Agency Name: Department of Motor Vehicles

Statutory Authority: 56-1-5 et seq.

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House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Transportation Committee

120 Day Review Expiration Date for Automatic Approval 05/08/2024

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Status: Final

Subject: Billing Accounts

History: 5221

By Date Action Description Jt. Res. No. Expiration Date

- 08/25/2023 Proposed Reg Published in SR

- 01/09/2024 Received President of the Senate & Speaker 05/08/2024

H 01/09/2024 Referred to Committee

S 01/09/2024 Referred to Committee

S 04/16/2024 Committee Requested Withdrawal

 120 Day Period Tolled

- 04/16/2024 Withdrawn and Resubmitted 05/08/2024

S 04/30/2024 Resolution Introduced to Approve 1301

- 05/08/2024 Approved by: Expiration Date

- 05/24/2024 Effective Date unless otherwise

 provided for in the Regulation

Document No. 5221

**DEPARTMENT OF MOTOR VEHICLES**

CHAPTER 90

Statutory Authority: 1976 Code Sections 56‑1‑5, et seq.

90‑500. Establishing an Account. (New)

90‑501. Department Invoicing Procedures. (New)

90‑502. Delinquent Accounts. (New)

90‑503. Closing Accounts. (New)

**Synopsis:**

 2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this promulgation pertains to regulations currently contained at S.C. Reg. 38‑250 through 38‑253. The SCDMV proposes to promulgate similarly worded regulations in the SCDMV Chapter of the South Carolina Code of Regulations with some amendments to keep with current SCDMV practice for billing accounts.

 The Notice of Drafting was published in the *State Register* on July 28, 2023.

Section‑by‑Section Discussion:

 Create a new Article 5 to Chapter 90 of the South Carolina Code of Regulations titled “Billing Accounts.”

**Instructions:**

 Print the regulation as shown below. All other items remain unchanged.

**Text:**

ARTICLE 5

BILLING ACCOUNTS

90‑500. Establishing a Billing Account.

 A. Eligible customers must request in writing to establish a billing account. At the Department’s discretion, eligible customers are those who represent businesses and can provide the business’s Federal ID Number or individuals who hold professional licenses with a need to establish a billing account with the Department. Private individuals in their capacity as private individuals are not authorized to establish billing accounts with the Department.

 B. Customers must furnish the following information:

 (1) Mailing address for billing purposes.

 (2) Contact person, contact number, and email address.

 (3) Companies must provide their Federal I. D. number.

 C. The Customer must remit with request a security deposit. The security deposit shall be $250 or the average monthly rate of cost of records sought by the Customer during the one year period occurring just prior to applying for the billing account, whichever amount is greater. The money remitted is a security deposit and not an advance payment for services rendered. The Deposit will remain on file with the Department until written notice of cancellation is received from the customer and all invoices have been paid.

 D. After review and approval, an account number will be assigned to the Customer to use when requesting information.

 E. Approval for a billing account will be in the sole discretion of the Department.

90‑501. Department Invoicing Procedures.

 A. Each request for information will be charged at the normal and typical rate, if a rate is not already set in statute, for the document or information requested.

 B. Invoices will be prepared monthly for billing accounts.

 C. Invoices must be paid within thirty (30) days of the date the invoice was generated for the account to remain active and in good standing. If an invoice is not paid within thirty (30) days of generation of the invoice, the account will become delinquent and subject to closure.

90‑502. Delinquent Billing Accounts.

 A. If payment is not received within thirty (30) days of generation of the invoice, the account may be suspended or closed, and the security deposit may be applied to all outstanding invoices.

 B. Should any funds from the security deposit remain after satisfaction of all outstanding invoices, that remaining balance will be refunded to the company or individual.

 C. If the security deposit does not satisfy all outstanding invoices, the company or individual will be notified of the remaining balance due to the Department. If the remaining balance due to the Department is not paid within thirty (30) days of generation of the balance due invoice, the Department may proceed with any lawful collection measures.

 D. Any company or individual that fails to pay their balance due invoice to the Department within thirty (30) days of generation of the balance due invoice may be denied access to create a billing account with the Department. For purposes of evaluation under this section, immediate family, as defined by Section 56‑37‑20 shall be considered to be the same person as the applicant for purposes of creating a billing account with the Department.

90‑503. Closing Billing Accounts.

 A. Customers may terminate a billing account by requesting such closure in writing to the Department of Motor Vehicles, P. O. Box 1029, Blythewood, South Carolina 29016.

 B. Upon receipt of the request, the Department will suspend privileges under the account and will determine the amount of any outstanding balance.

 C. Any amounts due will be deducted from the security deposit with the remaining balance being returned to the customer. If the security deposit does not cover the remaining balance, the Department shall proceed as outlined in Regulation 90‑502(C) and (D), as applicable.

**Fiscal Impact Statement:**

The SCDMV does not anticipate any additional cost to the State, its political subdivisions, or the public as a result the proposed promulgation of these regulations.

**Statement of Rationale:**

 2003 Act No. 51, §3 created the South Carolina Department of Motor Vehicles (SCDMV) and transferred all functions, powers, duties, responsibilities, and authority statutorily exercised by the Motor Vehicle Division and the Motor Carrier Services unit with the South Carolina Department of Public Safety (SCDPS) to the SCDMV. At the time of the split of the SCDMV from the SCDPS, the regulations regarding the two agencies were not divided within the South Carolina Code of Regulations. Therefore, SCDMV proposes to promulgate regulations that are still maintained within the South Carolina Code of Regulations Chapter pertaining to SCDPS that apply to SCDMV in true function. Specifically, this promulgation pertains to regulations currently contained at S.C. Reg. 38‑250 through 38‑253. The SCDMV proposes to promulgate similarly worded regulations in the SCDMV Chapter of the South Carolina Code of Regulations with some amendments to keep with current SCDMV practice for billing accounts.