~~Indicates Matter Stricken~~

Indicates New Matter

RECALLED

February 1, 2018

**H. 4795**

Introduced by Reps. Herbkersman, Simrill and W. Newton

S. Printed 2/1/18--H.

Read the first time January 31, 2018.

**A** **BILL**

TO AMEND SECTION 56‑15‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MANUFACTURERS, DISTRIBUTORS, AND DEALERS, SO AS TO REVISE THE DEFINITION OF THE TERMS “DEALER” OR “MOTOR VEHICLE DEALER” TO EXCLUDE CERTAIN PERSONS CONDUCTING AUCTIONS IN CONJUNCTION WITH THE ANNUAL HILTON HEAD ISLAND CONCOURS D’ELEGANCE.

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

SECTION 1. Section 56‑15‑10(h) of the 1976 Code is amended to read:

“(h) ‘Dealer’ or ‘motor vehicle dealer’, any person who sells or attempts to effect the sale of any motor vehicle. These terms do not include:

(1) distributors or wholesalers~~.~~;

(2) receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under the judgment or order of any court~~.~~;

(3) public officers while performing their official duties~~.~~;

(4) persons disposing of motor vehicles acquired for their own use and so used in good faith and not for the purpose of avoiding the provisions of law. Any person who effects or attempts to effect the sale of more than five motor vehicles in any one calendar year is considered a dealer or wholesaler, as appropriate, for purposes of this chapter~~.~~;

(5) finance companies or other financial institutions who sell repossessed motor vehicles and insurance companies who sell motor vehicles they own as an incident to payments made under policies of insurance~~.~~; or

(6) persons conducting the auction of investment grade or collector motor vehicles in conjunction with the annual Hilton Head Island Concours D’Elegance.”

SECTION 2. This act takes effect upon approval by the Governor.

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