COMMITTEE REPORT

March 18, 2009

**S. 420**

Introduced by Senators Knotts, Land, Coleman, Setzler, McConnell, Leatherman, Courson, Thomas and Rose

S. Printed 3/18/09--S.

Read the first time February 12, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 420) to amend the Code of Laws of South Carolina, 1976, by adding Section 56‑5‑4975 so as to provide that it is unlawful for certain persons to operate, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 35, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑4975. (A) It is unlawful for a person to operate a vehicle that is upfitted as an ambulance or no longer permitted and licensed as an ambulance pursuant to Article 1, Chapter 61, Title 44, unless the vehicle’s exterior equipment and markings including, but not limited to, emergency lights, sirens, and decals that distinguish it as an ambulance are removed. A person who violates this subsection, except as provided in subsections (B) and (C), is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(B) A person who operates a vehicle in violation of subsection (A) with the intent to commit a felony, or in the commission of a felony, is guilty of a felony and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than five years, or both.

(C) A person who operates a vehicle in violation of subsection (A) with the intent to commit a terrorist act, or in the commission of a terrorist act, is guilty of a felony and, upon conviction, must be fined ten thousand dollars and imprisoned for a mandatory minimum of ten years, no part of which may be suspended nor probation granted. For purposes of this section, ‘terrorist act’ means activities that:

(1) involve acts dangerous to human life, which are a violation of the criminal laws of this State;

(2) appear to be intended to:

(a) intimidate or coerce a civilian population;

(b) influence the policy of a government by intimidation or coercion; or

(c) affect the conduct of a government by mass destruction, assassination, or kidnapping; and

(3) occur primarily within the territorial jurisdiction of this State.

(D) The provisions of this section do not apply to:

(1) eleemosynary or not‑for‑profit organizations that operate an ambulance that is no longer permitted and licensed and whose exterior markings have been removed for use in parades, fundraising activities, and other official functions;

(2) a person operating a vehicle that is going from the place of purchase to his home or his fixed place of business; (3) a person operating a vehicle going to a location for the purpose of removing the vehicle’s exterior equipment or markings; or

(4) a person operating an antique vehicle as defined by Section 56-3-2210.”

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

Renumber sections to conform.

Amend title to conform.

JOHN M. KNOTTS, JR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The Department of Public Safety and the Department of Corrections indicate this bill would have either no impact or minimal impact on expenditures which can be absorbed within existing resources.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑4975 SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR CERTAIN PERSONS TO OPERATE A VEHICLE THAT IS UPFITTED AS AN AMBULANCE OR NO LONGER PERMITTED AND LICENSED AS AN AMBULANCE UNLESS CERTAIN EXTERIOR ITEMS THAT DISTINGUISH IT AS AN AMBULANCE ARE REMOVED, TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION, AND TO PROVIDE THAT THE USE OF THE VEHICLE DURING THE COMMISSION OF A CRIME OR A TERRORIST ACT IS A FELONY.

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

SECTION 1. Article 35, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑4975. (A) It is unlawful for a person to operate a vehicle that is upfitted as an ambulance or no longer permitted and licensed as an ambulance pursuant to Title 44, unless the vehicle’s exterior equipment and markings including, but not limited to, emergency lights, sirens, and decals that distinguish it as an ambulance are removed within ten days from the date that it is acquired. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than one year, or fined not less than five thousand dollars, or both.

(B) Subsection (A) does not apply to an eleemosynary or not‑for‑profit organization that uses an ambulance that is no longer permitted and licensed and whose exterior markings have been removed in parades, fund‑raising activities, and other official functions.

(C) A person who uses a vehicle contained in subsection (A) during the commission of a crime is guilty of a felony and, upon conviction, must be imprisoned not more than five years.

(D) A person who uses a vehicle that has been upfitted as an ambulance, permitted and licensed as an ambulance, or a vehicle that is no longer permitted and licensed as an ambulance during the commission of a terrorist act is guilty of a felony and, upon conviction, must be imprisoned not less than ten years.”

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

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