**South Carolina General Assembly**

119th Session, 2011-2012

**S. 65**

**STATUS INFORMATION**

General Bill

Sponsors: Senator L. Martin

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Introduced in the Senate on January 11, 2011

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

Summary: Driver's license requirements

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 33](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 33](file:///h:\sj%20archive\2011\01-11-11.docx))

1/9/2012 Senate Referred to Subcommittee: Malloy (ch), Ford, Knotts, Campsen

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\65_20101201.docx)

**A** **BILL**

TO AMEND SECTION 56‑1‑30 OF THE 1976 CODE, RELATING TO PERSONS WHO ARE EXEMPT FROM OBTAINING A DRIVER’S LICENSE, TO PROVIDE PENALTIES FOR A NONRESIDENT WHO OPERATES A VEHICLE WHEN HIS LICENSE IS SUSPENDED, REVOKED, OR CANCELLED BY HIS HOME JURISDICTION; TO AMEND SECTION 56‑1‑440, RELATING TO PENALTIES FOR DRIVING WITHOUT A LICENSE, TO PROVIDE ADDITIONAL PENALTIES FOR A PERSON WHO VIOLATES THIS SECTION WHO IS CONVICTED OF A VIOLATION FOR WHICH Suspension or revocation of the privilege to operate a vehicle is mandatory; to amend sections 56‑1‑745 and 56‑1‑746, both relating to the suspension of the driver’s license of a person convicted of various violations, to provide additional penalties for a violation; and to amend section 56‑1‑1020, relating to penalties imposed upon an habitual offender, to revise the offenses upon which a conviction causes a person to be labeled an habitual offender.

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

SECTION 1. Section 56‑1‑30(2),(3), and (4) of the 1976 Code is amended to read:

“(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator’s or chauffeur’s license issued to him in his home state or country may operate a motor vehicle, but a person may not claim nonresidence exemption under this provision who does not maintain a permanent residence address in the state or country of which he holds a valid and current operator’s or chauffeur’s license at which he regularly receives his mail and which address is on file with the motor vehicle authorities of that state or country; also, a person may not claim nonresidence exemption under this provision who for all other intents and purposes has or may remove his residence into this State~~;~~ . A nonresident who operates a motor vehicle while his license is suspended, revoked, or cancelled by his home jurisdiction is guilty of violating Section 56‑1‑460;

(3) Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year, if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United States who has a valid license issued by his home state and the nonresident’s spouse or dependent who has a valid license issued by his home state;

(4) A person operating or driving implements of husbandry temporarily drawn, propelled, or moved upon a highway. Implements of husbandry include, but are not limited to, farm machinery and farm equipment other than a passenger car~~.~~ ;”

SECTION 2. Section 56‑1‑440 of the 1976 Code is amended to read:

“Section 56‑1‑440. (A) A person who drives a motor vehicle on a public highway of this State without a driver’s license in violation of Section 56‑1‑20 is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for thirty days and, upon conviction of a second offense, be fined five hundred dollars or imprisoned for forty‑five days, or both, and for a third and subsequent offense must be imprisoned for not less than forty‑five days nor more than six months. However, a charge of driving a motor vehicle without a driver’s license must be dismissed if the person provides proof of being a licensed driver at the time of the violation to the court on or before the date this matter is set to be disposed of by the court.

(B) The summary courts are vested with jurisdiction to hear and dispose of cases involving a violation of this section.

(C) The Department of Motor Vehicles upon, receiving a record of the conviction of any person under this section or Section 56‑1‑450, shall suspend the person’s driving privileges for six months for a first offense, for one year for a second offense, and for three years for a third or subsequent offense. Only those violations which occurred within a period of ten years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

(D) A person who drives a motor vehicle on any public highway of this State when his driving privileges are suspended is in violation of Section 56‑1‑460 and also is subject to all penalties contained in that section.”

SECTION 3. Section 56‑1‑745(B) of the 1976 Code is amended to read:

“(B) Notwithstanding the provisions of Section 56‑1‑460, ~~any~~ a person, ~~convicted under this section shall be punished pursuant to Section 56‑1‑440~~ upon conviction of a first offense, must be fined not less than fifty dollars, nor more than one hundred dollars, or imprisoned for thirty days and, upon conviction of a second offense, must be fined five hundred dollars, or imprisoned for forty‑five days, or both, and for a third and subsequent offense must be imprisoned for not less than forty‑five days nor more than six months and is not required to furnish proof of financial responsibility as provided for in Section 56‑9‑500. The conviction shall not result in any insurance penalty under the Merit Rating Plan promulgated by the Department of Insurance.”

SECTION 4. Section 56‑1‑746(C) of the 1976 Code is amended to read:

“(C) Notwithstanding the provisions of Section 56‑1‑460, a person, ~~convicted pursuant to the provisions of this section must be punished pursuant to Section 56‑1‑440~~ upon conviction of a first offense, must be fined not less than fifty dollars nor more than one hundred dollars, or imprisoned for thirty days and, upon conviction of a second offense, must be fined five hundred dollars, or imprisoned for forty‑five days, or both, and for a third and subsequent offense must be imprisoned for not less than forty‑five days nor more than six months and is not required to furnish proof of financial responsibility as provided for in Section 56‑9‑500. The conviction may not result in an insurance penalty pursuant to the Merit Rating Plan promulgated by the Department of Insurance.”

SECTION 5. Section 56‑1‑1020 of the 1976 Code is amended to read:

“Section 56‑1‑1020. An habitual offender shall mean any person whose record as maintained by the Department of Motor Vehicles shows that he has accumulated the convictions for separate and distinct offenses described in subsections (a), (b) and (c) committed during a three‑year period; provided, that where more than one included offense shall be committed within a one‑day period such multiple offenses shall be treated for the purposes of this article as one offense:

(a) Three or more convictions, singularly or in combination of any of the following separate and distinct offenses arising out of separate acts:

(1) ~~Voluntary~~ voluntary manslaughter, involuntary manslaughter or reckless homicide resulting from the operation of a motor vehicle;

(2) ~~Operating~~ operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor, narcotics, ~~or~~ drugs, or with an unlawful alcohol concentration;

(3) ~~Driving~~ driving or operating a motor vehicle in a reckless manner;

(4) ~~Driving~~ driving a motor vehicle while his license, permit, or privilege to drive a motor vehicle has been suspended or revoked, except a conviction for driving under suspension for failure to file proof of financial responsibility, as required by Sections 56‑9‑500 and 56‑9‑550;

(5) ~~Any~~ any offense punishable as a felony under the motor vehicle laws of this State or any felony in the commission of which a motor vehicle is used;

(6) ~~Failure~~ failure of the driver of a motor vehicle involved in any accident resulting in the death or injury of any person to stop close to the scene of such accident and report his identity~~;~~ .

(b) Ten or more convictions of separate and distinct offenses involving moving violations singularly or in combination, in the operation of a motor vehicle, which are required to be reported to the department for which four or more points are assigned pursuant to Section 56‑1‑720 or which are enumerated in subsection (a) of this section.

(c) The offenses included in subsections (a) and (b) shall be deemed to include offenses under any federal law, any law of another state or any municipal or county ordinance of another state substantially conforming to the above provisions.

(d) For purposes of determining the number of convictions for separate and distinct offenses committed during any three‑year period, a person shall be deemed to be convicted of an offense on the date the offense was committed if he is subsequently convicted of committing such offense.”

SECTION 6. This act takes effect six months after approval by the Governor.

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