

## Session 108 - (1989-1990)

**H 3652 General Bill, By D.M. Beasley, R.L. Altman, J. Faber, Fair, E.M. Fant, T.L. Farr, M.F. Jaskwhich, J.C. Johnson, R.O. Kay, Keegan, A.C. McGinnis, J.H. Nesbitt, Phillips, E.W. Simpson, Townsend, D. Williams and D.A. Wright**

A Bill to amend Section 56-5-2940, as amended, Code of Laws of South Carolina, 1976, relating to penalties for violations of Section 56-5-2930 (DUI), so as to increase the fine penalty for a first offense conviction and permit the court to order the service of public service, to delete the provision which allows the service of imprisonment at times when the person convicted is not at work, and to provide for a thirty day driver's license suspension; to amend Section 56-1-1320, as amended, relating to provisional drivers' licenses, so as to provide that a person may not obtain a provisional license until forty-five days after his conviction; to amend Section 56-5-2950, as amended, relating to implied consent to tests of breath, blood, or urine to determine presence of alcohol or drugs, so as to change references to breathalyzer to breath analysis, to increase the driver's license suspension or denial for a person who refuses to submit to such a test from ninety to one hundred twenty days, to provide that if a person submits to such a test and the test proves that he has more than the lawful amount of alcohol or drugs in his system the period of suspension or denial is ninety days, to provide for the immediate confiscation of the driver's license or permit of a person who refuses such a test or who tests as having more than a lawful amount of alcohol or drugs in his system by the arresting officers and to provide that the notice and order which is given to the person at the time of confiscation serves as a temporary ten-day license, to provide for a review of the notice and order by the Department of Highways and Public Transportation if requested within the ten-day period, to provide a procedure for the administrative review as it applies to a refusal by a person to submit to a test or to a person found to have had more than a lawful amount of alcohol in his system; to amend the 1976 Code by adding Section 56-5-2951 so as to make it unlawful for a person between thirteen and twenty-one years of age to operate a motor vehicle at a time when two one-hundredths of one percent by weight of alcohol is in the person's blood; to amend the 1976 Code by adding Section 56-5-2956 so as to provide that a person involved in an accident resulting in death to another person may be compelled to submit to blood, breath, or urine tests; to amend Section 17-7-80, relating to coroners, so as to provide a procedure for tests for the presence of alcohol in the blood of a driver, passenger, pedestrian, swimmer, or boat occupant dying in an accident; to amend the 1976 Code by adding Section 56-1-745 so as to provide for the suspension or delay of issuance of a driver's license of a person convicted of acts which persons at least thirteen years of age and under twenty-one years of age are prohibited from performing; to amend Section 56-5-2990, as amended, relating to suspension of drivers' licenses for violations of Section 56-5-2930 (DUI), so as to provide that for a first offense conviction of a person under the age of twenty-one the suspension is for one year; to amend Chapter 1 of Title 56 by adding Article 11 so as to provide for the suspension of the driver's license of a person who purchases beer or wine for a person who may not lawfully purchase it or who transfers or gives such a person beer, wine, or alcoholic beverages; to amend the 1976 Code by adding Section 61-13-837 so as to require violations of Section 61-9-50, 61-9-60, 61-13-287, 20-7-370, or 20-7-380 to be reported to the Department of Highways and Public Transportation; to amend Sections 56-1-40, 56-1-50, and 56-1-180, relating to issuance of drivers' licenses, beginners' permits, and special restricted licenses, so as to increase the age when a person may obtain a license from sixteen to seventeen, obtain a beginners' or instruction permit from fifteen to sixteen, or obtain a special restricted license from fifteen to sixteen years, six months; to amend Section 56-5-1520, as amended, relating to speed limits, so as to increase the penalties for exceeding the limits and to provide that the penalty for exceeding the posted limit by twenty-five miles an hour or more includes a driver's license suspension for thirty days, and to provide that a portion of fines for speeding paid to the Department of Highways and Public Transportation must be used for more extensive patrol of secondary roads; to amend Sections 22-3-540 and 22-3-550, relating to magistrates, so as to increase their criminal jurisdiction from a fine of not exceeding one hundred dollars or imprisonment for not more than thirty days to a fine of not more than one thousand dollars or imprisonment for not more than forty-five days, or both; to amend Section 56-1-520, relating to jurisdiction of recorders and municipal courts, so as to provide that they have the same jurisdiction as magistrates in violations involving drivers' licenses; to amend Section 56-10-270, as amended, relating to the unlawful operation of an uninsured motor vehicle, so as to increase the penalties for violations and to provide that only convictions which occurred within ten years immediately preceding the date of the last violation constitute prior convictions; to amend Sections 56-9-340, 56-10-240, and 56-10-260, all as amended, relating to return of license plates and registrations for noncompliance with the Financial Responsibility Act and making false certification in regard to insurance, so as to increase the penalty for failure to return them and for false certification and to provide that only convictions which occurred within ten years immediately preceding the date of the last violation constitute prior convictions; to amend Section 56-10-250, relating to selling to a family member a motor vehicle whose registration and license plates have been suspended, so as to increase penalties for violations and to provide that only convictions which occurred within ten years immediately preceding the date of the last violation constitute prior convictions; to amend Section 56-1-350, relating to return to the Department of Highways and Public Transportation of suspended, cancelled, or revoked drivers' licenses, so as to increase the penalties for violations; to amend Sections 56-1-450

and 56-1-460, as amended, relating to driving under suspension, so as to increase the penalties; to amend Section 56-1-1100, as amended, relating to habitual offenders, so as to provide that a driver's license may not be issued or reinstated to a habitual offender until five years after the expiration of the suspension term; to amend Section 56-5-2775, relating to school buses, so as to increase the penalties for failure to stop for them and to provide for a court to order public service employment; to amend Section 56-1-720, as amended, relating to the point system for violations of moving violations, so as to provide a six-point assessment for driving through, around, or under a closed railroad crossing gate or barrier; to amend Section 56-5-2715, relating to highway grade crossings and railroad signs, so as to provide penalties for failure to stop at them; to amend Section 56-5-2920, relating to reckless driving, so as to increase penalties and provide a thirty-day driver's license suspension for conviction of a first offense and to provide that only convictions which occurred within ten years immediately preceding the date of the last violation constitute prior convictions; to amend Section 56-7-10, as amended, relating to uniform traffic tickets, so as to provide that the Department of Highways and Public Transportation shall promulgate procedures relative to them; to amend Section 56-5-6190, relating to the general penalty for violations of traffic regulations, so as to increase the fine penalty from not more than one hundred dollars to not more than two hundred dollars; to amend Section 56-5-2910, relating to reckless homicide, so as to provide for mandatory imprisonment of a person convicted of the crime; to amend Section 56-1-1020, relating to habitual offenders, so as to provide as a ground for declaring a person a habitual offender, driving under suspension for the commission of any crime; and to repeal Sections 56-1-463, 56-1-465, 56-7-20, 56-7-30, and 56-7-40 relating to lack of notice of payment of fines or penalties and notice of suspensions and uniform traffic tickets.

**03/09/89 House Introduced and read first time HJ-5**

**03/09/89 House Referred to Committee on Judiciary HJ-9**