**A** **BILL**

TO AMEND SECTION 56‑5‑2910 OF THE 1976 CODE, AS AMENDED, RELATING TO CONDUCT RESULTING IN RECKLESS HOMICIDE, TO PROVIDE THAT A PERSON IS GUILTY OF RECKLESS HOMICIDE IF DRIVING WHILE UNDER THE INFLUENCE, DRIVING WHILE IMPAIRED, OR THE USE OF A CELLULAR PHONE RESULTS IN THE DEATH OF A PERSON, AND TO PROVIDE THAT A PERSON’S DRIVER’S LICENSE MAY BE REINSTATED UPON THE CONDITION THAT CELLULAR PHONE USAGE WAS NOT INVOLVED IN THE VEHICULAR ACCIDENT.

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

SECTION 1. Section 56‑5‑2910(A) and (B) of the 1976 Code, as last amended by Act 226 of 2012, is further amended to read:

“Section 56‑5‑2910. (A) When the death of a person ensues within three years as a proximate result of injury received by the driving of a vehicle in reckless disregard of the safety of others, involving conduct including, but not limited to, driving under the influence (DUI), driving while impaired (DWI), or usage of a cellular phone, then the person operating the vehicle is guilty of reckless vehicular homicide. A person who is convicted of, pleads guilty to, or pleads nolo contendere to reckless vehicular homicide is guilty of a felony, and must be fined not less than one thousand dollars nor more than five thousand dollars or imprisoned not more than ten years, or both. The Department of Motor Vehicles shall revoke for five years the driver’s license of a person convicted of reckless vehicular homicide

(B) After one year from the date of revocation, the person may petition the circuit court in the county of the person’s residence for reinstatement of the person’s driver’s license. The person shall serve a copy of the petition upon the solicitor of the county. The solicitor shall notify the representative of the victim of the reckless vehicular homicide of the person’s intent to seek reinstatement of the person’s driver’s license. The solicitor or his designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person’s driver’s license upon the following conditions:

(1) intoxicating alcohol, beer, wine, drugs, or narcotics or cellular phone usage were not involved in the vehicular accident which resulted in the reckless homicide conviction or plea;

(2) the petitioner has served the term of imprisonment or paid the fine, assessment, and restitution in full, or both; and

(3) the person’s overall driving record, attitude, habits, character, and driving ability would make it safe to reinstate the privilege of operating a motor vehicle.

The circuit court may order the reinstatement of the driver’s license before the completion of the full five‑year revocation period, or the judge may order the granting of a route restricted license for the remainder of the five‑year period to allow the person to drive to and from employment or school, or the judge may place other restrictions on the driver’s license reinstatement. The order of the judge must be transmitted to the Department of Motor Vehicles within ten days.”

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

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