**South Carolina General Assembly**

120th Session, 2013-2014

**H. 4997**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Herbkersman, Bowers, Owens, Simrill, Branham, G.M. Smith, Burns, Alexander, Hiott, Whipper, Douglas, Allison, Limehouse, Lowe, George, Bales, R.L. Brown, Gagnon, Hayes, Hodges, Hosey, W.J. McLeod, Murphy, Sabb, Sandifer and Sellers

Document Path: l:\council\bills\ggs\22626cm14.docx

Companion/Similar bill(s): 1175

Introduced in the House on March 27, 2014

Introduced in the Senate on April 15, 2014

Last Amended on May 28, 2014

Currently residing in conference committee

Summary: Automobile dealer license

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/27/2014 House Introduced and read first time ([House Journal‑page 8](file:///H:\HJ%20Archive\2014\03-27-14.docx))

3/27/2014 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 8](file:///H:\HJ%20Archive\2014\03-27-14.docx))

4/1/2014 House Recalled from Committee on **Labor, Commerce and Industry** ([House Journal‑page 24](file:///H:\HJ%20Archive\2014\04-01-14.docx))

4/1/2014 House Referred to Committee on **Education and Public Works** ([House Journal‑page 24](file:///H:\HJ%20Archive\2014\04-01-14.docx))

4/9/2014 House Committee report: Majority favorable with amend., minority unfavorable **Education and Public Works** ([House Journal‑page 127](file:///H:\HJ%20Archive\2014\04-09-14.docx))

4/10/2014 House Amended ([House Journal‑page 156](file:///H:\HJ%20Archive\2014\04-10-14.docx))

4/10/2014 House Read second time ([House Journal‑page 156](file:///H:\HJ%20Archive\2014\04-10-14.docx))

4/10/2014 House Roll call Yeas‑98 Nays‑6 ([House Journal‑page 158](file:///H:\HJ%20Archive\2014\04-10-14.docx))

4/10/2014 House Unanimous consent for third reading on next legislative day ([House Journal‑page 175](file:///H:\HJ%20Archive\2014\04-10-14.docx))

4/10/2014 Scrivener's error corrected

4/11/2014 House Read third time and sent to Senate ([House Journal‑page 1](file:///H:\HJ%20Archive\2014\04-11-14.docx))

4/15/2014 Senate Introduced and read first time ([Senate Journal‑page 17](file:///H:\SJ%20Archive\2014\04-15-14.docx))

4/15/2014 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 17](file:///H:\SJ%20Archive\2014\04-15-14.docx))

4/16/2014 Senate Committee report: Favorable **Transportation** ([Senate Journal‑page 13](file:///H:\SJ%20Archive\2014\04-16-14.docx))

5/28/2014 Senate Amended ([Senate Journal‑page 46](file:///H:\SJ%20Archive\2014\05-28-14.docx))

5/28/2014 Senate Read second time ([Senate Journal‑page 46](file:///H:\SJ%20Archive\2014\05-28-14.docx))

5/28/2014 Senate Roll call Ayes‑41 Nays‑1 ([Senate Journal‑page 46](file:///H:\SJ%20Archive\2014\05-28-14.docx))

5/29/2014 Scrivener's error corrected

5/29/2014 Senate Read third time and returned to House with amendments ([Senate Journal‑page 47](file:///H:\SJ%20Archive\2014\05-29-14.docx))

6/4/2014 House Non‑concurrence in Senate amendment ([House Journal‑page 18](file:///H:\HJ%20Archive\2014\06-04-14.docx))

6/4/2014 House Roll call Yeas‑0 Nays‑109

6/4/2014 Senate Senate insists upon amendment and conference committee appointed Campbell, Hembree, McElveen ([Senate Journal‑page 15](file:///H:\SJ%20Archive\2014\06-04-14.docx))

6/5/2014 House Conference committee appointed Daning, Simrill, Vick ([House Journal‑page 8](file:///H:\HJ%20Archive\2014\06-05-14.docx))

6/5/2014 House Conference report received and adopted ([House Journal‑page 89](file:///H:\HJ%20Archive\2014\06-05-14.docx))

6/5/2014 House Roll call Yeas‑90 Nays‑0 ([House Journal‑page 91](file:///H:\HJ%20Archive\2014\06-05-14.docx))

**VERSIONS OF THIS BILL**

[3/27/2014](file:///p:\pprever\2013-14\4997_20140327.docx)

[4/9/2014](file:///p:\pprever\2013-14\4997_20140409.docx)

[4/10/2014](file:///p:\pprever\2013-14\4997_20140410.docx)

[4/10/2014-A](file:///p:\pprever\2013-14\4997_20140410A.docx)

[4/16/2014](file:///p:\pprever\2013-14\4997_20140416.docx)

[5/28/2014](file:///p:\pprever\2013-14\4997_20140528.docx)

[5/29/2014](file:///p:\pprever\2013-14\4997_20140529.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 28, 2014

**H. 4997**

Introduced by Reps. Herbkersman, Bowers, Owens, Simrill, Branham, G.M. Smith, Burns, Alexander, Hiott, Whipper, Douglas, Allison, Limehouse, Lowe, George, Bales, R.L. Brown, Gagnon, Hayes, Hodges, Hosey, W.J. McLeod, Murphy, Sabb, Sandifer and Sellers

S. Printed 5/28/14--S. [SEC 5/29/14 12:56 PM]

Read the first time April 15, 2014.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑15‑415 SO AS TO PROVIDE THAT AN APPLICANT FOR AN INITIAL NONFRANCHISE AUTOMOBILE DEALER LICENSE ISSUED AFTER JANUARY 1, 2015, MUST COMPLETE PRELICENSING EDUCATION COURSES BEFORE HE MAY BE ISSUED A LICENSE, TO PROVIDE THAT CERTAIN EDUCATIONAL REQUIREMENTS MUST BE SATISFIED BEFORE A LICENSE MAY BE RENEWED, AND TO PROVIDE THAT A PERSON WHO PROVIDES EDUCATION COURSES MUST BE AFFILIATED WITH A NATIONAL OR STATE INDUSTRY TRADE ASSOCIATION; AND TO AMEND SECTIONS 56‑15‑430, 56‑15‑440, AND 56‑15‑450, RELATING TO THE NONAPPLICABILITY OF THE PROVISIONS THAT REGULATE NONFRANCHISE AUTOMOBILE DEALER PRELICENSING TO FRANCHISED AUTOMOBILE DEALERS, NONFRANCHISED AUTOMOBILE DEALERS OWNED AND OPERATED BY A FRANCHISED AUTOMOBILE DEALER, NONFRANCHISED AUTOMOBILE DEALERS WHOSE PRIMARY BUSINESS IS SALVAGE MOTOR VEHICLES, AND NONFRANCHISED AUTOMOBILE DEALERS WHOSE PRIMARY BUSINESS OBJECTIVE AND SUBSTANTIAL BUSINESS ACTIVITY IS IN THE RENTAL OF MOTOR VEHICLES, SO AS TO PROVIDE THAT THE PROVISIONS THAT REQUIRE AN APPLICANT FOR AN INITIAL NONFRANCHISE AUTOMOBILE DEALER LICENSE TO COMPLETE CERTAIN EDUCATION REQUIREMENTS ALSO DO NOT APPLY TO THESE AUTOMOBILE DEALERS.

Amend Title To Conform

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

SECTION 1. Article 4, Chapter 15, Title 56 of the 1976 Code is amended by adding:

“Section 56‑15‑415. (A) An initial nonfranchise automobile dealer license issued after January 1, 2015, entitles the licensee to carry on and conduct the business of a nonfranchise automobile dealer. Each license issued after January 1, 2015, to a nonfranchise automobile dealer expires annually on the last day of the month of the year following its issuance.

(B) Renewal of a license must be granted when the licensee submits satisfactory proof of receipt of the Department of Motor Vehicles Dealer and Wholesaler Manual.

(C) The provisions of this section shall apply only to nonfranchise automobile dealers licensed after January 1, 2015, and must not be retroactively applied to nonfranchise automobile dealers licensed before that date.”

SECTION 2. Section 56‑15‑430 of the 1976 Code, as added by Act 9 of 2005, is amended to read:

“Section 56‑15‑430. The provisions contained in Sections 56‑15‑410, 56‑15‑415, and 56‑15‑420 shall not apply to a franchised automobile dealer or a nonfranchised automobile dealer owned and operated by a franchised automobile dealer.”

SECTION 3. Section 56‑15‑440 of the 1976 Code, as added by Act 9 of 2005, is amended to read:

“Section 56‑15‑440. The provisions contained in Sections 56‑15‑410, 56‑15‑415, and 56‑15‑420 shall not apply to a nonfranchised automobile dealer whose primary business is salvage motor vehicles, regulated by Title 56.

SECTION 4. Section 56‑15‑450 of the 1976 Code, as added by Act 9 of 2005, is amended to read:

“Section 56‑15‑450. The provisions contained in Sections 56‑15‑410, 56‑15‑415, and 56‑15‑420 shall not apply to a nonfranchised automobile dealer whose primary business objective and substantial business activity is the rental of motor vehicles, regulated by Title 56.”

SECTION 5. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑