**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4593**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Taylor, West, B.J. Cox, T.A. Morgan and A.M. Morgan

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Introduced in the House on January 9, 2024

Currently residing in the House

Summary: Driving in passing lane

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/16/2023 House Prefiled

 11/16/2023 House Referred to Committee on **Education and Public Works**

 1/9/2024 House Introduced and read first time (House Journal‑page 93)

 1/9/2024 House Referred to Committee on **Education and Public Works** (House Journal‑page 93)

 1/9/2024 House Member(s) request name added as sponsor: West

 1/31/2024 House Member(s) request name added as sponsor: B.J.
 Cox, T.A. Morgan, A.M. Morgan

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**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4593_20231116.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING ANOTHER VEHICLE IN THE FARTHEST LEFT-HAND LANE OF A CONTROLLED ACCESS HIGHWAY, SO AS TO ESTABLISH CRIMINAL PENALTIES FOR VIOLATIONS OF THIS SEcTION, AS WELL AS THE ASSESSMENT OF POINTS AGAINST A PERSON'S MOTOR VEHICLE DRIVING RECORD.

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

SECTION 1. Section 56-5-1885(E) of the S.C. Code is amended to read:

 (E)(1) A person who is adjudicated to be in violation ofviolates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than twenty-fivetwo hundred dollars or imprisoned for not more than thirty days, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56-1-640, a violation of this section must not be:

 (a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles;

 (b) included in the criminal records maintained by SLED; or

 (c) reported to the offender's motor vehicle insurer.

 (2) A violation of person who violates the provisions of this section must have two points assessed against his motor vehicle driving record pursuant to Section 56-1-720is not negligence per se, or contributory negligence, and is not admissible as evidence in a civil action.

 (3) A law enforcement officer must not search, and may not request consent to search, a vehicle, or the driver or occupant of the vehicle, solely because of a violation of this section.

 (4) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person violated the provisions of this section, then the penalty is a civil fine pursuant to item (1) of this subsection. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person violated the provisions of this section, then no penalty shall be assessed.

 (5) A person found to be in violation of this section may bring an appeal to the court of common pleas.

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

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