS ASSOCIATED WITH TOWING AND STORAGE OF CERTAIN STOLEN VEHICLES MAY BE RECOVERED UPON THE COURT'S ORDER OF RESTITUTION; TO AMEND SECTION 56-5-5635, RELATING TO LAW ENFORCEMENT TOWING PROCEDURES, SO AS TO PROVIDE THAT CERTAIN FEES MAY BE RECOVERED BY A TOWING OR STORAGE OPERATOR EVEN THOUGH HE HAS FAILED TO PROVIDE A LAW ENFORCEMENT AGENCY A LIST DESCRIBING THE VEHICLES OR OTHER PROPERTY THE AGENCY HAS REQUESTED TO BE TOWED, TO REVISE THE AMOUNT OF STORAGE COSTS THAT MAY BE CHARGED UNDER CERTAIN CIRCUMSTANCES, TO REVISE THE PROCEDURE TO NOTIFY OWNERS AND LIENHOLDERS OF VEHICLES, TO REVISE THE PROCEDURE TO ALLOW THE STORAGE FACILITY TO RELEASE CERTAIN ITEMS CONTAINED IN A STORED VEHICLE TO ITS OWNER, AND TO PROVIDE A PROCEDURE FOR LAW ENFORCEMENT AGENCIES TO FOLLOW WHEN THEY STORE VEHICLES ON THEIR PREMISES FOR SALE; TO AMEND SECTION 56-5-5640, AS AMENDED, RELATING TO THE SALE OF UNCLAIMED VEHICLES AND THE DISPOSITION OF THE PROCEEDS FROM THEIR SALE, SO AS TO MAKE CERTAIN TECHNICAL CHANGES, CHANGE A CODE REFERENCE, AND TO PROVIDE THAT THE MAGISTRATE SHALL NOTIFY CERTAIN PERSONS THAT THEY MAY CLAIM THE PROCEEDS FROM THE SALE OF A VEHICLE INSTEAD OF THE PROPRIETOR, OWNER, OR OPERATOR OF A STORAGE PLACE; 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 PROVIDE THAT THE COLORED TAG SHALL SERVE AS THE ONLY LEGAL NOTICE THAT THE VEHICLE WILL BE REMOVED TO A DESIGNATED PLACE TO BE SOLD IF THE VEHICLE IS NOT REMOVED WITHIN A CERTAIN PERIOD OF TIME, AND TO DELETE ALL PROVISIONS THAT RELATE TO NOTICE REQUIREMENTS BEFORE THE VEHICLE IS SOLD AND THE SALE OF THE VEHICLE; AND 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 PROVIDE THAT THE REPORT MAY BE SUBMITTED BEFORE THE EXPIRATION OF THE REPORTING PERIOD, BUT NOT AFTER THE PERIOD EXPIRES, AND TO REVISE THE DEFINITION OF THE TERM "UNCLAIMED".

**02/19/04 Senate Introduced and read first time SJ-6**

**02/19/04 Senate Referred to Committee on Judiciary SJ-6**