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### H\*3323

#### H\*3323(Rat #0371, Act #0290 of 2008) General Bill, By Harrison and Cotty

AN ACT TO AMEND SECTION 56-19-265, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES' ACCEPTANCE OF **ELECTRONICALLY FILED LIEN INFORMATION** FOR NEWLY ACQUIRED VEHICLES, VEHICLES ALREADY TITLED, AND LIEN RELEASES, AND THE COLLECTION OF A TRANSACTION FEE FOR THE TRANSMISSION OR RETRIEVAL OF DATA FROM THE DEPARTMENT PURSUANT TO THIS SECTION, SO AS TO PROVIDE THAT IF THERE ARE ONE OR MORE LIENS OR ENCUMBRANCES ON A MOTOR VEHICLE OR MOBILE HOME, THE DEPARTMENT SHALL TRANSMIT ELECTRONICALLY OR BY PAPER CERTIFICATE THE LIEN TO THE FIRST LIENHOLDER AND NOTIFY THE FIRST LIENHOLDER OF ANY ADDITIONAL LIENS, AND LIEN SATISFACTIONS, TO PROVIDE WHEN ELECTRONIC TRANSMISSION OF LIENS AND LIEN SATISFACTIONS IS USED, A CERTIFICATE OF TITLE MAY BE ISSUED WHEN THE LAST LIEN IS SATISFIED AND A CLEAR CERTIFICATE IS ISSUED, TO PROVIDE THAT WHEN A MOTOR VEHICLE OR MOBILE HOME IS SUBJECT TO AN ELECTRONIC LIEN, ITS CERTIFICATE OF TITLE IS PHYSICALLY HELD BY THE LIENHOLDER, TO PROVIDE THAT A CERTIFIED COPY OF AN ELECTRONIC RECORD OF A LIEN IS ADMISSIBLE IN COURT AS EVIDENCE OF THE EXISTENCE OF A LIEN, TO PROVIDE THAT THE LIENHOLDER HAS THE OPTION TO RECEIVE A PAPER CERTIFICATE OF TITLE AND TO RECEIVE NOTICES OF SUBSEQUENT LIENS AND SATISFACTION OF LIENS BY THE UNITED STATES POSTAL SERVICE, AND TO PROVIDE THAT A TRANSACTION FEE MAY BE COLLECTED BY COMMERCIAL PARTIES AND LENDERS WHO TRANSMIT OR RETRIEVE DATA PURSUANT TO THIS SECTION. - ratified title

01/23/07	House	Introduced and read first time HJ-2
01/23/07	House	Referred to Committee on Education and Public Works HJ-3
01/30/07	House	Member(s) request name added as sponsor: Cotty
03/13/07	House	Committee report: Favorable with amendment Education and Public Works HJ-39
03/14/07		Scrivener's error corrected
03/20/07	House	Amended HJ-24
03/20/07	House	Read second time HJ-26
03/21/07	House	Read third time and sent to Senate HJ-12
03/21/07	Senate	Introduced and read first time SJ-8
03/21/07	Senate	Referred to Committee on Transportation SJ-8
04/24/08	Senate	Committee report: Favorable with amendment Transportation SJ-20
05/29/08	Senate	Committee Amendment Adopted SJ-42
05/29/08	Senate	Read second time SJ-42
05/29/08	Senate	Unanimous consent for third reading on next legislative day SJ-42
05/30/08	Senate	Read third time and returned to House with

amendments SJ-2  
06/03/08 House Concurred in Senate amendment and enrolled HJ-16  
06/05/08 Ratified R 371  
06/11/08 Signed By Governor  
06/18/08 Copies available  
06/18/08 Effective date 06/11/08  
06/19/08 Act No. 290

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## VERSIONS OF THIS BILL

[1/23/2007](#)  
[3/13/2007](#)  
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## H. 3323

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(A290, R371, H3323)

**AN ACT TO AMEND SECTION 56-19-265, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES' ACCEPTANCE OF **ELECTRONICALLY FILED LIEN INFORMATION** FOR NEWLY ACQUIRED VEHICLES, VEHICLES ALREADY TITLED, AND LIEN RELEASES, AND THE COLLECTION OF A TRANSACTION FEE FOR THE TRANSMISSION OR RETRIEVAL OF DATA FROM THE DEPARTMENT PURSUANT TO THIS SECTION, SO AS TO PROVIDE THAT IF THERE ARE ONE OR MORE LIENS OR ENCUMBRANCES ON A MOTOR VEHICLE OR MOBILE HOME, THE DEPARTMENT SHALL TRANSMIT ELECTRONICALLY OR BY PAPER CERTIFICATE THE LIEN TO THE FIRST LIENHOLDER AND NOTIFY THE FIRST LIENHOLDER OF ANY ADDITIONAL LIENS, AND LIEN SATISFACTIONS, TO PROVIDE WHEN ELECTRONIC TRANSMISSION OF LIENS AND LIEN SATISFACTIONS IS USED, A CERTIFICATE OF TITLE MAY BE ISSUED WHEN THE LAST LIEN IS SATISFIED AND A CLEAR CERTIFICATE IS ISSUED, TO PROVIDE THAT WHEN A MOTOR VEHICLE OR MOBILE HOME IS SUBJECT TO AN ELECTRONIC LIEN, ITS CERTIFICATE OF TITLE IS PHYSICALLY HELD BY THE LIENHOLDER, TO PROVIDE THAT A CERTIFIED COPY OF AN ELECTRONIC RECORD OF A LIEN IS ADMISSIBLE IN COURT AS EVIDENCE OF THE EXISTENCE OF A LIEN, TO PROVIDE THAT THE LIENHOLDER HAS THE OPTION TO RECEIVE A PAPER CERTIFICATE OF TITLE AND TO RECEIVE NOTICES OF SUBSEQUENT LIENS AND SATISFACTION OF LIENS BY THE UNITED STATES POSTAL SERVICE, AND TO PROVIDE THAT A TRANSACTION FEE MAY BE COLLECTED BY COMMERCIAL PARTIES AND LENDERS WHO TRANSMIT OR RETRIEVE DATA PURSUANT TO THIS SECTION.**

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

## **Filing of lien information**

SECTION 1. Section 56-19-265 of the 1976 Code is amended to read:

"Section 56-19-265. (A) Notwithstanding any requirement in this chapter that a lien on a motor vehicle or mobile home shall be noted on the face of the certificate of title, if there are one or more liens or encumbrances on the motor vehicle or mobile home, the Department of Motor Vehicles shall transmit, electronically or by paper certificate, the lien to the first lienholder and notify the first lienholder of any additional liens.

Subsequent lien satisfactions may be electronically transmitted to the department and shall include the name and address of the person satisfying the lien. When electronic transmission of liens and lien satisfaction is used, a certificate of title need not be issued until the last lien is satisfied and a clear certificate of title is issued to the owner of the motor vehicle or mobile home. When a motor vehicle or mobile home is subject to an electronic lien, the certificate of title for the motor vehicle or mobile home is considered to be physically held by the lienholder for purposes of compliance with state or federal odometer disclosure requirements, and a duly certified copy of the department's electronic record of the lien is admissible in any civil, criminal, or administrative proceeding in this State as evidence of the existence of the lien. The lienholder shall have the option to receive a paper certificate of title and to receive notices of subsequent liens and satisfaction of liens by the United States Postal Service.

(B) The department is authorized to collect a transaction fee from commercial parties who either transmit or retrieve data from the department pursuant to this section. The fee must not exceed five dollars for each transaction and must be mutually agreed to by all parties. These fees must be placed by the Comptroller General into a special restricted account to be used by the department to defray the expenses of this program.

(C) Commercial parties and lenders who either transmit or retrieve data from the department pursuant to this section, notwithstanding Sections 37-2-202 and 37-3-202, may collect transaction fees from owners of the vehicles or mobile homes not to exceed a fee of five dollars for each transaction which must be mutually agreed to by all parties."

## **Time effective**

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

Ratified the 5th day of June, 2008.

Approved the 11th day of June, 2008.