~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 5, 2014

**S. 561**

Introduced by Senator L. Martin

S. Printed 3/5/14--S.

Read the first time March 21, 2013.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 561) to amend Section 16‑17‑680 of the Code of Laws of South Carolina, 1976, relating to the purchasing, selling, and transporting of nonferrous metals, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, page 2, by striking lines 10-17, and inserting:

/ SECTION 2. Section 16‑17‑680(I) of the 1976 Code is amended to read:

“(I) A secondary metals recycler ~~must~~ shall not purchase or otherwise acquire ~~an iron or steel~~:

(1) an iron or steel manhole cover; ~~or~~

(2) an iron or steel drainage grate; or

(3) a coil, unless the seller is an exempted entity pursuant to subsection (J)(1)(e) or the seller presents a bill of sale from a company licensed pursuant to Chapter 11, Title 40 indicating that the seller acquired the coil as the result of a unit replacement or repair. The bill of sale is sufficient proof of ownership and serves the same purpose as a permit to transport and sell nonferrous metals. A person who presents a falsified bill of sale is guilty of a felony, and, upon conviction, must be fined in the discretion of the court or imprisoned not more ten years, or both.” /

Amend the bill further, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. Section 16-17-680(D)(4) of the 1976 Code is amended to read:

“(4) A secondary metals recycler shall not enter into a cash transaction in payment for the purchase of copper, catalytic converters, ~~and~~ or beer kegs, which totals twenty-five dollars or more. Payment for the purchase of copper, catalytic converters, ~~and~~ or beer kegs, which totals twenty-five dollars or more must be made by check alone issued and made payable to the seller. A secondary metals recycler shall neither cash a check issued pursuant to this item nor use an automated teller machine (ATM) or other cash card system in lieu of a check. A secondary metals recycler shall not enter into more than one cash transaction per day per seller in payment for the purchase of copper, catalytic converters, or beer kegs.” /

Renumber sections to conform.

Amend title to conform.

C. BRADLEY HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs are expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Corrections

The department indicates that this bill will have a minimal impact on the General Fund of the State, which the agency can absorb at their current level of funding.

Judicial Department

Department of Labor, Licensing and Regulation

The departments estimate this bill will have no fiscal impact on the state general fund or on federal and/or other funds.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 16‑17‑680 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASING, SELLING, AND TRANSPORTING OF NONFERROUS METALS, SO AS TO DEFINE THE TERM “COIL” AND PROVIDE THAT A SECONDARY METALS RECYCLER MUST NOT PURCHASE OR OTHERWISE ACQUIRE A COIL.

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

SECTION 1. Section 16‑17‑680(A) of the 1976 Code is amended to read:

“(A) For purposes of this section:

(1) ‘Coil’ means a copper, aluminum, or aluminum‑copper condensing coil or evaporation coil. The term does not include coil from a window air‑conditioning system, if the coil is contained within the system, or coil from an automobile condenser.

~~(1)~~(2) ‘Fixed site’ means a site occupied by a secondary metals recycler as the owner of the site or as a lessee of the site under a lease or other rental agreement providing for occupation of the site by a secondary metals recycler for a total duration of not less than three hundred sixty‑four days.

~~(2)~~(3) ‘Nonferrous metals’ means metals not containing significant quantities of iron or steel, including, but not limited to, copper wire, cooper clad steel wire, copper pipe, copper bars, copper sheeting, aluminum other than aluminum cans, a product that is a mixture of aluminum and copper, catalytic converters, lead‑acid batteries, steel propane gas tanks, and stainless steel beer kegs or containers.

~~(3)~~(4) ‘Secondary metals recycler’ means a person or entity who is engaged, from a fixed site or otherwise, in the business of paying compensation for nonferrous metals that have served their original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which nonferrous metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.”

SECTION 2. Section 16‑17‑680(I) of the 1976 Code is amended to read:

“(I) A secondary metals recycler must not purchase or otherwise acquire ~~an iron or steel~~:

(1) an iron or steel manhole cover; ~~or~~

(2) an iron or steel drainage grate; or

(3) a coil.”

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

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