**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4417**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Simrill

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Introduced in the House on January 26, 2010

Currently residing in the House Committee on **Education and Public Works**

Summary: DMV

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/26/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-26-10.docx)‑4

1/26/2010 House Referred to Committee on **Education and Public Works** [HJ](file:///h:\HJ%20Archive\2010\01-26-10.docx)‑4

**VERSIONS OF THIS BILL**

[1/26/2010](file:///p:\pprever\2009-10\4417_20100126.docx)

**A** **BILL**

TO AMEND SECTION 56‑19‑265, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTIFICATION OF LIENS OR ENCUMBRANCES ON MOTOR VEHICLES AND MOBILE HOMES TO LIENHOLDERS, SO AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO TRANSMIT NOTICE OF LIENS OR ENCUMBRANCES ON MOTOR VEHICLES AND MOTOR HOMES TO LIENHOLDERS ELECTRONICALLY, DELETE THE REFERENCE TO NOTICE BY PAPER CERTIFICATE, AND TO MAKE CONFORMING CHANGES.

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

SECTION 1. Section 56‑19‑265(A) of the 1976 Code, as last amended by Act 290 of 2008, is further amended to read:

“(A) Notwithstanding ~~any~~ a requirement in this chapter that a lien on a motor vehicle or mobile home ~~shall~~ must be noted on the face of the certificate of title, if there are one or more liens or encumbrances on the motor vehicle or mobile home, the Department of Motor Vehicles shall transmit~~,~~ electronically ~~or by paper certificate,~~ the lien to the first lienholder and notify the first lienholder of ~~any~~ additional liens. Subsequent lien satisfactions ~~may~~ must be electronically transmitted to the department and ~~shall~~ must include the name and address of the person satisfying the lien. ~~When~~ Electronic transmission of liens and lien satisfaction ~~is used,~~ does not require a certificate of title ~~need not be issued~~ until the last lien is satisfied and a clear certificate of title is issued to the owner of the motor vehicle or mobile home. The owner has the option to retain the electronic copy of the title with the Department of Motor Vehicles once all liens are satisfied. When a motor vehicle or mobile home is subject to an electronic lien, the certificate of title for the motor vehicle or mobile home is considered to be physically held by the lienholder for purposes of compliance with state or federal odometer disclosure requirements, and a duly certified copy of the department’s electronic record of the lien is admissible in any civil, criminal, or administrative proceeding in this State as evidence of the existence of the lien. The lienholder ~~shall have~~ and the owner have the ~~option~~ ability to receive a paper certificate of title and to receive notices of subsequent liens and satisfaction of liens by the United States Postal Service.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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