**A** **BILL**

TO AMEND SECTION 16‑17‑680, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERMITS TO PURCHASE NONFERROUS METALS, TRANSPORTATION AND SALE OF NONFERROUS METALS, AND VARIOUS OFFENSES ASSOCIATED WITH NONFERROUS METALS, SO AS TO INCLUDE IN THE PURVIEW OF THE STATUTE PROCEDURES FOR THE LAWFUL PURCHASE, SALE, AND POSSESSION OF USED, DETACHED CATALYTIC CONVERTERS OR ANY NONFERROUS PART OF ONE UNLESS PURCHASED, SOLD, OR POSSESSED UNDER CERTAIN DELINEATED CIRCUMSTANCES.

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

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

“(I)(1) A secondary metals recycler shall not purchase or otherwise acquire:

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

~~(2)~~(b) an iron or steel drainage grate; ~~or~~

~~(3)~~(c) 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 misdemeanor, and, upon conviction, must be fined in the discretion of the court or imprisoned not more three years, or both; or

(d) a used, detached catalytic converter or any nonferrous metal part of a such unless:

(i) purchased at the fixed site of the permitted secondary metals recycler in which the used, detached catalytic converter is purchased in person. The shipping of a used, detached catalytic converter or any part of such is prohibited, except that transactions between licensed entities as delineated in item (2)(a) are exempt from the in‑person purchase requirements of this subsubitem as long as the permitted secondary metals recycler seller maintains a fixed site;

(ii) the permitted secondary metals recycler obtains and maintains all identification and documentation required by the provisions of subsection (D) and, in addition, obtains and maintains a copy of the seller’s license as required in item (2)(a) or a copy of the documentation and vehicle registration as required in item (2)(b); and

(iii) the permitted secondary metals recycler notes in their records any obvious marking on the used, detached catalytic converter such as paint, labels, or engravings that would aid in the identification of the catalytic converter.

(2) All sellers of used, detached catalytic converters or any nonferrous metal part of such are subject to the provisions of subsection (C) regarding the permitting of a person or entity to transport and sell nonferrous metals; and

(a) only a licensed demolisher, as defined in Section 56‑5‑5810, a secondary metals recycler, as defined in subsection (A), a licensed motor vehicle dealer, a licensed mechanic or licensed automotive repair facility, or other licensed business that may reasonably generate, possess, or sell used, detached catalytic converters may possess such; or

(b) an individual may possess and sell a used, detached catalytic converter only if he possesses documentation indicating that the catalytic converter in his possession is the result of a replacement of a catalytic converter from a vehicle registered in that individual’s name.

(3) Possession of a used, detached catalytic converter by anyone other than an entity or individual as provided in item (2) is presumed to be in possession of contraband subject to forfeiture as otherwise provided by law.

(4) Used, detached catalytic converters may be purchased only by secondary metals recyclers.

(5) An entity or individual who violates the provisions of this item is subject to the penalties provided in this section and each illegally obtained or possessed used, detached catalytic converter subjects the bearer to a separate charge for each violation. The bearer also is liable for the repair and replacement of the catalytic converter as may be ordered by the court or as otherwise provided by law.”

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

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