

## Session 107 - (1987-1988)

**S\*0704 (Rat #0603, Act #0532 of 1988) General Bill, By I.E. Lourie, Branton, Giese, Land, Leatherman, W.R. Lee, J.C. Lindsay, J.M. Long, McConnell, Thomas and Wilson**

### ***Similar (H 2954)***

A Bill to amend the Code of Laws of South Carolina, 1976, by adding Section 56-1-185 so as to provide that any person while operating a motor vehicle under a special restricted driver's license who is convicted of a point-assessable traffic offense or involved in an accident in which he was at fault shall have the removal of the restrictions postponed for a certain period during which the licensee must be free of any traffic convictions; to amend Section 56-1-440, relating to penalties for driving without a license, so as to change the monetary penalty for a first offense from a fine of not less than twenty-five dollars nor more than fifty dollars to a fine of not less than fifty dollars nor more than one hundred dollars, to provide that for a second offense the penalty is a fine of five hundred dollars or imprisonment for forty-five days, or both, and to provide that for a third and subsequent offense the penalty is imprisonment for not less than forty-five days nor more than six months; to amend Section 56-1-1030, relating to the requirement that conviction records of habitual offenders be submitted to the solicitor or Attorney General, so as to provide, among other things, that when any person is convicted of one or more certain offenses listed in Section 56-1-1020, the Department of Highways and Public Transportation must review its records for that person, with possible institution of agency proceedings, to revoke or suspend the person's driver's license; to amend Section 56-1-1090, relating to the provision that habitual offenders may not be issued a driver's license, so as to, among other things, provide that the period of nonissuance for an habitual offender and prohibition to operate a motor vehicle in this State for a nonresident habitual offender is for a period of five years from the date of a final decision by the Department that a person is an habitual offender and if upon appeal the finding is sustained by a court, rather than for five years from the date of the order of the court finding the person to be an habitual offender, and to transfer certain duties and powers from the court to the Department; to amend Section 56-1-1100, relating to habitual offenders and penalties, so as to, among other things, transfer certain duties and powers from the court to the Department, and to delete certain provisions; to amend Section 56-1-720, relating to the point system and the schedule of points for violations, so as to make certain changes with respect to the violation of driving too fast for conditions or speeding, and to add the violation of improper backing; to amend Section 56-5-1520, as amended, relating to general rules as to maximum speed limits, so as to, among other things, change the various penalties imposed, provide that five dollars of certain fines listed in this Section must be credited to the State Highway Fund, and provide that, in expending the funds credited to the State Highway Fund under part of this Section, the Department first shall consider the need for additional highway patrolmen; to amend Section 56-5-2940, relating to the penalty for DUI, so as to, among other things, provide for a fine of not less than two thousand dollars nor more than five thousand dollars for a second offense, rather than a fine of not less than one thousand dollars, provide that this fine may not be suspended in an amount less than one thousand dollars and of that amount two hundred fifty dollars must be remitted to the Victim's Compensation Fund, change the fine for a third offense, provide for a penalty of imprisonment for not less than one year nor more than five years for a fourth or subsequent offense, and provide that only those offenses which occurred within a period of ten, rather than five, years including and immediately preceding the date of the last offense shall constitute prior offenses within the meaning of this Section; to amend Section 56-5-4100, relating to spilling loads on highways, so as to provide, among other things, that trucks, trailers, or other vehicles, when loaded with certain items which could blow, leak, sift, or drop, must not be driven or moved on any highway except under certain conditions, that the loader of the vehicle and the driver shall sweep or otherwise remove any loose gravel or similar material from the running boards, fenders, bumpers, or other similar exterior portions of the vehicle before it is moved on a public highway, and that any person who violates certain provisions of this Section is guilty of a misdemeanor and, upon conviction, must be fined one hundred dollars; to amend Section 56-5-4450, relating to the times when vehicles must be equipped with lights, so as to provide, among other things, that every vehicle upon a street or highway, rather than just a highway, shall display lighted lamps and illuminating devices, excluding parking lights, from a half hour after sunset to a half hour before sunrise and at any other time when windshield wipers are in use as a result of rain, sleet, or snow or when inclement weather or environmental factors severely reduce the ability to clearly discern persons and vehicles, that a warning ticket may be issued under certain circumstances, and that a violation of this Section is a misdemeanor carrying a fine up to twenty-five dollars; to amend Section 56-5-5015, relating to the requirement that glass on motor vehicles is to be transparent from both sides, so as to, among other things, provide that no person may operate a motor vehicle that is required to be registered in this State on any public highway, road or street that has a sunscreen device on the windshield, the front side wings, and side windows adjacent to the right and left of the driver and windows to the rear of the driver that do not meet the requirements of this Section, and to make it a misdemeanor offense to violate the provisions of this Section and provide penalties; to provide that Section 56-5-5015 applies to all vehicles manufactured after the effective date of this Act and that Section 56-5-5015 applies to all other vehicles three years from the effective date of this Act; to amend

Section 56-5-750, relating to failure to stop motor vehicle when signaled by a law enforcement vehicle, so as to provide, among other things, that any motorist who wilfully fails to stop when signaled by law enforcement officer shall have his license suspended for at least thirty days; to amend Section 59-67-420, relating to the extent of transportation to be provided for students to or from school, so as to, among other things, provide that, in its application, a local school district shall assign priority to its requests for transportation on the basis of children's ages, with the youngest children subject to hazardous conditions receiving the highest priorities; to amend Section 56-5-6410, relating to age as the basis for the required use of restraining system, so as to change the age basis, and to provide that any child four until six years of age when transported in the front seat must be secured by a safety belt provided in the motor vehicle; to amend Section 56-5-6420, relating to transportation of children with insufficient number of restraint devices, so as to provide that if all the seating positions with restraint devices are occupied by children under the age of six years, rather than age three and under, a child may be transported and driver is not in violation of the law but that priority must be given to children under the age of six years, rather than age three and under, according to their ages; to amend Section 56-5-6430, relating to the provisions that the use of a vehicle restraint device is not required under certain circumstances, so as to provide that alternate restraint protection, such as safety belts, rather than "the vehicle safety belt", must be utilized if possible under certain circumstances; to amend the 1976 Code by adding Section 56-5-6445 so as to provide that the provisions of Article 47, Chapter 5, Title 56 ("Child Passenger Restraint System") apply to all motor vehicles equipped with safety belts; to amend Section 56-9-340, relating to surrender of driver's license and vehicle registration and failure to surrender, so as to change the penalty for wilfully failing to return a license or registration as required in this Section, provide penalties for a second offense and for a third and subsequent offense, and provide that only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this Section; to amend Section 56-10-240, relating to the requirement that, upon loss of insurance, the insured shall obtain new insurance or surrender vehicle registration and plates, written notice by the insurer, suspension of registration and plates, appeal of suspension, enforcement, and penalties, so as to change the penalty for wilfully failing to return motor vehicle license plates and registration certificates as required in this Section, provide penalties for a second offense and for a third and subsequent offense, and provide that only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this Section; to amend Section 56-10-260, relating to false certificate or false evidence of motor vehicle insurance and penalties, so as to change the penalty for knowingly making a false certificate as to whether a motor vehicle is an insured motor vehicle or presenting to the Department false evidence that any motor vehicle sought to be registered is insured, provide penalties for a second offense and for a third and subsequent offense, and provide that only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this Section; to amend Section 56-10-270, relating to the operation of an uninsured motor vehicle and penalties, so as to change the penalty for knowingly operating an uninsured motor vehicle subject to registration in this State or knowingly allowing the operation of an uninsured motor vehicle subject to registration in this State, provide penalties for a second offense and for a third and subsequent offense, provide that only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this Section, and provide that any person whose license plates and registration certificates which are suspended under this Section, which are not suspended for any other reason, may have them immediately restored if he files proof of financial responsibility with the Department; to amend Section 56-10-250, relating to the provision making it unlawful to sell a motor vehicle with suspended registration and license plates to a family member, so as to change the penalty for a vehicle owner selling or otherwise disposing of any motor vehicle for which the registration and license plates have been suspended to any member of his family residing in the same household, provide penalties for a second offense and for a third and subsequent offense, and provide that only convictions which occurred within five years including and immediately preceding the date of the last conviction constitute prior convictions within the meaning of this Section; to amend the 1976 Code by adding Section 56-5-2775 so as to provide that the driver of any vehicle violating certain provisions of Section 56-5-2770 is guilty of a misdemeanor, and to provide a penalty; to amend the 1976 Code by adding Section 56-5-6240 so as to provide, among other things, for the forfeiture and confiscation of a motor vehicle under certain circumstances and conditions and the disbursement and use of the proceeds following the sale of such a vehicle; to amend the 1976 Code by adding Section 56-5-6250 so as to provide that when an arrest is made under the provisions of Chapter 5 of Title 56, the arresting officer must make every effort to determine prior convictions under the Chapter, and provide that in no instance is sentence to be imposed on a defendant until the court is satisfied prior convictions are properly considered as a part of the sentence; to amend Section 56-5-2990, relating to the suspension of the license of a convicted driver, and the period of suspension, so as to provide that only those violations which occurred within ten years, rather than five years, including and immediately preceding the date of the last violation constitute prior violations within the meaning of this Section, provide that any person whose license is revoked following conviction for a

fifth offense as provided in this Section is forever barred from being issued any license by the Department to operate a motor vehicle, and delete certain provisions; to amend the 1976 Code by adding Section 56-1-135 so as to provide, among other things, that any person designated to drive a motor vehicle whose primary purpose is the extinguishment of a fire, including volunteer firemen, may have a special endorsement affixed to his driver's license which authorizes him to drive the motor vehicle, that every political subdivision employing law enforcement officers must designate one officer as its safety officer, and that the agency or department who operates the motor vehicle shall keep the list of designated drivers current; to amend the 1976 Code by adding Section 56-1-365 so as to, among other things, provide that any person who forfeits bail posted for, is convicted of, or pleads guilty or nolo contendere in general sessions, municipal, or magistrate's court to an offense which as part of the punishment to be imposed requires that his driver's license be revoked or suspended shall surrender immediately or cause to be surrendered his driver's license to the clerk of court or magistrate upon the verdict or plea, provide for a fine upon the defendant if he fails to surrender his license to the clerk or magistrate immediately after conviction, provide that any clerk or magistrate who wilfully fails or neglects to forward the driver's license and ticket as required is liable to indictment and, upon conviction, a fine, and provide that the certificate issued under this Section must be kept in the defendant's possession while operating a motor vehicle during the sixty-day period and that failure to have it in his possession is punishable in the same manner as failure to have a driver's license in possession while operating a motor vehicle; to amend Section 56-1-1320, relating to the issuance of provisional driver's licenses, so as to delete certain language and provisions; and to repeal Section 56-1-1040, 56-1-1050, 56-1-1060, 56-1-1070, and 56-1-1080 relating to various provisions pertaining to habitual offenders under the driver's license law.-amended title

<b>04/22/87</b>	<b>Senate</b>	<b>Introduced and read first time SJ-1420</b>
<b>04/22/87</b>	<b>Senate</b>	<b>Referred to Committee on Transportation SJ-1423</b>
<b>04/30/87</b>	<b>Senate</b>	<b>Recalled from Committee on Transportation SJ-1652</b>
<b>04/30/87</b>	<b>Senate</b>	<b>Retaining place on calendar recommitted to Committee on Transportation SJ-1653</b>
<b>01/12/88</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Transportation SJ-255</b>
<b>01/12/88</b>	<b>Senate</b>	<b>Special order SJ-258</b>
<b>01/14/88</b>	<b>Senate</b>	<b>Debate interrupted SJ-23</b>
<b>01/19/88</b>	<b>Senate</b>	<b>Amended SJ-31</b>
<b>01/19/88</b>	<b>Senate</b>	<b>Debate interrupted SJ-35</b>
<b>01/20/88</b>	<b>Senate</b>	<b>Debate interrupted SJ-16</b>
<b>01/21/88</b>	<b>Senate</b>	<b>Amended SJ-63</b>
<b>01/21/88</b>	<b>Senate</b>	<b>Debate interrupted SJ-70</b>
<b>01/26/88</b>	<b>Senate</b>	<b>Amended SJ-39</b>
<b>01/26/88</b>	<b>Senate</b>	<b>Read second time SJ-45</b>
<b>01/26/88</b>	<b>Senate</b>	<b>Ordered to third reading with notice of amendments SJ-45</b>
<b>01/26/88</b>	<b>Senate</b>	<b>Special order SJ-51</b>
<b>01/27/88</b>	<b>Senate</b>	<b>Debate interrupted SJ-45</b>
<b>02/10/88</b>	<b>Senate</b>	<b>Amended SJ-23</b>
<b>02/10/88</b>	<b>Senate</b>	<b>Debate interrupted SJ-32</b>
<b>02/11/88</b>	<b>Senate</b>	<b>Amended SJ-69</b>
<b>02/11/88</b>	<b>Senate</b>	<b>Read third time and sent to House SJ-79</b>
<b>02/16/88</b>	<b>House</b>	<b>Introduced, read first time, placed on calendar without reference HJ-1182</b>
<b>02/23/88</b>	<b>House</b>	<b>Objection by Rep. Aydlette, Arthur &amp; Gregory HJ-1394</b>
<b>03/01/88</b>	<b>House</b>	<b>Objection withdrawn by Rep. Aydlette HJ-1580</b>
<b>03/02/88</b>	<b>House</b>	<b>Amended HJ-1651</b>
<b>03/02/88</b>	<b>House</b>	<b>Debate interrupted HJ-1655</b>
<b>03/02/88</b>	<b>House</b>	<b>Special order, set for beginning Wed. March 2, 1988 (Under H 3891) HJ-1655</b>
<b>03/02/88</b>	<b>House</b>	<b>Read second time HJ-1665</b>
<b>03/03/88</b>	<b>House</b>	<b>Read third time HJ-1706</b>
<b>03/03/88</b>	<b>House</b>	<b>Returned HJ-1706</b>
<b>03/08/88</b>	<b>Senate</b>	<b>Non-concurrence in House amendment SJ-4</b>
<b>03/08/88</b>	<b>House</b>	<b>House insists upon amendment and conference committee appointed Reps. Beasley, JC Johnson &amp; McCain HJ-1771</b>
<b>03/10/88</b>	<b>Senate</b>	<b>Conference committee appointed Sens. Verne Smith, Lourie, and McConnell SJ-4</b>
<b>04/26/88</b>	<b>Senate</b>	<b>Free conference powers requested SJ-47</b>

04/26/88	Senate	Interrupted debate on motion to grant free conf. power SJ-47
04/27/88	House	Free conference powers granted HJ-3252
04/27/88	House	Free conference committee appointed Beasley, JC Johnson & McCain HJ-3256
04/27/88	House	Free conference report received HJ-3256
04/27/88	House	Free conference report adopted HJ-3290
04/27/88	Senate	Free conference powers granted SJ-49
04/27/88	Senate	Free conference committee appointed Sens. McConnell, Lourie, Verne Smith SJ-49
04/27/88	Senate	Free conference report received SJ-49
04/27/88	Senate	Free conference report adopted SJ-49
04/27/88	Senate	Ordered enrolled for ratification SJ-49
05/12/88		Ratified R 603
05/18/88		Signed By Governor
05/18/88		Effective date 01/01/89
05/18/88		Act No. 532
05/18/88		See act for exception to or explanation of effective date
06/02/88		Copies available