**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4364**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Wylie, Nanney, Barfield, Duncan, Owens, Rice, Stringer and Umphlett

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Introduced in the House on January 19, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Accidents

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/19/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-19-10.docx)‑3

1/19/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\01-19-10.docx)‑3

**VERSIONS OF THIS BILL**

[1/19/2010](file:///p:\pprever\2009-10\4364_20100119.docx)

**A** **BILL**

TO AMEND SECTION 56‑5‑1210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DUTIES OF A DRIVER WHO IS INVOLVED IN AN ACCIDENT, SO AS TO INCREASE THE EXISTING PENALTIES, TO PROVIDE PENALTIES FOR PERSONS WHO VIOLATE THIS SECTION WHILE DRIVING A VEHICLE WITHOUT A DRIVER’S LICENSE OR A SUSPENDED DRIVER’S LICENSE, AND TO PROVIDE THAT AN ILLEGAL ALIEN WHO VIOLATES THIS SECTION MUST BE RELEASED INTO THE CUSTODY OF THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE ONCE HE COMPLETES HIS SENTENCE.

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

SECTION 1. Section 56‑5‑1210 of the 1976 Code is amended to read:

“Section 56‑5‑1210. (A) The driver of a vehicle involved in an accident resulting in injury to or the death of a person immediately shall stop the vehicle at the scene of the accident or as close to it as possible. He then shall return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 56‑5‑1230. However, he may temporarily leave the scene to report the accident to the proper authorities. The stop must be made without obstructing traffic more than is necessary. A person who fails to stop or to comply with the requirements of this section is guilty of:

(1) a misdemeanor and, upon conviction, must be imprisoned not less than ~~thirty~~ ninety days nor more than one year or fined not less than ~~one~~ five hundred dollars nor more than five thousand dollars, or both, when injury results but great bodily injury or death does not result~~;~~ . However, if the person was driving the vehicle with no driver’s license or a suspended driver’s license, then he must be imprisoned not more than forty‑five days and fined not more than two thousand five hundred dollars;

(2) a felony and, upon conviction, must be imprisoned not less than ~~thirty days~~ one year nor more than ten years and fined not less than ~~five~~ ten thousand dollars nor more than ~~ten~~ twenty‑five thousand dollars when great bodily injury results~~;~~ . However, if the person was driving the vehicle with no driver’s license or a suspended driver’s license, then he must be imprisoned not less than six months nor more than five years and fined not less than five thousand dollars nor more than twelve thousand five hundred dollars; or

(3) a felony and, upon conviction, must be imprisoned not less than ~~one year~~ five years nor more than twenty‑five years and fined not less than ~~ten~~ twenty‑five thousand dollars nor more than ~~twenty‑five~~ one hundred thousand dollars when death results. However, if the person was driving the vehicle with no driver’s license or a suspended driver’s license, then he must be imprisoned not less than two years nor more than fifteen years and fined not less than twelve thousand five hundred dollars nor more than fifty thousand dollars.

(B) Law enforcement officers or authorized employees of the Department of Transportation may move or have removed from the traveled way all disabled vehicles and vehicles involved in an accident and any debris caused by motor vehicle traffic collisions where it can be accomplished safely and may result in the improved safety or traffic flow upon the road; however, where a vehicle has been involved in an accident resulting in great bodily injury or death to a person, the vehicle shall not be moved until it is authorized by the investigating law enforcement officer. The State, its political subdivisions, and its officers and employees are not liable for any damages to vehicles that result from the removal unless the removal was carried out in a reckless or grossly negligent manner. The vehicle owner and any driver, or the owner’s, driver’s, or the at‑fault party’s insurance company, of a vehicle removed under this subsection, or the owner’s, driver’s, or the at‑fault party’s insurance company, shall bear all reasonable costs of removal.

Nothing in this section shall bar recovery from an at‑fault party when the accident was caused by the actions of that party.

(C) As used in this section, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

(D) The Department of Motor Vehicles shall revoke the driver’s license of the person convicted pursuant to this section.

(E) An illegal alien who violates this section, upon completion of his sentence, must be released into the custody of the United States Immigration and Naturalization Service.”

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

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