~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 30, 2011

**S. 38**

Introduced by Senators McConnell, L. Martin and Campsen

S. Printed 3/30/11--H.

Read the first time February 16, 2011.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (S. 38) to amend Section 56‑19‑240 of the 1976 Code, relating to the form and content of applications for vehicle titles, to provide that the applicant must provide with, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

PHILLIP D. OWENS for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Motor Vehicles indicates that enactment of this bill will have no fiscal impact on the General Fund of the State, or federal and/or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 56‑19‑240 OF THE 1976 CODE, RELATING TO THE FORM AND CONTENT OF APPLICATIONS FOR VEHICLE TITLES, TO PROVIDE THAT THE APPLICANT MUST PROVIDE WITH THE APPLICATION A VALID DRIVER’S LICENSE OR IDENTIFICATION CARD IF THE APPLICANT IS AN INDIVIDUAL, TO PROVIDE THAT THE APPLICANT MUST PROVIDE A SOCIAL SECURITY NUMBER FOR A SOLE PROPRIETOR OR FEDERAL EMPLOYER IDENTIFICATION NUMBER AND THE PHYSICAL ADDRESS OF THE BONA FIDE PLACE OF BUSINESS IF THE APPLICANT IS A BUSINESS, AND TO PROHIBIT TITLING VEHICLES PURCHASED FOR OPERATION IN A FOREIGN JURISDICTION.

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

SECTION 1. Section 56‑19‑240 of the 1976 Code is amended to read:

“Section 56‑19‑240. ~~(1)~~(A) An application for a certificate of title for a vehicle in this State must be made by the owner to the Department of Motor Vehicles on the form it prescribes and must contain or be accompanied by:

~~(a)~~(1) ~~the name and residence and mailing address of the owner;~~ if the owner is an individual:

(a) the South Carolina residence address of the owner and mailing address, if different from residence address;

(b) the full legal name as it appears on the identification provided in item (d);

(c) the issuing state and number of the identification provided in item (d);

(d) in order to fulfill the requirements in items (a) through (c), the owner must provide one of the following:

(i) the owner’s South Carolina driver’s license or South Carolina identification card;

(ii) the owner’s home state driver’s license or home state special identification card and valid active duty military identification card if the owner is a person on active military duty and is stationed in this State;

(iii) the owner’s home state driver’s license or home state special identification card and proof of enrollment in a school in this State if the owner is a permanent resident of another state but is currently enrolled in a school in this State; or

(iv) the owner’s home state driver’s license or home state special identification card if the owner or co‑owner intends to principally garage the vehicle in this State. ‘Principally garage’ means the vehicle is garaged for six or more months of the year on property in this State which is owned, leased, or otherwise lawfully occupied by the owner of the vehicle. The application for a certificate of title must include the South Carolina residence address of the property where the vehicle is housed;

(2) if the owner is a business:

(a) a social security number, if the business is a sole proprietorship with no employees or a Federal Employer Identification Number (FEIN), if the business has employees; and

(b) a South Carolina physical address of the bona fide place of business operations for the business;

(3) for vehicles that have more than one owner, only one co‑owner must provide the information required pursuant to items (1) or (2) of this subsection;

(4) an owner who would otherwise be capable of attaining a driver’s license or special identification card from this State, except for a medical or physical condition that can be documented and verified by the department, shall be issued a title and registration if the owner provides a signed affidavit certifying that the owner intends to principally garage the vehicle in this State, that the vehicle will be driven by a driver who is not the owner, and if the owner provides the South Carolina address where the vehicle will be principally garaged;

~~(b)~~(5) a description of the vehicle, including, so far as the following data exists, its make, model, year, vehicle identification number, type of body, odometer reading at the time of application, and whether new or used;

~~(c)~~(6) the date of acquisition by applicant, the name and address of the person from whom the vehicle was acquired, and the names and addresses of any lienholders in the order of their priority and the dates of their security agreements;

~~(d)~~(7) an odometer disclosure statement made by the transferor of the vehicle and acknowledged by the transferee. The statement must be in compliance with federal guidelines and as prescribed by the department. Where more than one transfer has intervened between the previous certificate of title and the application for a new certificate of title, it must be shown that the certificate of title has been signed by the owner or by the owner’s attorney in fact, and there must be for each intervening transfer thereafter a bill of sale in a form approved by the department, including a completed odometer disclosure statement. Additionally, the odometer disclosure statement on the application form must be completed by the applicant;

~~(e)~~(8) any further information or documentation the department reasonably requires to enable it to determine: the identity of the vehicle, whether the owner is entitled to a certificate of title, the existence or nonexistence of security interests in the vehicle, and the accuracy of the odometer disclosure statement.

~~(2)~~(B) If the application is not for the first certificate of title, it shall be accompanied by the last certificate of title previously issued for the vehicle, whether issued by this State or another state or country.

~~(3)~~(C) If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder holding a security interest created or reserved at the time of the sale and the date of his security agreement and be signed by the dealer as well as the owner, and the dealer shall promptly mail or deliver the application to the department. If the application refers to a new vehicle purchased from a dealer, the application shall also be accompanied by the manufacturer’s certificate of origin.

(D) The department will issue a title and registration only for vehicles that are physically located and primarily operated in this State. Vehicles that are purchased for operation in a foreign jurisdiction cannot be titled and registered in South Carolina.

~~(4)~~(E) A person who knowingly gives a false statement on the application or knowingly gives a false statement concerning the odometer reading on an odometer disclosure statement is guilty of a misdemeanor and, upon conviction, is subject to a fine of up to one thousand dollars or imprisonment of up to one year, or both. These penalties are in addition to the penalties provided by the federal odometer law 49 U.S.C. 32701‑32711 (Title 49, Subtitle VI, Part C, Chapter 327).

~~(5)~~(F) In addition to the other information required in an application, the application for title for a mobile or manufactured home must include the address of the site on which the home is to be placed if different from the owner’s address.”

SECTION 2. This act takes effect January 1, 2012, and applies to applications for registration and title made on or after that date.

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