

NO. 83

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

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WEDNESDAY, JUNE 3, 2015

**Wednesday, June 3, 2015**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 11:00 A.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

At the end of the book Deuteronomy we note:

“Then Moses climbed Mount Nebo from the plains of Moab to the top of Pisgah, across from Jericho.” And the Lord God said, “ ‘...you will not cross over into it.’ ” (Deuteronomy 34:1a)

Pray with me, if you will:

We all recall, O God, how Moses was never able to experience absolute fulfillment of all that he dreamed of accomplishing. How difficult it always is, Lord, to stand on the brink of getting done what You truly believe in. How frustrating. How disappointing. How natural it is, God, for us to wonder what the final judgment upon the work of this Senate will be? A satisfying year? A year of brilliant accomplishments? A year of “if only”? Whatever, dear God, we ask You to embrace each of these leaders in your care. Lead them wisely and well even in these final days of this Legislative Session. In Your wondrous name do we pray, O Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**CORRECTION TO THE JOURNAL**

The Appointments Reported were inadvertently omitted from the Journal of June 2, 2015, and the entry is as follows:

**Appointment Reported**

Senator HAYES from the Committee on Banking and Insurance submitted a favorable report on:

**Statewide Appointment**

Reappointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2013, and to expire June 30, 2017

Licensed Consumer Finance:

Alva G. Williams, 100 Roscommon Run, Moore, SC 29369

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Received as information.

**Appointments Reported**

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

**Statewide Appointments**

Reappointment, South Carolina State Ethics Commission, with the term to commence May 31, 2015, and to expire May 31, 2020

James I. Warren III, 19 Parkins Glen Court, Greenville, SC 29607

Received as information.

Initial Appointment, South Carolina State Commission for Minority Affairs, with the term to commence June 30, 2013, and to expire June 30, 2017

1<sup>st</sup> Congressional District:

Kenneth E. Battle, 8538 Royal Palms Lane, North Charleston, SC 29420 *VICE* Fred Lincoln

Received as information.

Initial Appointment, South Carolina State Human Affairs Commission, with the term to commence June 30, 2013, and to expire June 30, 2016

5th Congressional District:

Andrew C. Williams, 2021 Emerald Pines Drive, Tega Cay, SC 29708 *VICE* A. Barnes Boyle (resigned)

Received as information.

**ADDENDA TO THE JOURNAL**

The following remarks by Senators KIMPSON and MATTHEWS were ordered printed in the Journal of May 19, 2015:

**Remarks by Senator KIMPSON**

I just wanted to pause and pay tribute to the Ellore 21 and all of the relatives that are here “behind the rail” and in the balcony to support this historic moments. We are all familiar with the significance of the Briggs.

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v. Elliott case and its place in history as the legal decision that created a blue print for equal opportunity for the schools in this country. Septima Clark was a pioneer in Charleston County. In addition to the monument that is behind Senator PINCKNEY'S church, there is also a part of Highway 17 dedicated in her honor. I want to echo the comments of Senator HUTTO who has shown us great leadership and education on this issue. I also want to equally recognize those who did the same in Charleston County -- the 12 brave souls. As a life member of the NAACP, I understand the significance of the organization. We are proud to have you here, and we welcome you to the Senate.

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**Remarks by Senator MATTHEWS**

Mr. PRESIDENT, fellow members of the Senate. Two of my fellow senators, Senator KIMPSON and Senator PINCKNEY are descendants of teachers and I have asked them to join me at the podium for this introduction.

This is a historical day in our State. Many of you may not be aware of this, but there was a serious civil rights challenge in Orangeburg County that took place back in 1955. It started in 1947, when a group in Clarendon County, led by the Reverend Delaney, Mrs. Briggs and her husband filed a suit against the school district in Clarendon County on the issue of segregation. Subsequently, in 1956, the State of South Carolina passed a law that prohibited public employees or any member of their families from being members of the NAACP. There was a group of teachers in a school district in Elloree, South Carolina in Orangeburg County, commonly referred to as the "Elloree 21" who refused to sign the affidavit. They refused to acknowledge and/or deny if they were members of the NAACP. Some of the questions on the hiring contract were "Have you ever attended a NAACP meeting?" "Have you or any member of your family ever contributed to the NAACP?" "Do you believe in segregation?" "Do you believe in the causes of the NAACP?"

Twenty-one teachers, the principal and his wife refused to sign the statement. Today, we honor those teachers for their courage. At that same time, in Charleston County, a civil rights activist known as Septima Clark, along with eleven other teachers, also refused to sign the affidavit. They were all terminated. They had to make hard choices. Some of them were forced to give up their careers and move out of state, because they were unable to find employment. These educators faced severe

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career and financial challenges for themselves and their families for many years to come.

Today it is a great privilege for me to recognize, honor and commend these brave men and women for their willingness to suffer and sacrifice for their civil rights and the civil rights of all African-American citizens in the State of South Carolina.

The surviving members of the Ellore 21: Mrs. Hattie Fulton Anderson and Mrs. Laura Pickett Fleshman are here and I am humbled by their presence. We are joined by family members of the "Ellore 21," and they are: Elizabeth Cleveland, Betty Smith, James Mays, Ola Bryan, Jistine DeLee, Betty C. Green, Rosa Davis, Ernestine Dawkins, Clarence Tobin, Rosa Haigler, Mary Jackson, Robert Carmichael, Howard Shelton, Vivian Floyd, Lelia Mae Summers, Deloris Davis, Rutha Ingram, Frazier Keitt, and Charles Davis. Also my wife, Geraldine Hillard Matthews is here and she was a sophomore student at the school at that time.

In Orangeburg County we are in the planning stages for a historical museum and this Resolution will be placed in that museum. Standing with me to my right is Senator BRAD HUTTO and he is from a little place called Providence. Standing next to him is Senator KEVIN JOHNSON from Clarendon County, where the issue of school desegregation really began. Next to me is Senator CLEMENTA PINCKNEY from Jasper County, and the Septima Clark historical house is next door to his church in Charleston County. Next to him is Senator MARLON KIMPSON from Charleston County.

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#### **MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Nikki Randhawa Haley:

#### **Local Appointment**

Reappointment, Greenville County Master-in-Equity, with the term to commence April 30, 2015, and to expire April 30, 2021

Charles B. Simmons, Jr., 305 East North Street, Suite 313, Greenville, SC 29601

#### **Motion Adopted**

On motion of Senator KIMPSON, with unanimous consent, Senators MALLOY, HEMBREE and THURMOND were granted leave to attend

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a subcommittee meeting and were granted leave to vote from the balcony.

**Doctor of the Day**

Senator LOURIE introduced of Dr. Helmut Albrecht of Columbia , S.C., Doctor of the Day.

**Leave of Absence**

At 2:20 P.M., Senator CAMPBELL requested a leave of absence Senator VERDIN until 2:45 P.M.

**Leave of Absence**

At 2:26 P.M., Senator FAIR requested a leave of absence beginning at 3:30 P.M. until tomorrow, Thursday, June 4, 2015, at 11:00 A.M.

**CO-SPONSOR ADDED**

The following co-sponsor was added to the respective Bill:  
S. 845 Sen. Cleary

**RECALLED**

H. 3896 -- Reps. Jefferson, Daning, Crosby, Merrill, Southard and Rivers: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 311 IN BERKELEY COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 176 TO MUDVILLE ROAD "CALDWELL PINCKNEY, SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

**READ THE SECOND TIME**

H. 3670 -- Reps. Lowe, Williams and Kirby: A BILL TO AMEND SECTION 4-23-1005, CODE OF LAWS OF SOUTH CAROLINA,

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1976, RELATING TO THE ORIGINAL AREA OF THE WEST FLORENCE FIRE DISTRICT IN FLORENCE AND DARLINGTON COUNTIES, SO AS TO FURTHER PROVIDE FOR THE DESCRIPTION OF THE ORIGINAL FLORENCE COUNTY PORTION OF THE DISTRICT WITHOUT CHANGING THE BOUNDARIES OF THE DISTRICT AT ITS CREATION; BY ADDING SECTION 4-23-1006 SO AS TO ADD ADDITIONAL AREAS IN EITHER FLORENCE OR DARLINGTON COUNTIES TO THE ORIGINAL AREA OF THE DISTRICT; TO AMEND SECTION 4-23-1015, RELATING IN PART TO THE MILLAGE LEVY OF THE DISTRICT, SO AS TO STIPULATE WHICH REFERENDUM PROVISIONS CONTROL IN REGARD TO MILLAGE RATE LIMITATIONS; TO AMEND SECTION 4-23-1025, RELATING IN PART TO RESTRICTIONS ON DIMINISHING THE AUTHORITY OF THE DISTRICT COMMISSION OR THE AREA OF THE DISTRICT, AND TO THE REAL AND PERSONAL PROPERTY OF THE DISTRICT, SO AS TO PROVIDE THAT CERTAIN PROVISIONS OF LAW IN REGARD TO MUNICIPAL ANNEXATION OF PARTS OF A SPECIAL PURPOSE DISTRICT CONTINUE TO APPLY TO THE WEST FLORENCE FIRE DISTRICT, AND TO FURTHER PROVIDE FOR THE TRANSFER OF CERTAIN REAL AND PERSONAL PROPERTY TO THE DISTRICT; AND TO AMEND SECTION 4-23-1040, RELATING TO WHICH POLITICAL SUBDIVISION MAY IMPOSE MILLAGE LEVIES OR FIRE SERVICE FEES IN THE DISTRICT, SO AS TO CLARIFY THE BASIS FOR WHICH THE WEST FLORENCE FIRE DISTRICT ONLY MAY LEVY AD VALOREM PROPERTY TAXES IN THE DISTRICT FOR THE PROVISION OF FIRE OR FIRE PROTECTION SERVICES.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and was ordered placed on the Calendar for consideration tomorrow.

**Motion Adopted**

On motion of Senator LARRY MARTIN, with unanimous consent, the Bill was read the second time and ordered to a third reading.

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**Motion Under Rule 26B Waived**

Senator LARRY MARTIN asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

**RECALLED**

H. 3874 -- Reprs. Mitchell, Cobb-Hunter, Merrill, Loftis, Dillard and Govan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-6-3770 SO AS TO PROVIDE FOR AN INCOME TAX CREDIT TO AN INDIVIDUAL OR BUSINESS THAT CONSTRUCTS, PURCHASES, OR LEASES RENEWABLE ENERGY PROPERTY AND PLACES IT IN SERVICE IN THIS STATE, AND TO PROVIDE A DEFINITION OF "RENEWABLE ENERGY PROPERTY".

Senator LEATHERMAN asked unanimous consent to make a motion to recall the Bill from the Committee on Finance.

The Bill was recalled from the Committee on Finance and ordered placed on the Calendar for consideration tomorrow.

**RECALLED AND COMMITTED**

S. 72 -- Senators Campsen and Grooms: A BILL TO AMEND SECTION 59-39-112 OF THE 1976 CODE, RELATING TO ELECTIVE CREDIT FOR RELEASED TIME CLASSES IN RELIGIOUS INSTRUCTION FOR HIGH SCHOOL STUDENTS, TO PROVIDE THAT THE SCHOOL DISTRICT BOARD OF TRUSTEES MAY, AS A MEANS TO ENSURE EVALUATION OF INSTRUCTION ON THE BASIS OF PURELY SECULAR CRITERIA, ACCEPT TIME RELEASED CREDITS AS TRANSFER CREDITS FROM AN ACCREDITED PRIVATE SCHOOL THAT HAS AWARDED PRIVATE SCHOOL CREDITS FOR A RELEASED TIME PROGRAM OPERATED BY AN UNACCREDITED ENTITY.

Senator CAMPSSEN asked unanimous consent to make a motion to recall the Bill from the Committee on Education.

There was no objection and the Bill was recalled from the Committee on Education.

On motion of Senator CAMPSSEN, with unanimous consent, the Bill was committed to the Committee on Judiciary.

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**COMMITTED**

S. 851 -- Senators Scott and Jackson: A BILL TO AMEND ACT 613 OF 1986, AS AMENDED, RELATING TO SCHOOL DISTRICTS IN RICHLAND COUNTY, SO AS TO REAPPORTION THE FOUR SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE TRUSTEES OF RICHLAND COUNTY SCHOOL DISTRICT ONE ARE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

On motion of Senator SCOTT, the Bill was committed to the Local Delegation.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 859 -- Senators Turner and Shealy: A BILL AN ACT TO AMEND THE 1976 CODE, BY ADDING ARTICLE 2, CHAPTER 2, TITLE 56 SO AS TO ESTABLISH IMMUNITY FROM LIABILITY FOR INJURIES OR DEATH TO A PERSON ENGAGED IN AN ATV ACTIVITY CAUSED BY AN INHERENT RISK OF ATV ACTIVITY.

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Read the first time and referred to the Committee on Transportation.

S. 860 -- Senator Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 30 TO TITLE 27 TO ENACT THE "SOUTH CAROLINA HOMEOWNERS PROTECTION ACT OF 2015" SO AS TO SET FORTH THE MANNER IN WHICH A HOMEOWNERS ASSOCIATION CREATED AFTER 2015 MUST BE ESTABLISHED AND ADMINISTERED, AND TO SET FORTH THE RIGHTS OF THE ASSOCIATION AND ITS OWNERS; TO AMEND SECTION 22-3-10, RELATING TO THE JURISDICTION OF MAGISTRATES, SO AS TO GRANT MAGISTRATES CONCURRENT CIVIL JURISDICTION IN CERTAIN ACTIONS BETWEEN ASSOCIATIONS AND OWNERS; AND TO AMEND SECTION 22-3-20, RELATING TO THE JURISDICTION OF MAGISTRATES, SO AS TO PROVIDE THAT A MAGISTRATE DOES NOT HAVE

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JURISDICTION OF CERTAIN FORECLOSURE ACTIONS BY AN ASSOCIATION.

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Read the first time and referred to the Committee on Judiciary.

S. 861 -- Senators Alexander and Turner: A BILL TO AMEND CHAPTER 39, TITLE 40 OF THE 1976 CODE. RELATING TO PAWNBROKERS, BY ADDING SECTION 40-39-25 SO AS TO PROVIDE ACTIONS THAT REQUIRE A CERTIFICATE OF AUTHORITY AS A PAWNBROKER; BY ADDING SECTION 40-39-55 SO AS TO PROVIDE FOR THE PERIODIC ADJUSTMENT OF CERTAIN MONETARY REQUIREMENTS IN A CERTAIN MANNER; BY ADDING SECTION 40-39-145 SO AS TO HOLD ORDERS ON PROPERTY IN THE POSSESSION OF A PAWNBROKER SUSPECTED TO HAVE BEEN MISAPPROPRIATED OR STOLEN; BY ADDING SECTION 40-39-155 SO AS TO PROVIDE A PERSON AGGRIEVED BY THE FINAL ADMINISTRATIVE ORDER OF THE DEPARTMENT OF CONSUMER AFFAIRS MAY REQUEST A CONTESTED CASE HEARING BEFORE THE ADMINISTRATIVE LAW COURT, AND TO PROVIDE THE DEPARTMENT MAY BRING AN ACTION TO ENFORCE ITS ORDER IF THE PERSON FAILS TO TIMELY REQUEST A CONTESTED CASE HEARING; TO AMEND SECTION 40-39-10, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PAWNBROKERS BY THE DEPARTMENT, SO AS TO REVISE THE DEFINITION OF "PLEGGED GOODS" SPECIFICALLY TO EXCLUDE CERTAIN VEHICLES; TO AMEND SECTION 40-39-20, RELATING TO REGULATIONS OF PAWN BROKERS, SO AS TO REVISE REQUIREMENTS CONCERNING BACKGROUND CHECKS AND TO PROHIBIT THE EMPLOYMENT OF A PERSON CONVICTED OF A FELONY TO ENGAGE IN THE WORK OF A PAWNBROKER, SUBJECT TO CERTAIN EXCEPTIONS; TO AMEND SECTION 40-39-30, RELATING TO THE REQUIREMENT OF A CERTIFICATE OF AUTHORITY FOR EACH BUSINESS LOCATION OF A PAWNBROKER, SO AS TO PROVIDE A PAWNBROKER MAY RETAIN NO PLEDGED GOODS IN A LOCATION OTHER THAN THE LOCATION DESIGNATED IN THE CERTIFICATE OF AUTHORITY WITHOUT FIRST FILING A NOTIFICATION WITH THE DEPARTMENT ON A FORM PRESCRIBED BY THE

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DEPARTMENT, AND TO PROVIDE A PAWNBROKER CONSPICUOUSLY SHALL POST THE HOURS OF OPERATION AND ANY CLOSURE AT EACH LOCATION; TO AMEND SECTION 40-39-40, RELATING TO THE PROHIBITION ON UNAUTHORIZED FEES, SO AS TO PROVIDE A PAWNBROKER THAT COLLECTS SUCH UNAUTHORIZED FEES MAY NOT COLLECT, RECEIVE, OR RETAIN ANY INTEREST OR CHARGES ON THE LOAN IN VIOLATION OF THIS CHAPTER AND HAS NO RIGHT TO POSSESS THE PLEDGED GOODS; TO AMEND SECTION 40-39-50, RELATING TO BONDS AND OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED FOR A CERTIFICATE OF AUTHORITY, SO AS TO REVISE AND DELETE SOME EXISTING REQUIREMENTS AND TO PROVIDE WITHIN TWENTY-ONE CALENDAR DAYS AFTER THE OCCURRENCE OF AN EVENT THAT MAY AFFECT PLEDGED GOODS, A PAWNBROKER SHALL FILE A WRITTEN NOTICE ON A FORM PRESCRIBED BY THE DEPARTMENT DESCRIBING THE EVENT AND ITS EXPECTED IMPACT UPON THE BUSINESS; TO AMEND SECTION 40-39-70, RELATING TO RECORD KEEPING REQUIREMENTS, SO AS TO INCLUDE SALES AMONG THE AFFECTED TRANSACTIONS, TO REQUIRE VERIFICATION OF THE IDENTITY OF A PLEDGOR OR SELLER IN A CERTAIN MANNER, AND TO PROVIDE A PAWN OR PURCHASE TRANSACTION MUST BE PERFORMED BY THE OWNER OF THE PROPERTY, OR HIS AUTHORIZED AGENT, WHOSE IDENTITY AND AGENCY RELATIONSHIP MUST BE VERIFIED BY THE PAWNBROKER; TO AMEND SECTION 40-39-80, RELATING TO THE ISSUANCE OF A MEMORANDUM OR NOTE AT THE TIME OF PAWNING OR PLEDGING, SO AS TO CHARACTERIZE THE MEMORANDUM OR NOTE AS A "PAWN TICKET" AND TO PROVIDE DETAILED, RELATED REQUIREMENTS; TO AMEND SECTION 40-39-100, RELATING TO PERMISSIBLE CHARGES ON LOANS BY PAWNBROKERS, SO AS TO REVISE THE MAXIMUM PERMISSIBLE AMOUNT; TO AMEND SECTION 40-39-120, RELATING TO THE RENEWAL OF A CERTIFICATE OF AUTHORITY, SO AS TO PROVIDE PENALTIES FOR FAILING TO TIMELY RENEW, AND TO PROVIDE REQUIREMENTS FOR A PAWN SHOP THAT MUST CLOSE BECAUSE OF A SURRENDER OR REVOCATION OF ITS CERTIFICATE OF AUTHORITY; TO AMEND SECTION 40-39-140,

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RELATING TO THE ACCEPTANCE OF PROPERTY OWNED BY A THIRD PARTY, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PAWNBROKER MUST RETURN PLEDGED PROPERTY THAT HAD BEEN LEASED BY A SELLER OR PLEDGOR TO THE LESSOR OF THE PROPERTY, AND TO PROVIDE A PAWNBROKER IS NOT LIABLE TO THE PLEDGOR OR SELLER OF PROPERTY THAT IS RECOVERED BY A LESSOR FOR RETURNING THE PROPERTY TO A LESSOR; AND TO AMEND SECTION 40-39-150, RELATING TO FINES AND PENALTIES FOR VIOLATIONS, SO AS TO TRANSFER CERTAIN AUTHORITY CONCERNING THESE FINES AND PENALTIES FROM THE ADMINISTRATIVE LAW COURT TO THE DEPARTMENT.

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Read the first time and referred to the Committee on Labor, Commerce and Industry.

S. 862 -- Senators Rankin and Hembree: A BILL TO AMEND SECTION 6-1-510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE LOCAL ACCOMMODATIONS TAX, SO AS TO CLARIFY THE DEFINITION OF THE LOCAL ACCOMMODATIONS TAX; BY ADDING SECTION 6-1-580 SO AS TO PROVIDE THAT A THIRD PARTY WHO ACCEPTS AN ACCOMMODATION CHARGE IS LIABLE FOR ACCOMMODATIONS TAX; BY ADDING SECTION 6-1-590 SO AS TO PROVIDE THAT THE LOCAL ACCOMMODATIONS TAX DOES NOT APPLY TO CERTAIN RESIDENTIAL REAL PROPERTY; TO AMEND SECTION 12-36-920, RELATING TO THE TAX ON ACCOMMODATIONS FOR TRANSIENTS, SO AS TO CLARIFY WHICH PARTY IS RESPONSIBLE FOR THE ACCOMMODATIONS TAX, AND TO PROVIDE THAT A THIRD PARTY WHO ACCEPTS AN ACCOMMODATION CHARGE IS LIABLE FOR ACCOMMODATIONS TAX.

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Read the first time and referred to the Committee on Finance.

S. 863 -- Senator Scott: A BILL TO AMEND ACT 613 OF 1986, AS AMENDED, RELATING TO SCHOOL DISTRICTS IN RICHLAND COUNTY, SO AS TO REAPPORTION THE FOUR SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH THE TRUSTEES OF RICHLAND COUNTY SCHOOL DISTRICT ONE ARE

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ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.  
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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 864 -- Senators O'Dell and Campsen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LIEUTENANT GENERAL WILLIAM MICHAEL STEELE, USA (RETIRED), FOR HIS SIX YEARS OF DEDICATED AND OUTSTANDING SERVICE ON THE CITADEL BOARD OF VISITORS AND, UPON THE OCCASION OF HIS RETIREMENT FROM THE BOARD, TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

S. 865 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE ST. JAMES LUTHERAN CHURCH IN LEXINGTON ON THE OCCASION OF ITS HISTORIC ONE HUNDRED TWENTY FIFTH ANNIVERSARY AND TO COMMEND THE CHURCH FOR MORE THAN A CENTURY OF SERVICE TO GOD AND THE COMMUNITY.

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The Senate Resolution was adopted.

S. 866 -- Senator Shealy: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE PLEASANT HILL MISSIONARY BAPTIST CHURCH IN LEXINGTON ON THE OCCASION OF ITS HISTORIC ONE HUNDRED FIFTIETH ANNIVERSARY AND TO COMMEND THE CHURCH FOR MORE THAN A CENTURY OF SERVICE TO GOD AND THE COMMUNITY.

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The Senate Resolution was adopted.

S. 867 -- Senator Peeler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR KAYE CAMPBELL HILLIARD UPON THE OCCASION OF HER RETIREMENT AFTER MORE THAN

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TEN YEARS OF FAITHFUL SERVICE ON THE STAFF OF THE SOUTH CAROLINA SENATE AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 868 -- Senators Young, Massey and Setzler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 7, TITLE 58 SO AS TO PROVIDE PROCEDURES FOR THE EXERCISE OF EMINENT DOMAIN BY PIPELINE COMPANIES, TO PROVIDE NECESSARY DEFINITIONS, TO PROVIDE CERTAIN RELATED CERTIFICATION OR PERMITTING FUNCTIONS AT THE PUBLIC SERVICE COMMISSION AND THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, AND TO PROVIDE PROPERTY OWNER RIGHTS AND A CAUSE OF ACTION FOR DAMAGES SUSTAINED BY CERTAIN ADJACENT PROPERTY OF THE OWNER OF PROPERTY CONDEMNED UNDER THE PROVISIONS OF THIS ACT; AND TO DESIGNATE THE EXISTING PROVISIONS IN THE CHAPTER AS ARTICLE 1 ENTITLED "GAS AND WATER COMPANIES".

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Read the first time and referred to the Committee on Judiciary.

S. 869 -- Senators McElveen, Cleary, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO CONGRATULATE DR. WALLIE B. JONES OF SUMTER UPON THE OCCASION OF HIS RETIREMENT FROM A FORTY-YEAR CAREER IN GENERAL DENTISTRY AND TO HONOR HIM FOR HIS CONTINUED WORK WITH YOUNG MEN, TEACHING THEM BASEBALL AND LIFE SKILLS.

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The Senate Resolution was adopted.

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H. 4151 -- Reps. Pitts, White, Bannister and D. C. Moss: A BILL TO AMEND SECTION 12-21-735, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STAMP TAX ON CIGARETTES AND TOBACCO PRODUCTS, SO AS TO REQUIRE AND PROVIDE FOR THE PROPER AFFIXING OF STAMPS, INCLUDING PROVISIONS FOR EXEMPT PACKAGES, UNIQUE SERIAL NUMBERING OF STAMPS, REVOCATION OF THE LICENSE OF A PERSON VIOLATING THESE PROVISIONS, LIMITATIONS ON THE RECEIPT AND SALE OF UNTAXED CIGARETTES, TO PROVIDE FOR RETURN AND PAYMENT OF THE TAX, AND TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS NECESSARY TO ESTABLISH, IMPLEMENT, AND ENFORCE THESE PROVISIONS.

Read the first time and referred to the Committee on Finance.

H. 4185 -- Rep. McEachern: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND UNITED STATES HIGHWAY 321 IN RICHLAND COUNTY "WILLIE R. PORTEE INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THIS DESIGNATION.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4194 -- Rep. Quinn: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF CORRECTIONS NAME THE INMATE CEMETERY LOCATED ON ITS BROAD RIVER ROAD PROPERTY IN RICHLAND COUNTY "PAUL ISAAH WELDON CEMETERY".

The Concurrent Resolution was introduced and referred to the Committee on Corrections and Penology.

**Message from the House**

Columbia, S.C., June 2, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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H. 3583 -- Reps. Clemmons, Simrill, McCoy, Loftis, Atwater, Kirby, Corley, Bernstein, McEachern, Weeks, Johnson, Goldfinch, Kennedy, H.A. Crawford, Rutherford, Whitmire, Douglas, Burns, Clyburn, Erickson, G.R. Smith, Yow, Spires, Chumley, Allison, Hardee, Anderson, Gagnon, Putnam, Nanney, Williams, Limehouse, Duckworth, Norrell, Anthony, Ballentine, Bannister, Bedingfield, Bingham, Clary, Delleney, Felder, Finlay, Funderburk, Gambrell, Hamilton, Hardwick, Hicks, Hiott, Hixon, Huggins, Long, Lowe, Lucas, V.S. Moss, Murphy, Norman, Pitts, Pope, Quinn, Riley, Rivers, Sandifer, G.M. Smith, Stringer, Tallon, Taylor, Thayer, Toole, Wells, Willis, Newton, Forrester, Hill and Gilliard: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 23 TO CHAPTER 35, TITLE 11 SO AS TO PROHIBIT THE STATE OR A POLITICAL SUBDIVISION OF THE STATE FROM ACCEPTING A PROPOSAL FROM OR PROCURING GOODS OR SERVICES FROM A BUSINESS WHICH ENGAGES IN THE BOYCOTT OF A PERSON OR AN ENTITY BASED ON RACE, COLOR, RELIGION, OR NATIONAL ORIGIN.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 5, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

**MASTER-IN-EQUITY**

Reappointment, Greenville County Master-in-Equity, with term to commence April 30, 2015, and to expire April 30, 2021:

The Honorable Charles B. Simmons, Jr., 305 East North Street, Suite 313, Greenville, SC 29601

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 3, 2015

[SJ]

**WEDNESDAY, JUNE 3, 2015**

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has requested and was granted Free Conference Powers and has appointed Reps. Newton, Taylor and Norrell to the Committee of Free Conference on the part of the House on:

S. 11 -- Senators L. Martin, Malloy, Peeler, Courson, Campsen, Johnson, Hembree, Setzler, Coleman, Alexander, Scott and Sheheen: A BILL TO AMEND SECTION 30-4-80, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE NOTICE OF MEETINGS FOR PUBLIC BODIES, TO REQUIRE THAT A PUBLIC BODY MUST PROVIDE AN AGENDA FOR ALL REGULARLY SCHEDULED MEETINGS AND THAT ITEMS SHALL NOT BE ADDED TO THAT AGENDA LATER THAN TWENTY-FOUR HOURS BEFORE THE MEETING, EXCEPT BY A TWO-THIRDS VOTE OF THE BODY.

Very respectfully,  
Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 3, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Free Conference on:

S. 11 -- Senators L. Martin, Malloy, Peeler, Courson, Campsen, Johnson, Hembree, Setzler, Coleman, Alexander, Scott and Sheheen: A BILL TO AMEND SECTION 30-4-80, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE NOTICE OF MEETINGS FOR PUBLIC BODIES, TO REQUIRE THAT A PUBLIC BODY MUST PROVIDE AN AGENDA FOR ALL REGULARLY SCHEDULED MEETINGS AND THAT ITEMS SHALL NOT BE ADDED TO THAT AGENDA LATER THAN TWENTY-FOUR HOURS BEFORE THE MEETING, EXCEPT BY A TWO-THIRDS VOTE OF THE BODY.

Very respectfully,  
Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., June 3, 2015

[SJ]

**WEDNESDAY, JUNE 3, 2015**

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3114 -- Reprs. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H.A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D.C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G.M. Smith, G.R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam, Rivers, V.S. Moss, Whitmire, Bedingfield, Hill, Duckworth and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING BY PHYSICIANS WHO PERFORM ABORTIONS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO PROVIDE FOR A CIVIL RIGHT OF ACTION FOR CERTAIN INDIVIDUALS AGAINST A PHYSICIAN PERFORMING AN ABORTION IN VIOLATION OF THE ACT AND FOR INJUNCTIVE RELIEF, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

[SJ]

17

**WEDNESDAY, JUNE 3, 2015**

**HOUSE CONCURRENCES**

S. 839 -- Senators O'Dell and Nicholson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JUANITA DAVENPORT "NITA" HOZEY, OWNER AND SOLE OPERATOR OF PRAISE UNLIMITED WEDDINGS, LLC, AND TO CONGRATULATE HER FOR BEING NAMED THE 2015 SOUTH CAROLINA WOMEN IN BUSINESS ADVOCATE OF THE YEAR.

Returned with concurrence.

Received as information.

S. 840 -- Senator O'Dell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THE BELTON HONEA PATH HIGH SCHOOL BASEBALL TEAM FOR ANOTHER OUTSTANDING SEASON AND TO CONGRATULATE THE PLAYERS ON CAPTURING THE 2015 CLASS AAA STATE CHAMPIONSHIP TITLE.

Returned with concurrence.

Received as information.

**Privilege of the Chamber**

On motion of Senator BRYANT, on behalf of Senator McELVEEN, in accordance with the provisions of Rule 35, the Privilege of the Chamber, to that area behind the rail, was extended to Ms. Mary DeVaughn Lee-Alston.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3548 -- Reps. J.E. Smith, Yow and Weeks: A BILL TO AMEND SECTION 63-7-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTIFICATION AND TRANSFER OF REPORTS OF CHILD ABUSE OR NEGLECT, SO AS TO PROVIDE THAT IF THE ALLEGED ABUSED OR NEGLECTED CHILD IS A MEMBER OF AN ACTIVE DUTY MILITARY FAMILY, THE COUNTY

**WEDNESDAY, JUNE 3, 2015**

DEPARTMENT OF SOCIAL SERVICES SHALL NOTIFY CERTAIN DESIGNATED MILITARY OFFICIALS AT THE INSTALLATION WHERE THE ACTIVE DUTY SERVICE MEMBER, WHO IS THE SPONSOR OF THE ALLEGED ABUSED OR NEGLECTED CHILD, IS ASSIGNED; TO AMEND SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, SO AS TO PROVIDE THAT THE DEPARTMENT OR LAW ENFORCEMENT, OR BOTH, MAY COLLECT INFORMATION CONCERNING THE MILITARY AFFILIATION OF THE PERSON HAVING CUSTODY OR CONTROL OF THE CHILD SUBJECT TO AN INVESTIGATION AND MAY SHARE THIS INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES; TO AMEND SECTION 63-7-1990, AS AMENDED, RELATING TO CONFIDENTIALITY AND RELEASE OF RECORDS AND INFORMATION, SO AS TO MAKE TECHNICAL CORRECTIONS AND TO AUTHORIZE THE DEPARTMENT OF SOCIAL SERVICES TO GRANT ACCESS TO THE RECORDS OF AN INDICATED CASE TO CERTAIN DESIGNATED MILITARY OFFICIALS AT THE INSTALLATION WHERE THE ACTIVE DUTY SERVICE MEMBER, WHO IS THE SPONSOR OF THE ALLEGED ABUSED OR NEGLECTED CHILD, IS ASSIGNED; AND TO AMEND SECTION 63-11-80, RELATING TO CONFIDENTIAL INFORMATION WITHIN CHILD WELFARE AGENCIES, SO AS TO PROVIDE THAT AN OFFICER, AGENT OR EMPLOYEE OF THE DEPARTMENT OR A CHILD WELFARE AGENCY SHALL NOT DISCLOSE, DIRECTLY OR INDIRECTLY, INFORMATION LEARNED ABOUT A CHILD, THE CHILD'S PARENTS OR RELATIVES, OR OTHER PERSONS HAVING CUSTODY OR CONTROL OF THE CHILD, EXCEPT IN CASES INVOLVING A CHILD IN THE CUSTODY OR CONTROL OF PERSONS WHO HAVE MILITARY AFFILIATION.

H. 3772 -- Reps. Merrill and Delleney: A BILL TO AMEND SECTION 38-79-260, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT OF DIRECTORS TO THE BOARD OF THE SOUTH CAROLINA MEDICAL MALPRACTICE INSURANCE JOINT UNDERWRITING ASSOCIATION, SO AS TO PROVIDE FOR THE REAPPOINTMENT OF DIRECTORS TO SUCCESSIVE TERMS BY DELETING A RELATED PROHIBITION.

[SJ]

**WEDNESDAY, JUNE 3, 2015**

**HOUSE BILLS RETURNED**

The following Bills were read the third time and ordered returned to the House with amendments:

H. 3266 -- Reps. Hiott, Bannister, Brannon, Erickson, Henderson, Collins, Sandifer, Corley, Tallon, Taylor, Thayer, Wells, Felder, Kirby, Hixon, Hodges, Riley, Ott, Goldfinch, Hardee, Gagnon, Pitts, Finlay, Southard, D.C. Moss, Chumley, Yow, Huggins, Kennedy, Rivers and White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 82 TO TITLE 15 SO AS TO ESTABLISH THE "TRESPASSER RESPONSIBILITY ACT" WHICH PROVIDES A LIMITATION ON LIABILITY BY LAND POSSESSORS TO TRESPASSERS, AND TO PROVIDE EXCEPTIONS.

H. 3545 -- Reps. Gambrell, Weeks, Bedingfield, V.S. Moss, Clemmons, Forrester, Gagnon, D.C. Moss, Pitts, Riley, G.M. Smith, G.R. Smith, White and Yow: A BILL TO AMEND SECTION 16-11-110, AS AMENDED, RELATING TO ARSON, SO AS TO RESTRUCTURE THE ELEMENTS OF THE DEGREES OF ARSON.

H. 3882 -- Reps. Gambrell, Gagnon, Putnam and Thayer: A BILL TO AMEND SECTION 59-67-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PHYSICAL EXAMINATIONS OF SCHOOL BUS DRIVERS, SO AS TO PROVIDE THE PHYSICAL MUST BE A DEPARTMENT OF TRANSPORTATION PHYSICAL THAT MEETS THE REQUIREMENTS OF THE CERTAIN FEDERAL MOTOR CARRIER SAFETY REGULATIONS IN ADDITION TO EXISTING STATE CERTIFICATION REQUIREMENTS.

**COMMITTEE AMENDMENT TABLED  
AMENDED, READ THE THIRD TIME  
RETURNED TO THE HOUSE**

H. 3525 -- Reps. Sandifer, Forrester and Hayes: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 16 TO CHAPTER 23, TITLE 58 SO AS TO PROVIDE FOR THE REGULATION OF TRANSPORTATION NETWORK COMPANIES; TO AMEND SECTION 58-4-60, RELATING TO THE DUTIES AND RESPONSIBILITIES OF THE OFFICE OF

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REGULATORY STAFF, SO AS TO PROVIDE FOR THE EXPENSES OF THE TRANSPORTATION DEPARTMENT BORNE BY ASSESSMENTS TO TRANSPORTATION NETWORK COMPANIES IN ADDITION TO EXISTING SOURCES; AND TO AMEND SECTION 58-23-50, RELATING TO EXEMPTIONS FROM REGULATION OF MOTOR VEHICLE CARRIERS BY THE PUBLIC SERVICE COMMISSION, SO AS TO EXEMPT TRANSPORTATION NETWORK COMPANIES.

The Senate proceeded to a consideration of the Bill.

Senator GROOMS explained the Bill.

The Committee on Transportation proposed the following amendment (3525R002.KM.LKG), which was tabled:

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

/ SECTION 1. Chapter 23, Title 58 of the 1976 Code is amended by adding:

“Article 19

South Carolina Transportation Network Companies

Section 58-23-1900. This article may be cited as the ‘South Carolina Transportation Network Companies Act’.

Section 58-23-1910. For the purposes of this article:

(1) ‘Personal vehicle’ means a vehicle that is used by a transportation network company driver in connection with providing a prearranged ride and is:

(a) owned, leased, or otherwise authorized for use by the transportation network company driver; and

(b) not a taxi, charter bus, charter limousine, or for-hire vehicle.

(2) ‘Digital network’ means any online-enabled application, software, website, or system offered or utilized by a TNC that enables the prearrangement of rides with transportation network company drivers.

(3) ‘Transportation network company’ or ‘TNC’ means a corporation, partnership, sole proprietorship, or other entity operating in the state that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. A transportation network company shall not be deemed to control, direct, or manage the personal vehicles of

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transportation network company drivers that connect to its digital network, except where agreed to by written contract.

(4) 'Transportation network company driver' or 'driver' means an individual who:

(a) receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

(5) 'Transportation network company rider' or 'rider' means an individual or individuals who use a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

(6) 'Prearranged ride' means the provision of transportation by a transportation network company driver to a transportation network company rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride does not include transportation provided using a taxi, limousine, or other for-hire vehicle pursuant to a Class C certificate issued by the South Carolina Public Service Commission or pursuant to a license issued by the governing body of a county or city. Transportation network company service does not include services provided pursuant to Articles 1 through 15 of Chapter 23, Title 58 or arranging non-emergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the State or a managed care organization.

Section 58-23-1920. Articles 1 to 17 of this Chapter do not apply to:

- (1) transportation network companies;
- (2) transportation network company drivers; or
- (3) transportation network company services.

Section 58-23-1930. (A) Transportation network companies and TNC drivers are not motor vehicle carriers as defined in this chapter, and shall not be considered to provide taxi, charter bus, charter limousine, or for-hire services.

(B) A TNC is not deemed to own, control, operate or manage the personal vehicles used by TNC drivers.

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(C) Transportation network companies and TNC drivers shall not be required to obtain a certificate from the South Carolina Public Service Commission or the Office of Regulatory Staff pursuant to Article 3 of this chapter.

Section 58-23-1940. (A) A person or entity shall not operate a TNC in South Carolina without first having obtained a permit from the Office of Regulatory Staff pursuant to this article; however, a person or entity operating a TNC in South Carolina as of the effective date of this article may continue to operate for a period of sixty days following the effective date of this article so as to permit the person or entity to obtain a permit from the Office of Regulatory Staff pursuant to this section.

(B) The Office of Regulatory Staff shall issue a permit to each TNC that meets the requirements for a TNC set forth in this article.

Section 58-23-1950. In order to receive a permit pursuant to this article, a TNC must maintain an agent for service of process in the State of South Carolina.

Section 58-23-1960. A TNC may determine and charge a fare for the prearranged rides provided to riders; provided that, if a fare is charged, the TNC shall disclose to riders the fare calculation method on its website or through its digital platform, network, or software application service. The TNC also shall provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's personal vehicle.

Section 58-23-1970. A TNC's website or digital platform, network, or software application service shall display a picture of the TNC driver, and the license plate number of the personal vehicle utilized for providing the prearranged ride before the rider enters the TNC driver's personal vehicle.

Section 58-23-1980. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the rider that lists:

- (1) the origin and destination of the trip;
- (2) the total time and distance of the trip; and
- (3) an itemization of the total fare paid, if any.

Section 58-23-1990. (A) Insurers that write automobile insurance in the state may exclude any and all coverage afforded under the owner's insurance policy for any loss or injury that occurs while a TNC driver is logged on a TNC's digital network or while the driver provides a prearranged ride. This right to exclude all coverage may apply to any

**WEDNESDAY, JUNE 3, 2015**

coverage included in an automobile insurance policy including, but not limited to:

- (1) liability coverage for bodily injury and property damage;
- (2) uninsured and underinsured motorist coverage;
- (3) medical payments coverage;
- (4) comprehensive physical damage coverage; and
- (5) collision physical damage coverage.

(B) The exclusions shall apply notwithstanding any requirement under Sections 56-9-10 through 56-9-630. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the transportation network driver is logged on the TNC's digital network, while the driver is engaged in a prearranged ride or while the driver otherwise uses a personal vehicle to transport passengers for compensation. Nothing shall be deemed to preclude an automobile insurer from providing coverage for the TNC driver's personal vehicle, if he so chooses to do so by contract or endorsement.

(C) Automobile insurers that exclude coverage as permitted in subsections (A) and (B) shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this article shall be deemed to invalidate or limit an exclusion contained in a policy. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy as permitted in subsections (A) and (B), shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of Section 58-23-1910 at the time of loss.

(D) In a claims coverage investigation, transportation network companies and any automobile insurer potentially providing coverage under Section 58-23-1910 shall cooperate to facilitate the exchange of relevant information with directly involved parties and any automobile insurer of the TNC driver if applicable, including the precise times that a driver logged on and off of the TNC's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions, and limits provided under any automobile insurance maintained under Section 58-23-1910.

Section 58-23-2000. (A) A TNC driver or TNC on the driver's behalf shall maintain primary automobile insurance that recognizes that the driver is a TNC driver or otherwise uses a personal vehicle to transport riders for compensation and covers the driver:

- (a) while the driver is logged on the TNC's digital network; or

**WEDNESDAY, JUNE 3, 2015**

(b) while the driver is engaged in a prearranged ride.

(B) The following automobile insurance requirements shall apply while a participating TNC driver is logged on the TNC's digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(1) Primary automobile liability insurance in the amount of at least fifty thousand dollars for death and bodily injury per person, one hundred thousand dollars for death and bodily injury per incident, and twenty-five thousand dollars for property damage.

(2) Uninsured motorist coverage as required by Section 38-77-150.

(3) Collision physical damage coverage and comprehensive physical damage coverage if the participating TNC driver carries these coverages on his personal automobile policy, unless that insurer is providing TNC company insurance to the TNC driver.

(4) The coverage requirements of this subsection may be satisfied by automobile insurance maintained by the TNC driver or automobile insurance maintained by the TNC, or both.

(C) The following automobile insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

(1) Primary automobile liability insurance that provides at least one million dollars for death, bodily injury, and property damage.

(2) Uninsured motorist coverage as required by Section 38-77-150.

(3) Collision physical damage coverage and comprehensive physical damage coverage if the participating TNC driver carries these coverages on his personal automobile policy, unless that insurer is providing TNC company insurance to the TNC driver.

(4) The coverage requirements of this subsection may be satisfied by automobile insurance maintained by the TNC driver or automobile insurance maintained by the TNC, or both.

(D) If insurance maintained by the TNC driver in subsections (B) or (C) has lapsed or does not provide the required coverage, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend such claim.

(E) Coverage under an automobile insurance policy maintained by the TNC shall not be dependent upon a personal automobile insurer first denying a claim nor shall a personal automobile insurer be required to first deny the claim.

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(F) Insurance required by this section may be placed with an authorized insurer or with an eligible surplus lines insurer pursuant to Section 38-45-90.

(G) Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirements for a motor vehicle pursuant to Sections 56-9-10 through 56-9-630.

(H) A TNC driver shall carry proof of coverage satisfying subsections (B) and (C) at all times during use of a vehicle in connection with a TNC's digital network. In the event of an accident, a TNC driver shall provide this insurance coverage to the directly interested parties, automobile insurers, and the investigating police officers, upon request, pursuant to Section 56-10-225. Upon such request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and the investigating police officers, whether he was logged on the TNC's digital network or on a prearranged ride at the time of an accident.

Section 58-23-2010. Before TNC drivers are allowed to accept a request for a prearranged ride on the TNC's digital network, the TNC shall disclose to the drivers, in writing, the following information:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network; and

(2) depending on its terms, that the TNC driver's personal automobile insurance policy may not provide any coverage while the driver is logged on the TNC's digital network and is available to receive a transportation request or is engaged in a prearranged ride.

Section 58-23-2020. (A) A TNC shall implement a zero tolerance policy on the use of drugs or alcohol any time a TNC driver is:

(1) providing prearranged rides; or

(2) logged into the TNC's digital platform, network, or software application service but is not providing prearranged rides.

(B) A TNC shall publish on its website and provide notice to its drivers of:

(1) the zero tolerance policy required in subsection (A); and

(2) procedures to report a complaint about a TNC driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(C) Upon receipt of a complaint from a rider alleging that a driver may have violated the zero tolerance policy, the TNC shall immediately suspend the driver's access to the TNC's digital platform, network, or software application service, and shall conduct an investigation into the

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reported incident. The suspension shall last the duration of the investigation.

(D) The TNC shall maintain records relevant to the enforcement of the requirements of this section for at least two years from the date that a rider complaint is received by the TNC.

Section 58-23-2030. (A) Prior to permitting an individual to operate as a TNC driver on its digital platform, network, or software application service, the TNC shall:

(1) require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) conduct, or have a third party conduct, a local and national criminal background check for each applicant that must include:

(a) a multi-state and multi-jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(b) National Sex Offender Registry database search;

(3) obtain and review a driving history research report for such individual.

(B) The TNC shall not permit an individual to act as a TNC driver on its digital platform, network, or software application service who:

(1) has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period including, but not limited to, failure to stop for a blue light, leaving the scene of an accident, reckless driving, or driving on a suspended or revoked license;

(2) has been convicted, within the past ten years, of driving under the influence of drugs or alcohol, driving with an unlawful alcohol concentration, fraud, use of a motor vehicle to commit a felony, a felony crime involving property damage, theft, and crimes defined as violent pursuant to Section 16-1-60;

(3) has been convicted of acts of terror, felony driving under the influence, criminal sexual conduct offenses, or leaving the scene of an accident with bodily injury;

(4) is a match in the National Sex Offender Registry database;

(5) does not possess a valid driver's license;

(6) does not possess proof of registration for the motor vehicle the individual proposes to use to provide TNC services;

**WEDNESDAY, JUNE 3, 2015**

(7) does not possess proof of automobile liability insurance for the motor vehicle the individual proposes to use to provide TNC services; or

(8) is not at least nineteen years of age.

Section 58-23-2040. A TNC driver shall exclusively accept rides booked through the TNC's digital platform, network, or software application service, and shall not solicit or accept street hails.

Section 58-23-2050. (A) The TNC shall adopt and implement a policy prohibiting solicitation or acceptance of cash payments from riders and notify TNC drivers of such policy.

(B) TNC drivers shall not solicit or accept cash payments from riders. Any payment for TNC services shall be made only electronically using the TNC's digital platform, network, or software application service.

Section 58-23-2060. (A) A TNC shall adopt and implement a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, or age with respect to riders and potential riders and notify TNC drivers of the policy.

(B) TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, or age.

(C) TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

(D) A TNC shall not impose additional charges on riders for providing services to persons with physical disabilities because of those disabilities.

(E) A TNC shall provide riders an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC service in any instance, it shall direct the rider to an alternate provider of wheelchair-accessible service, if available.

Section 58-23-2070. (A) A TNC shall maintain:

(1) individual trip records for at least one year from the date each trip was provided; and

(2) TNC driver records at least until the one-year anniversary of the date on which a TNC driver's activation on the TNC digital platform or network has ended.

(B) Records maintained by a TNC pursuant to this section shall be considered confidential and proprietary. Such records shall further be considered a trade secret as defined by Section 39-8-20(5) and shall be

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afforded the protections of Section 39-8-60 of the South Carolina Trade Secrets Act.

(C) Any records maintained by a TNC pursuant to this section that are obtained by a public body as defined by Section 30-4-20(a) or other governmental entity, or any records that incorporate information from records maintained pursuant to this section, shall not be subject to disclosure under the Freedom of Information Act as provided for in Chapter 4, Title 30 or any other law.

Section 58-23-2080. (A) A TNC shall not disclose a rider's personally identifiable information to a third party unless:

- (1) the rider consents;
- (2) disclosure is required by a legal obligation; or
- (3) disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms.

(B) A TNC shall be permitted to share a rider's name and telephone number with the TNC driver providing a prearranged ride to the rider in order to facilitate the correct identification of the rider by the TNC driver, or to facilitate communication between the rider and the TNC driver.

Section 58-23-2090. Notwithstanding any other provision of law, transportation network companies and TNC drivers are governed exclusively by this article and any regulations promulgated by the Office of Regulatory Staff consistent with this article. Political subdivisions are prohibited from enacting laws, ordinances, or regulations related to services provided by TNCs."

SECTION 2. This act takes effect upon approval by the Governor. /  
Re-number sections to conform.  
Amend title to conform.

The amendment was tabled.

Senator BENNETT proposed the following amendment (3525R008.LS.SB), which was adopted:

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

/ SECTION 1. Chapter 23, Title 58 of the 1976 Code is amended by adding:

“Article 19

South Carolina Transportation Network Companies

Section 58-23-1900. This article may be cited as the ‘South Carolina Transportation Network Companies Act’.

**WEDNESDAY, JUNE 3, 2015**

Section 58-23-1910. For the purposes of this article:

(1) 'Personal vehicle' means a vehicle that is used by a transportation network company driver in connection with providing a prearranged ride and is:

(a) owned, leased, or otherwise authorized for use by the transportation network company driver; and

(b) not a taxi, charter bus, charter limousine, or for-hire vehicle.

(2) 'Digital network' means any online-enabled application, software, website, or system offered or utilized by a TNC that enables the prearrangement of rides with transportation network company drivers.

(3) 'Transportation network company' or 'TNC' means a corporation, partnership, sole proprietorship, or other entity operating in the State that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides.

(4) 'Transportation network company driver' or 'driver' means an individual who:

(a) receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

(b) uses a personal vehicle to provide a prearranged ride to riders upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

(5) 'Transportation network company rider' or 'rider' means an individual or individuals who use a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

(6) 'Prearranged ride' means the provision of transportation by a transportation network company driver to a transportation network company rider, beginning when a driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the driver transports a requesting rider, and ending when the last requesting rider departs from the personal vehicle. A prearranged ride, for the purposes of this article, does not include shared expense carpool or vanpool arrangements, or transportation provided using a taxi, limousine, or other for-hire vehicle pursuant to a Class C certificate issued by the South Carolina Public Service Commission or pursuant to a license issued by the governing body of a

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county or city. Transportation network company service does not include services provided pursuant to Articles 1 through 15 of Chapter 23, Title 58 or arranging non-emergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the State or a managed care organization.

Section 58-23-1920. Articles 1 to 17 of this chapter do not apply to:

- (1) TNCs;
- (2) TNC drivers; or
- (3) TNC services.

Section 58-23-1930. (A) TNCs and TNC drivers are not motor vehicle carriers as defined in this chapter, and shall not be considered to provide taxi, charter bus, charter limousine, or for-hire services.

(B) TNCs and TNC drivers shall not be required to obtain a certificate from the South Carolina Public Service Commission or the Office of Regulatory Staff pursuant to Article 3 of this chapter.

Section 58-23-1940. (A) A person or entity shall not operate a TNC in South Carolina without first having obtained a permit from the Office of Regulatory Staff pursuant to this article; however, a person or entity operating a TNC in South Carolina as of the effective date of this article may continue to operate for a period of sixty days following the effective date of this article so as to permit the person or entity to obtain a permit from the Office of Regulatory Staff pursuant to this section.

(B) The Office of Regulatory Staff shall issue a permit to each TNC that meets the requirements for a TNC set forth in this article.

Section 58-23-1950. In order to receive a permit pursuant to this article, a TNC must maintain an agent for service of process in the State of South Carolina.

Section 58-23-1960. A TNC may determine and charge a fare for the prearranged rides provided to riders; provided that, if a fare is charged, the TNC shall disclose to riders the fare calculation method on its website or through its digital platform, network, or software application service. The TNC also shall provide riders with the applicable rates being charged and the option to receive an estimated fare before the rider enters the TNC driver's personal vehicle.

Section 58-23-1970. A TNC's website or digital platform, network, or software application service shall display a picture of the TNC driver, and the license plate number of the personal vehicle utilized for providing the prearranged ride before the rider enters the TNC driver's personal vehicle.

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Section 58-23-1980. Within a reasonable period of time following the completion of a trip, a TNC shall transmit an electronic receipt to the rider that lists:

- (1) the origin and destination of the trip;
- (2) the total time and distance of the trip; and
- (3) an itemization of the total fare paid, if any.

Section 58-23-1990. (A) Insurers that write automobile insurance in the State may exclude any and all coverage afforded under the owner's insurance policy for any loss or injury that occurs while a TNC driver is logged on a TNC's digital network or while the driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy including, but not limited to:

- (1) liability coverage for bodily injury and property damage;
- (2) uninsured and underinsured motorist coverage;
- (3) medical payments coverage;
- (4) comprehensive physical damage coverage; and
- (5) collision physical damage coverage.

(B) The exclusions shall apply notwithstanding any requirement under Sections 56-9-10 through 56-9-630. Nothing in this section implies or requires that a personal automobile insurance policy provide coverage while the transportation network driver is logged on the TNC's digital network, while the driver is engaged in a prearranged ride or while the driver otherwise uses a personal vehicle to transport passengers for compensation. Nothing shall be deemed to preclude an automobile insurer from providing coverage for the TNC driver's personal vehicle, if it so chose to do so by contract or endorsement.

(C) Automobile insurers that exclude coverage as permitted in subsections (A) and (B) shall have no duty to defend or indemnify any claim expressly excluded thereunder. Nothing in this article shall be deemed to invalidate or limit an exclusion contained in a policy. An automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy as permitted in subsections (A) and (B), shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of Section 58-23-2000 at the time of loss.

(D) In a claims coverage investigation, transportation network companies and any automobile insurer potentially providing coverage under Section 58-23-2000 shall cooperate to facilitate the exchange of relevant information with directly involved parties and any automobile

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insurer of the TNC driver if applicable, including the precise times that a driver logged on and off of the TNC's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident and disclose to one another a clear description of the coverage, exclusions, and limits provided under any automobile insurance maintained under Section 58-23-2000.

Section 58-23-2000. (A) A TNC driver or TNC on the driver's behalf shall maintain primary automobile insurance that recognizes that the driver is a TNC driver or otherwise uses a personal vehicle to transport riders for compensation and covers the driver:

- (1) while the driver is logged on the TNC's digital network; or
- (2) while the driver is engaged in a prearranged ride.

(B) The following automobile insurance requirements shall apply while a participating TNC driver is logged on the TNC's digital network and is available to receive transportation requests but is not engaged in a prearranged ride:

(1) primary automobile liability insurance in the amount of at least fifty thousand dollars for death and bodily injury per person, one hundred thousand dollars for death and bodily injury per incident, and twenty-five thousand dollars for property damage;

(2) uninsured motorist coverage as required by Section 38-77-150;

(3) the coverage requirements of this subsection may be satisfied by automobile insurance maintained by the TNC driver or automobile insurance maintained by the TNC, or both.

(C) The following automobile insurance requirements shall apply while a TNC driver is engaged in a prearranged ride:

(1) primary automobile liability insurance that provides at least one million dollars for death, bodily injury, and property damage;

(2) uninsured motorist coverage as required by Section 38-77-150;

(3) the coverage requirements of this subsection may be satisfied by automobile insurance maintained by the TNC driver or automobile insurance maintained by the TNC, or both;

(D) If insurance maintained by the TNC driver in subsections (B) or (C) has lapsed or does not provide the required coverage, insurance maintained by a TNC shall provide the coverage required by this section beginning with the first dollar of a claim and shall have the duty to defend such claim.

(E) Coverage under an automobile insurance policy maintained by the TNC shall not be dependent upon a personal automobile insurer first

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denying a claim nor shall a personal automobile insurer be required to first deny the claim.

(F) Insurance required by this section may be placed with an authorized insurer or with an eligible surplus lines insurer pursuant to Section 38-45-90.

(G) Insurance satisfying the requirements of this section shall be deemed to satisfy the financial responsibility requirements for a motor vehicle pursuant to Sections 56-9-10 through 56-9-630.

(H) A TNC driver shall carry proof of coverage satisfying subsections (B) and (C) at all times during use of a vehicle in connection with a TNC's digital network. In the event of an accident, a TNC driver shall provide this insurance coverage to the directly interested parties, automobile insurers, and the investigating police officers, upon request, pursuant to Section 56-10-225. Upon such request, a TNC driver shall also disclose to directly interested parties, automobile insurers, and the investigating police officers, whether he was logged on the TNC's digital network or on a prearranged ride at the time of an accident.

(I) If a TNC's insurer makes a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle. The Office of Regulatory Staff shall not assess any fines as a result of a violation of this subsection.

Section 58-23-2010. Before TNC drivers are allowed to accept a request for a prearranged ride on the TNC's digital network, the TNC shall disclose to the drivers, in writing, the following information:

(1) the insurance coverage, including the types of coverage and the limits for each coverage, that the TNC provides while the TNC driver uses a personal vehicle in connection with a TNC's digital network;

(2) depending on its terms, that the TNC driver's personal automobile insurance policy may not provide any coverage while the driver is logged onto the TNC's digital network and is available to receive a transportation request or is engaged in a prearranged ride; and

(3) if the vehicle to be used to provide TNC services has a lien against it, the driver must notify the lienholder that the driver will be using the vehicle for transportation services that may violate the terms of the contract with the lienholder.

Section 58-23-2020. (A) A TNC shall implement a zero tolerance policy on the use of drugs or alcohol any time a TNC driver is:

(1) providing prearranged rides; or

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(2) logged into the TNC's digital platform, network, or software application service but is not providing prearranged rides.

(B) A TNC shall publish on its website and provide notice to its drivers of:

(1) the zero tolerance policy required in subsection (A); and

(2) procedures to report a complaint about a TNC driver with whom a rider was matched and whom the rider reasonably suspects was under the influence of drugs or alcohol during the course of the trip.

(C) Upon receipt of a complaint from a rider alleging that a driver may have violated the zero tolerance policy, the TNC shall immediately suspend the driver's access to the TNC's digital platform, network, or software application service, and shall conduct an investigation into the reported incident. The suspension shall last the duration of the investigation.

(D) The TNC shall maintain records relevant to the enforcement of the requirements of this section for at least two years from the date that a rider complaint is received by the TNC.

Section 58-23-2030. (A) Prior to permitting an individual to operate as a TNC driver on its digital platform, network, or software application service, the TNC shall:

(1) require the individual to submit an application to the TNC, which includes information regarding his or her address, age, driver's license, driving history, motor vehicle registration, automobile liability insurance, and other information required by the TNC;

(2) conduct, or have a third party conduct, a local and national criminal background check for each applicant that must include:

(a) a multi-state and multi-jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation (primary source search); and

(b) National Sex Offender Registry database search;

(3) obtain and review a driving history research report for such individual.

(B) The TNC shall not permit an individual to act as a TNC driver on its digital platform, network, or software application service who:

(1) has had more than three moving violations in the prior three-year period, or one major violation in the prior three-year period including, but not limited to, failure to stop for a blue light, leaving the scene of an accident, reckless driving, or driving on a suspended or revoked license;

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(2) has been convicted, within the past ten years, of driving under the influence of drugs or alcohol, driving with an unlawful alcohol concentration, fraud, use of a motor vehicle to commit a felony, a felony crime involving property damage, theft, and crimes defined as violent pursuant to Section 16-1-60;

(3) has been convicted of acts of terror, felony driving under the influence, criminal sexual conduct offenses, or leaving the scene of an accident with bodily injury;

(4) is a match in the National Sex Offender Registry database;

(5) does not possess a valid driver's license;

(6) does not possess proof of registration for the motor vehicle the individual proposes to use to provide TNC services;

(7) does not possess proof of automobile liability insurance for the motor vehicle the individual proposes to use to provide TNC services; or

(8) is not at least nineteen years of age.

Section 58-23-2040. A TNC driver shall exclusively accept rides booked through the TNC's digital platform, network, or software application service, and shall not solicit or accept street hails.

Section 58-23-2050. (A) The TNC shall adopt and implement a policy prohibiting solicitation or acceptance of cash payments from riders and notify TNC drivers of such policy.

(B) TNC drivers shall not solicit or accept cash payments from riders. Any payment for TNC services shall be made only electronically using the TNC's digital platform, network, or software application service.

Section 58-23-2060. (A) A TNC shall adopt and implement a policy of nondiscrimination on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, or age with respect to riders and potential riders and notify TNC drivers of the policy.

(B) TNC drivers shall comply with all applicable laws regarding nondiscrimination against riders or potential riders on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, or age.

(C) TNC drivers shall comply with all applicable laws relating to accommodation of service animals.

(D) A TNC shall not impose additional charges on riders for providing services to persons with physical disabilities because of those disabilities.

(E) A TNC shall provide riders an opportunity to indicate whether they require a wheelchair-accessible vehicle. If a TNC cannot arrange wheelchair-accessible TNC service in any instance, it shall direct the

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rider to an alternate provider of wheelchair-accessible service, if available.

Section 58-23-2070. (A) A TNC shall maintain:

- (1) individual trip records for at least three years from the date each trip was provided; and
- (2) TNC driver records at least until the one-year anniversary of the date on which a TNC driver's activation on the TNC digital platform or network has ended.

(B) Each TNC operating in this state shall maintain a list of all TNC drivers who are authorized to accept trip requests on the TNC's digital platform. Upon written request, a TNC shall make this list available for inspection by law enforcement officers and representatives of the Office of Regulatory Staff at the TNC's place of business or a mutually agreed upon location.

(C) Any records maintained by a TNC pursuant to this section that are obtained by a public body as defined by Section 30-4-20(a) or other governmental entity, or any records that incorporate information from records maintained pursuant to this section, shall not be subject to disclosure under the Freedom of Information Act as provided for in Chapter 4, Title 30 or any other law.

Section 58-23-2080. (A) A TNC shall not disclose a rider's personally identifiable information to a third party unless:

- (1) the rider consents;
- (2) disclosure is required by a legal obligation; or
- (3) disclosure is required to protect or defend the terms of use of the service or to investigate violations of those terms.

(B) A TNC shall be permitted to share a rider's name and telephone number with the TNC driver providing a prearranged ride to the rider in order to facilitate the correct identification of the rider by the TNC driver, or to facilitate communication between the rider and the TNC driver.

Section 58-23-2090. Notwithstanding any other provision of law, transportation network companies and TNC drivers are governed exclusively by this article and any regulations promulgated by the Office of Regulatory Staff consistent with this article. Political subdivisions are prohibited from enacting laws, ordinances, or regulations related to services provided by TNCs.

Section 58-23-2100. (A) For the purposes of this section:

- (1) 'Gross trip fare' means the sum of the base fare charge, distance charge, and time charge for the complete trip at rates published on the TNC's website.

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(2) 'Local assessment fee' means one percent of the gross trip fare.

(3) 'Municipality' means a city or town issued a certificate of incorporation, or township created by act of the General Assembly.

(B) A TNC shall collect a local assessment fee on behalf of a TNC driver who accepts a request for a prearranged ride made through the TNC's digital network for all prearranged rides that originate in the state.

(C) Using the Geographic Information System (GIS) data made available by the Revenue and Fiscal Affairs Office pursuant to subsection (I), a TNC shall determine whether each prearranged trip occurred within the incorporated boundaries of a municipality, or outside of the incorporated boundaries of a municipality and within the boundaries of a county of this state.

(D) No later than thirty days after the end of a calendar quarter, a TNC shall submit to the Office of Regulatory Staff:

(1) the total local assessment fees collected by a TNC on behalf of the TNC drivers; and

(2) for trips that originated in a municipality, a report listing the number of trips and percentage of the gross trip fare that originated in each municipality during the reporting period; and

(3) for trips that originated outside a municipality, a report listing the number of trips and percentage of the gross trip fare that originated outside a municipality during the reporting period.

(E) The funds collected pursuant to this subsection are not general fund revenue of the State and must be kept by the State Treasurer in a distinct and separate fund and apart from the general fund. These funds are to be administered by the Office of Regulatory Staff pursuant to this section and expended only for the purposes provided in this chapter.

(F)(1) The Office of Regulatory Staff shall retain an amount of one percent of the local assessment fee collected under subsection (D)(1) to cover the expenses borne by the Office of Regulatory Staff derived from:

(a) regulation of TNCs; and

(b) collection, remittance, and distribution of local assessment fees pursuant to this section.

(2) Within sixty days of the end of the calendar quarter, the Office of Regulatory Staff shall distribute the remaining portion of the total local assessment fees collected under subsection (D)(1), minus the amount retained pursuant to subsection (F)(1), to each municipality where a trip originated during the reporting period and, for trips that originated outside a municipality, to each county where a trip originated during the reporting period. The distribution to each municipality or

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county shall be proportionate to the number of trips and percentage of the gross trip fare that originated in each municipality or county.

(G)(1) To ensure that the TNC has remitted the correct local assessment fee and has accurately reported the percentages attributable to municipalities and counties pursuant to subsection (D), upon request of the municipality, the Office of Regulatory Staff may inspect the necessary records at a TNC's place of business or a mutually agreed upon location. This inspection may not be conducted more than once a year.

(2) At least forty-five days before the Office of Regulatory Staff conducts an inspection of records pursuant to subsection (G)(1), the Office of Regulatory Staff shall notify the Municipal Association of South Carolina (MASC) of its intent to conduct an inspection and the date of the planned inspection.

(3) The MASC may request that a TNC that is subject to inspection under subsection (G)(1) engage an independent third party auditor to verify that the local assessment to municipalities has been properly accounted for and distributed. At least thirty days before the scheduled audit, the MASC must submit this request in writing to the Office of Regulatory Staff and the TNC subject to the audit.

(a) The TNC that is subject to the audit shall engage the independent third party auditor, which shall be selected at the sole discretion of the TNC, and bear all costs associated with the third party audit. The independent third party auditor must be:

- (i) a certified public accounting firm licensed in the State;
- and
- (ii) qualified to perform engagements in accordance with Generally Accepted Government Auditing Standards (GAGAS).

(b) The TNC shall provide the MASC with a copy of the third party audit report within fifteen days of completion, which shall in no event, occur later than ninety days after receipt of the MASC's written request. The audit report shall disclose the amount of any underpayments or overpayments to municipalities and counties.

(c) A person employed by or formerly employed by the MASC who discloses to a third party any information that the TNC marked in the audit report as confidential shall be guilty of a violation of Section 39-8-90 and be subject to penalties unless the individual obtained the TNC's written consent prior to disclosure. Nothing in this section shall be construed to restrict the MASC from disclosing any overpayment or underpayment with the impacted municipalities or counties.

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(4) In the event that a TNC submits a report to the MASC that is subsequently determined to be inaccurate, thereby leading to an underpayment or overpayment of a municipality or county's local assessment fee, the Office of Regulatory Staff shall correct the underpayment and overpayment by offsetting the amount of the underpayment or overpayment in subsequent local assessment fee distributions. In the event a TNC remits an assessment fee to the Office of Regulatory Staff that is determined to constitute an underpayment of the total assessment fee required by this article, the transportation network company shall, within thirty days of receiving notification of the determination, remit the balance owed to the Office of Regulatory Staff. A TNC that submits a report containing an inaccuracy or remits an assessment fee that constitutes an underpayment that is determined by the Office of Regulatory Staff to be the result of an intentional misrepresentation shall be assessed damages that are no less than three times the amount of the underpayment or resultant underpayment to the municipality or county impacted.

(H) Any records maintained by a TNC pursuant to this section that are obtained by the Office of Regulatory Staff, a public body as defined by Section 30-4-20(a), or any records that incorporate information from records maintained pursuant to this section, shall not be subject to disclosure under the Freedom of Information Act as provided for in Chapter 4, Title 30, or any other provision of law.

(I) The Office of Regulatory Staff may not disclose records or information provided by a TNC unless disclosure is required by a subpoena or court order. If a disclosure is required, the Office of Regulatory Staff shall promptly notify the TNC prior to the disclosure. Nothing in this section shall be construed to restrict the Office of Regulatory Staff from disclosing any overpayment or underpayment with the impacted municipalities or counties.

(J) To ensure proper distribution of the local assessment fee pursuant to subsection (D)(2), the Revenue and Fiscal Affairs Office shall prepare and make available for public use a GIS file showing the state's county and municipal boundaries. This file shall be updated on a quarterly basis, and published on the Revenue and Fiscal Affairs Office's website. In addition to the requirements of Section 5-3-90, municipalities shall provide annexation information to the Revenue and Fiscal Affairs Office within thirty days after the annexation is complete. Such information shall include a written description of the boundary, along with a map or plat which clearly defines the new territory added.

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(K) This section shall become effective ninety days after the effective date of this Act.

Section 58-23-2110. (A) Except as otherwise provided in this chapter, TNCs and TNC drivers are governed exclusively by this article and by any regulations promulgated by the Office of Regulatory Staff consistent with this article. TNC drivers remain subject to all local ordinances outside the scope of this article, whether directly or indirectly impacting the delivery of TNC driver services, including but not limited to parking and traffic regulations that are not inconsistent with the provisions of this article.

(B) Political subdivisions are prohibited from imposing a tax on TNCs, TNC drivers, or a vehicle used by a TNC driver, including a business license tax, where such tax is assessed in connection with prearranged rides in the state. Nothing in this article may be construed to restrict a municipality from collecting a business license tax from a TNC located within its boundaries if the tax is limited to receipts or revenue that is not subject to a local assessment fee pursuant to Section 58-23-2100 or a business license tax.

(C) In order for TNCs and TNC drivers to provide prearranged rides on airport property, the TNC must comply with Federal Aviation Administration regulations and airport regulations relating to:

- (1) payment of reasonable fee to operate at the airport, provided that the fee is not assessed on a per-driver or per-vehicle basis; and
- (2) designating locations for staging, pick-ups, drop-offs, and other similar locations.

Section 58-23-2120. The provisions contained in this Article shall not preempt any federal regulation relating to the provision of transportation services at any facility regulated by the United States Federal Aviation Administration.”

SECTION 2. Section 58-4-60(B) of the 1976 Code is amended to read:

“Section 58-4-60. (B)(1) The expenses of the Transportation Department of the Office of Regulatory Staff, with the exception of the expenses incurred in its railway jurisdiction, must be borne by the revenues from license fees derived pursuant to Sections 58-23-530 through 58-23-630, assessments to Transportation Network Companies pursuant to Sections 58-23-1940 and 58-23-2100, and assessments to the carriers of household goods and hazardous waste for disposal carriers. The expenses of the railway section of the Office of Regulatory Staff

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must be borne by the railroad companies subject to the commission's jurisdiction according to their gross income from operations in this State.

(2) All other expenses of the Office of Regulatory Staff must be borne by the public utilities subject to the jurisdiction of the commission. On or before the first day of July in each year, the Department of Revenue must assess each public utility, railway company, household goods carrier, and hazardous waste for disposal carrier its proportion of the expenses in proportion to its gross income from operation in this State in the year ending on the thirtieth day of June preceding that on which the assessment is made which is due and payable on or before July fifteenth. The assessments must be charged against the companies by the Department of Revenue and collected by the department in the manner provided by law for the collection of taxes from the companies including the enforcement and collection provisions of Article 1, Chapter 54 of Title 12 and paid, less the Department of Revenue actual incremental increase in the cost of administration into the state treasury as other taxes collected by the Department of Revenue for the State. Transportation Network Companies' assessments shall be assessed by and remitted to the Office of Regulatory Staff."

SECTION 3. This act takes effect upon approval by the Governor. /  
Renummer sections to conform.  
Amend title to conform.

The amendment was adopted.

The question then was the third reading of the Bill, as amended.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 0**

**AYES**

Alexander	Bennett	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Corbin
Courson	Davis	Gregory
Grooms	Hayes	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Lourie
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McElveen

[SJ]

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Nicholson	O'Dell	Peeler
Rankin	Reese	Sabb
Scott	Setzler	Shealy
Sheheen	Thurmond	Turner
Verdin	Williams	Young

**Total--42**

**NAYS**

**Total--0**

**Recorded Vote**

Senator ALLEN desired to be recorded as voting in favor of the third reading of the Bill.

There being no further amendments, the Bill was read third time, passed and ordered returned to the House of Representatives with amendments.

**READ THE THIRD TIME  
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 505 -- Senators L. Martin, Hembree and Shealy: A BILL TO AMEND SECTION 24-21-440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERIODS OF PROBATION, SO AS TO TOLL THE PERIOD DURING PERIODS OF CIVIL COMMITMENT; TO AMEND SECTION 24-21-560, AS AMENDED, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO TOLL THE COMMUNITY SUPERVISION PERIOD DURING PERIODS OF CIVIL COMMITMENT; AND TO AMEND SECTION 24-21-670, RELATING TO PERIODS OF PAROLE, SO AS TO TOLL THE PAROLE PERIOD DURING PERIODS OF CIVIL COMMITMENT.

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**RECESS**

At 12:13 P.M., on motion of Senator LEATHERMAN, the Senate recessed from business until 1:30 P.M.

At 1:53 P.M., the Senate resumed.

**Motion Adopted**

On motion of Senator HAYES, with unanimous consent, Senators PEELER, LEATHERMAN and SETZLER were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**SECOND READING BILL**

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar:

H. 4260 -- Reps. Hodges, R.L. Brown, Knight and Bamberg: A BILL TO AMEND SECTION 7-7-200, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN COLLETON COUNTY, SO AS TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE, AND TO MAKE TECHNICAL CORRECTIONS.

**H. 4260--Ordered to a Third Reading**

On motion of Senator HUTTO, with unanimous consent, H. 4260 was ordered to receive a third reading on Thursday, June 4, 2015.

**READ THE SECOND TIME**

H. 4056 -- Reps. Funderburk, Norrell, King, Knight, Brannon, Cobb-Hunter, Daning, Henderson, Herbkersman, Hicks, Kennedy, Newton, Simrill, Thayer, Weeks, Hodges, Pope and Ballentine: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 57-5-1655 SO AS TO PROVIDE THAT A DEPARTMENT OF TRANSPORTATION CONTRACTOR OR CONTRACTING FIRM SHALL NOT BE QUALIFIED TO PARTICIPATE IN DEPARTMENT CONTRACTS AS A PRIME CONTRACTOR OR SUBCONTRACTOR UNDER CERTAIN CIRCUMSTANCES.

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The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator GREGORY asked unanimous consent to make a motion to proceed to a consideration of the Bill.

The Bill was read the second time, passed and ordered to a third reading.

**Motion Under Rule 26B Waived**

Senator GREGORY asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

**READ THE SECOND TIME**

H. 3430 -- Reps. Simrill, G.M. Smith, Felder, Pope, Weeks, Taylor, Hixon, Corley, Norrell, Ridgeway, Henderson, G.A. Brown, Long, Lucas, Pitts, Atwater, Gagnon, Gambrell, Wells and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 77 TO TITLE 39 SO AS TO PROVIDE THAT IT IS UNLAWFUL TO SELL OR INSTALL AN UNMOUNTED, UNSAFE USED TIRE ONTO A PASSENGER CAR OR LIGHT TRUCK, TO DEFINE "UNSAFE" FOR THE PURPOSES OF THE CHAPTER, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO CONDUCT INSPECTIONS, TO PROVIDE A CIVIL FINE FOR EACH VIOLATION, TO PROVIDE THAT THIS CHAPTER DOES NOT LIMIT A BUSINESS OR INDIVIDUAL'S LIABILITY UNDER THE STATE'S PRODUCTS LIABILITY LAWS, AND TO EXEMPT A BUSINESS OR PERSON WHO IS SELLING TIRES FOR RETREADING.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator ALEXANDER asked unanimous consent to return to the Bill for consideration.

Senator ALEXANDER explained the Bill.

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The Bill was read the second time, passed and ordered to a third reading.

**Motion Under Rule 26B Waived**

Senator ALEXANDER asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

**POINT OF ORDER WITHDRAWN  
READ THE SECOND TIME**

H. 3852 -- Reps. Tallon, Bannister, Loftis, Burns, Brannon, Allison, Ballentine, Bamberg, Bedingfield, Bingham, Clary, Clemmons, Cole, Collins, Delleney, Duckworth, Finlay, Forrester, Gagnon, Gambrell, Goldfinch, Hamilton, Hardee, Hardwick, Henderson, Hicks, Hiott, Horne, Huggins, Kennedy, Kirby, Long, McCoy, Merrill, D.C. Moss, V.S. Moss, Newton, Norman, Norrell, Pope, Quinn, Rutherford, Ryhal, Simrill, G.M. Smith, G.R. Smith, Sottile, Spires, Stavrinakis, Stringer, Taylor, Thayer, Willis, Yow, Bradley and Anthony: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-18-75 SO AS TO PROVIDE FOR ESCHEATMENT TO THE STATE OF UNCLAIMED UNITED STATES SAVINGS BONDS, TO PROVIDE FOR JUDICIAL DETERMINATION OF ESCHEATMENT, TO PROVIDE FOR PROCEDURES FOR CHALLENGING ESCHEATMENT, TO PROVIDE FOR DEPOSIT OF THE PROCEEDS OF ESCHEATMENT; AND BY ADDING SECTION 27-18-76 SO AS TO PROVIDE THAT A PERSON CLAIMING AN INTEREST IN A UNITED STATES SAVINGS BOND MAY FILE A CLAIM WITH THE ADMINISTRATOR ADMINISTERING THE UNIFORM UNCLAIMED PROPERTY ACT AND TO PROVIDE FOR LIMITATIONS ON SUCH CLAIMS.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator MASSEY explained the Bill.

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**Point of Order**

Senator BRYANT raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

Senator LARRY MARTIN asked unanimous consent to return to the Bill for consideration.

On motion of Senator LARRY MARTIN, with unanimous consent, the Point of Order was withdrawn.

Senator LARRY MARTIN explained the Bill.

The Bill was read the second time, passed and ordered to the third reading.

**Motion Under Rule 26B Waived**

Senator LARRY MARTIN asked unanimous consent to make a motion to waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

**READ THE SECOND TIME**

H. 4225 -- Rep. Bedingfield: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO TERM AND CONDITIONS FOR THE PUBLIC'S USE OF STATE LAKES AND PONDS OWNED OR LEASED BY THE DEPARTMENT OF NATURAL RESOURCES, DESIGNATED AS REGULATION DOCUMENT NUMBER 4547, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Joint Resolution, the question being the second reading of the Joint Resolution.

Senator CAMPSER explained the Joint Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 40; Nays 0**

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**AYES**

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Coleman	Corbin
Courson	Cromer	Davis
Fair	Gregory	Grooms
Hayes	Hembree	Hutto
Johnson	Kimpson	Lourie
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	Matthews	McElveen
Nicholson	O'Dell	Pinckney
Rankin	Reese	Sabb
Scott	Shealy	Sheheen
Thurmond	Turner	Williams
Young		

**Total--40**

**NAYS**

**Total--0**

The Joint Resolution was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 4231 -- Rep. Bedingfield: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO REGULATIONS FOR SPECIES OR SUBSPECIES OF NON-GAME WILDLIFE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4560, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Joint Resolution, the question being the second reading of the Joint Resolution.

Senator CAMPSSEN explained the Joint Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 40; Nays 0**

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**AYES**

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Cleary	Coleman
Corbin	Courson	Cromer
Davis	Fair	Gregory
Grooms	Hayes	Hembree
Hutto	Jackson	Johnson
Kimpson	Leatherman	Lourie
Malloy	<i>Martin, Larry</i>	<i>Martin, Shane</i>
Massey	McElveen	Nicholson
Peeler	Rankin	Reese
Setzler	Shealy	Thurmond
Turner	Verdin	Williams
Young		

**Total--40**

**NAYS**

**Total--0**

The Joint Resolution was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 4005 -- Reps. Southard, Merrill, Daning, Jefferson and Rivers: A BILL TO AMEND SECTION 7-7-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN BERKELEY COUNTY, SO AS TO REDESIGNATE THE PRECINCTS AND THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator CAMPSSEN explained the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander	Allen	Bright
Bryant	Campbell	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hembree	Hutto	Johnson
Kimpson	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	Matthews
McElveen	Nicholson	O'Dell
Pinckney	Rankin	Reese
Sabb	Scott	Shealy
Thurmond	Turner	Williams
Young		

**Total--37**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 4142 -- Rep. Ballentine: A BILL TO AMEND SECTION 7-7-465, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF PRECINCTS IN RICHLAND COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE REVENUE AND FISCAL AFFAIRS OFFICE.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator MASSEY explained the Bill.

**WEDNESDAY, JUNE 3, 2015**

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander	Allen	Bright
Bryant	Campbell	Campsen
Cleary	Corbin	Courson
Cromer	Davis	Fair
Gregory	Grooms	Hayes
Hembree	Hutto	Johnson
Kimpson	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	Matthews
McElveen	Nicholson	O'Dell
Pinckney	Rankin	Reese
Sabb	Scott	Shealy
Thurmond	Turner	Williams
Young		

**Total--37**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 4084 -- Rep. Stringer: A BILL TO AMEND SECTION 59-40-50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS OF CHARTER SCHOOLS FROM CERTAIN PROVISIONS APPLICABLE TO PUBLIC SCHOOLS, THE POWERS AND DUTIES OF A CHARTER SCHOOL, AND ADMISSIONS TO CHARTER SCHOOLS, SO AS TO AUTHORIZE A SCHOOL LEADER TO BE HIRED TO ASSIST WITH THE DAILY OPERATION OF THE SCHOOL, TO PROVIDE THAT EMPLOYEES, BOARD MEMBERS, AND STAFF OF THE CHARTER SCHOOL ARE SUBJECT TO THE ETHICS AND GOVERNMENT ACCOUNTABILITY REQUIREMENTS APPLICABLE TO PUBLIC MEMBERS AND PUBLIC

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EMPLOYEES, AND TO REQUIRE A STATEMENT OF COMPLIANCE ASSURANCE TO BE FILED ANNUALLY WITH THE SCHOOL'S SPONSOR AND THE STATE DEPARTMENT OF EDUCATION.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator HAYES explained the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 36; Nays 0**

**AYES**

Alexander	Allen	Bennett
Bright	Bryant	Campbell
Campsen	Coleman	Corbin
Courson	Cromer	Davis
Fair	Grooms	Hayes
Hembree	Hutto	Johnson
Lourie	Malloy	<i>Martin, Larry</i>
<i>Martin, Shane</i>	Massey	Matthews
McElveen	Nicholson	O'Dell
Pinckney	Rankin	Reese
Sabb	Scott	Shealy
Thurmond	Turner	Young

**Total--36**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**AMENDED, CARRIED OVER**

H. 3145 -- Reps. Sandifer, Lucas, Thayer, Yow, Long, G.R. Smith, Hixon, Henderson, G.M. Smith, Sottile, Forrester, Felder, Atwater, Toole, Huggins, Pope, Simrill, Bales, Anderson, Gilliard and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,

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1976, BY ADDING SECTION 15-3-700 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PERSON IS IMMUNE FROM CIVIL LIABILITY FOR DAMAGE RESULTING FROM HIS FORCIBLE ENTRY INTO A MOTOR VEHICLE TO REMOVE A CHILD WHO HE REASONABLY BELIEVES IS IN IMMINENT DANGER OF SUFFERING HARM IF NOT REMOVED, AMONG OTHER THINGS, AND TO PROVIDE THAT THIS IMMUNITY DOES NOT AFFECT CERTAIN OTHER CIVIL LIABILITY.

The Senate proceeded to a consideration of the Bill.

Senators MASSEY and COLEMAN proposed the following amendment (JUD3145.002), which was adopted:

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

/ SECTION 1. Article 5, Chapter 3, Title 15 of the 1976 Code is amended by adding:

“Section 15-3-700. A person is immune from civil liability for property damage resulting from his forcible entry into a motor vehicle for the purpose of removing a minor or vulnerable adult from the vehicle if the person has a reasonable good faith belief that forcible entry into the vehicle is necessary because the minor or vulnerable adult is in imminent danger of suffering harm.”

SECTION 2. This act takes effect upon approval by the Governor. /  
Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the Bill.

On motion of Senator MALLOY, the Bill was carried over.

**CARRIED OVER**

H. 3305 -- Reps. Lowe, Bingham, Horne, Weeks and Bradley: A BILL TO AMEND SECTION 41-35-120, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DENIAL OF UNEMPLOYMENT BENEFITS FOR AN EMPLOYEE WHO TESTS POSITIVE FOR ILLEGAL DRUG USE OR THE UNLAWFUL USE OF LEGAL DRUGS, SO AS TO REVISE THE RANGE OF SPECIMENS FROM AN EMPLOYEE THAT MAY BE TESTED TO INCLUDE ORAL FLUIDS.

On motion of Senator ALEXANDER, the Bill was carried over.

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H. 3353 -- Reps. Bradley, Herbkersman, Daning, Erickson, Long, Bowers, Newton, Wells, Corley, Hodges, R.L. Brown, George, Johnson and Robinson-Simpson: A JOINT RESOLUTION TO ESTABLISH BEGINNING WITH THE 2015-2016 SCHOOL YEAR A TWO-YEAR PILOT PROGRAM IN FIVE SPECIFIC COUNTIES TO FACILITATE THE USE OF GENERAL EDUCATIONAL DEVELOPMENT CAMPS TO HELP PEOPLE OBTAIN THEIR GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATES, TO PROVIDE PROGRAM ELEMENTS, AND TO PROVIDE THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION SHALL ESTABLISH AND OVERSEE THE PROGRAM.

Senator SHANE MARTIN explained the Joint Resolution.

On motion of Senator SCOTT, the Joint Resolution was carried over.

S. 653 -- Senator Scott: A BILL TO AMEND SECTION 38-63-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PAYMENT OF INDIVIDUAL LIFE INSURANCE POLICY BENEFIT PROCEEDS IN A LUMP SUM, SO AS TO PROVIDE THE INTEREST PAID MUST BE PAID AT A RATE NOT LESS THAN THE CURRENT RATE INTEREST PAID ON DEATH PROCEEDS LEFT ON DEPOSIT WITH THE INSURER; AND TO AMEND SECTION 38-65-120, RELATING TO PAYMENT OF GROUP LIFE INSURANCE POLICY BENEFIT PROCEEDS IN A LUMP SUM, SO AS TO CLARIFY THE REQUIREMENTS FOR CLAIMS SUBMISSIONS, AND TO PROVIDE INTEREST PAID ON LUMP SUM PAYMENTS MUST BE PAID AT A RATE NOT LESS THAN THE CURRENT RATE OF INTEREST PAID ON DEATH PROCEEDS LEFT ON DEPOSIT WITH THE INSURER.

Senator CROMER explained the Bill.

On motion of Senator HUTTO, the Bill was carried over.

**MINORITY REPORT REMOVED**

H. 3560 -- Reps. Limehouse, Sottile, McCoy and Spires: A BILL TO AMEND SECTION 59-25-460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED NOTICE AND HEARINGS FOR DISMISSAL OF A TEACHER, SO AS TO PROVIDE THAT THE BOARD MAY DESIGNATE A HEARING

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OFFICER TO CONDUCT A DISMISSAL HEARING AND ISSUE A REPORT WITH RECOMMENDATIONS, TO PROVIDE RELATED REQUIREMENTS OF A HEARING OFFICER, TO PROVIDE A HEARING MUST BE PRIVATE UNLESS THE TEACHER REQUESTS IN WRITING THAT THE HEARING BE PUBLIC, TO PROVIDE THAT A NOTICE OF DISMISSAL MUST BE GIVEN BY THE SUPERINTENDENT OR HIS DESIGNEE INSTEAD OF THE SCHOOL BOARD, TO SPECIFY USE OF A COURT REPORTER TO RECORD THE PROCEEDINGS, AND TO PROVIDE AN APPEALS PROCESS.

Senator MALLOY asked unanimous consent to remove his name from the minority report of the Bill.

There was no objection and proper notation was made on the Bill.

**OBJECTION**

S. 453 -- Senators Fair and Reese: A BILL TO MAKE PERMANENT THE PROVISIONS OF SECTION 14-1-240, RELATING TO SURCHARGES ON CERTAIN MISDEMEANORS TO FUND TRAINING AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY.

Senator MASSEY objected to consideration of the Bill.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 2:26 P.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

**OBJECTION**

Senator HUTTO asked unanimous consent to make a motion that the Senate proceed to H. 3579 on the Special Order Calendar.

Senator BRIGHT objected.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

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**Message from the House**

Columbia, S.C., June 2, 2015

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has adopted the Report of the Committee of Conference on:

S. 183 -- Senators Hayes and Bryant: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16-3-2010, RELATING TO HUMAN TRAFFICKING DEFINITIONS, SO AS TO DEFINE "COERCION"; BY AMENDING SECTION 16-3-2020, RELATING TO HUMAN TRAFFICKING OFFENSES, SO AS TO PROVIDE THAT A PERSON IS CONSIDERED A TRAFFICKER IF THE PERSON SOLICITS OR PARTICIPATES IN PROSTITUTION WITH ANOTHER PERSON KNOWING THAT THE OTHER PERSON IS A HUMAN TRAFFICKING VICTIM, TO PROVIDE THAT A VICTIM CONVICTED OF A HUMAN TRAFFICKING VIOLATION OR PROSTITUTION MAY MOTION THE COURT TO VACATE THE CONVICTION, AND TO PROVIDE THAT A VICTIM IS NOT SUBJECT TO PROSECUTION FOR HUMAN TRAFFICKING OR PROSTITUTION IF THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE, AND TO PROVIDE THAT A VICTIM'S SEXUAL HISTORY IS NOT ADMISSIBLE BY A DEFENDANT IN A CRIMINAL ACTION; BY AMENDING SECTION 16-3-2030, RELATING TO BUSINESSES AND HUMAN TRAFFICKING, SO AS TO PROVIDE THAT A COURT MAY CONSIDER DISGORGEMENT OF PROFIT FROM A BUSINESS INVOLVED IN HUMAN TRAFFICKING AND DISBARMENT FROM GOVERNMENT CONTRACTS; BY AMENDING SECTION 16-3-2040, RELATING TO HUMAN TRAFFICKING RESTITUTION, SO AS TO PROVIDE THAT THE COURT MAY ORDER AN AMOUNT REPRESENTING THE VALUE OF THE VICTIM'S LABOR OR SERVICES; BY AMENDING SECTION 16-3-2050, RELATING TO THE HUMAN TRAFFICKING TASK FORCE, SO AS TO PROVIDE THAT THE TASK FORCE MAY MAKE GRANTS OR CONTRACTS TO DEVELOP OR EXPAND VICTIM SERVICE PROGRAMS; BY AMENDING SECTION 16-3-2060, RELATING TO HUMAN TRAFFICKING CIVIL ACTIONS, SO AS TO PROVIDE THAT A VICTIM'S SEXUAL HISTORY IS NOT ADMISSIBLE BY A DEFENDANT IN A CIVIL

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ACTION; BY AMENDING SECTION 16-3-2070, RELATING TO VICTIMS' RIGHTS AND THE STATE CRIME VICTIM'S COMPENSATION FUND, SO AS TO PROVIDE THAT HUMAN TRAFFICKING VICTIMS ARE CONSIDERED VICTIMS REGARDLESS OF IMMIGRATION STATUS, TO PROVIDE THAT THE PICTURES AND IMAGES OF VICTIMS MUST BE KEPT CONFIDENTIAL, AND TO PROVIDE THE PROTOCOL A LAW ENFORCEMENT OFFICER SHALL FOLLOW WHEN INTERACTING WITH A VICTIM; AND BY ADDING SECTION 16-3-2100, SO AS TO REQUIRE THE POSTING OF INFORMATION REGARDING THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE IN CERTAIN BUSINESSES.

Very respectfully,

Speaker of the House

Received as information.

**S. 183 --REPORT OF THE  
COMMITTEE OF CONFERENCE ADOPTED**

S. 183 -- Senators Hayes and Bryant: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 16-3-2010, RELATING TO HUMAN TRAFFICKING DEFINITIONS, SO AS TO DEFINE "COERCION"; BY AMENDING SECTION 16-3-2020, RELATING TO HUMAN TRAFFICKING OFFENSES, SO AS TO PROVIDE THAT A PERSON IS CONSIDERED A TRAFFICKER IF THE PERSON SOLICITS OR PARTICIPATES IN PROSTITUTION WITH ANOTHER PERSON KNOWING THAT THE OTHER PERSON IS A HUMAN TRAFFICKING VICTIM, TO PROVIDE THAT A VICTIM CONVICTED OF A HUMAN TRAFFICKING VIOLATION OR PROSTITUTION MAY MOTION THE COURT TO VACATE THE CONVICTION, AND TO PROVIDE THAT A VICTIM IS NOT SUBJECT TO PROSECUTION FOR HUMAN TRAFFICKING OR PROSTITUTION IF THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE, AND TO PROVIDE THAT A VICTIM'S SEXUAL HISTORY IS NOT ADMISSIBLE BY A DEFENDANT IN A CRIMINAL ACTION; BY AMENDING SECTION 16-3-2030, RELATING TO BUSINESSES AND HUMAN TRAFFICKING, SO AS TO PROVIDE THAT A COURT MAY CONSIDER DISGORGEMENT OF PROFIT FROM A BUSINESS INVOLVED IN HUMAN TRAFFICKING AND DISBARMENT FROM

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GOVERNMENT CONTRACTS; BY AMENDING SECTION 16-3-2040, RELATING TO HUMAN TRAFFICKING RESTITUTION, SO AS TO PROVIDE THAT THE COURT MAY ORDER AN AMOUNT REPRESENTING THE VALUE OF THE VICTIM'S LABOR OR SERVICES; BY AMENDING SECTION 16-3-2050, RELATING TO THE HUMAN TRAFFICKING TASK FORCE, SO AS TO PROVIDE THAT THE TASK FORCE MAY MAKE GRANTS OR CONTRACTS TO DEVELOP OR EXPAND VICTIM SERVICE PROGRAMS; BY AMENDING SECTION 16-3-2060, RELATING TO HUMAN TRAFFICKING CIVIL ACTIONS, SO AS TO PROVIDE THAT A VICTIM'S SEXUAL HISTORY IS NOT ADMISSIBLE BY A DEFENDANT IN A CIVIL ACTION; BY AMENDING SECTION 16-3-2070, RELATING TO VICTIMS' RIGHTS AND THE STATE CRIME VICTIM'S COMPENSATION FUND, SO AS TO PROVIDE THAT HUMAN TRAFFICKING VICTIMS ARE CONSIDERED VICTIMS REGARDLESS OF IMMIGRATION STATUS, TO PROVIDE THAT THE PICTURES AND IMAGES OF VICTIMS MUST BE KEPT CONFIDENTIAL, AND TO PROVIDE THE PROTOCOL A LAW ENFORCEMENT OFFICER SHALL FOLLOW WHEN INTERACTING WITH A VICTIM; AND BY ADDING SECTION 16-3-2100, SO AS TO REQUIRE THE POSTING OF INFORMATION REGARDING THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE IN CERTAIN BUSINESSES.

On motion of Senator HAYES, with unanimous consent, the Report of the Committee of Conference was taken up for immediate consideration.

Senator HAYES spoke on the report.

The question then was adoption of the Report of the Committee of Conference.

The Report of the Conference Committee was adopted as follows:

**S. 183--Conference Report**

The General Assembly, Columbia, S.C., June 1, 2015

The COMMITTEE OF CONFERENCE, to whom was referred:

S. 183 -- Senators Hayes and Bryant: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING

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SECTION 16-3-2010, RELATING TO HUMAN TRAFFICKING DEFINITIONS, SO AS TO DEFINE "COERCION"; BY AMENDING SECTION 16-3-2020, RELATING TO HUMAN TRAFFICKING OFFENSES, SO AS TO PROVIDE THAT A PERSON IS CONSIDERED A TRAFFICKER IF THE PERSON SOLICITS OR PARTICIPATES IN PROSTITUTION WITH ANOTHER PERSON KNOWING THAT THE OTHER PERSON IS A HUMAN TRAFFICKING VICTIM, TO PROVIDE THAT A VICTIM CONVICTED OF A HUMAN TRAFFICKING VIOLATION OR PROSTITUTION MAY MOTION THE COURT TO VACATE THE CONVICTION, AND TO PROVIDE THAT A VICTIM IS NOT SUBJECT TO PROSECUTION FOR HUMAN TRAFFICKING OR PROSTITUTION IF THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE, AND TO PROVIDE THAT A VICTIM'S SEXUAL HISTORY IS NOT ADMISSIBLE BY A DEFENDANT IN A CRIMINAL ACTION; BY AMENDING SECTION 16-3-2030, RELATING TO BUSINESSES AND HUMAN TRAFFICKING, SO AS TO PROVIDE THAT A COURT MAY CONSIDER DISGORGEMENT OF PROFIT FROM A BUSINESS INVOLVED IN HUMAN TRAFFICKING AND DISBARMENT FROM GOVERNMENT CONTRACTS; BY AMENDING SECTION 16-3-2040, RELATING TO HUMAN TRAFFICKING RESTITUTION, SO AS TO PROVIDE THAT THE COURT MAY ORDER AN AMOUNT REPRESENTING THE VALUE OF THE VICTIM'S LABOR OR SERVICES; BY AMENDING SECTION 16-3-2050, RELATING TO THE HUMAN TRAFFICKING TASK FORCE, SO AS TO PROVIDE THAT THE TASK FORCE MAY MAKE GRANTS OR CONTRACTS TO DEVELOP OR EXPAND VICTIM SERVICE PROGRAMS; BY AMENDING SECTION 16-3-2060, RELATING TO HUMAN TRAFFICKING CIVIL ACTIONS, SO AS TO PROVIDE THAT A VICTIM'S SEXUAL HISTORY IS NOT ADMISSIBLE BY A DEFENDANT IN A CIVIL ACTION; BY AMENDING SECTION 16-3-2070, RELATING TO VICTIMS' RIGHTS AND THE STATE CRIME VICTIM'S COMPENSATION FUND, SO AS TO PROVIDE THAT HUMAN TRAFFICKING VICTIMS ARE CONSIDERED VICTIMS REGARDLESS OF IMMIGRATION STATUS, TO PROVIDE THAT THE PICTURES AND IMAGES OF VICTIMS MUST BE KEPT CONFIDENTIAL, AND TO PROVIDE THE PROTOCOL A LAW ENFORCEMENT OFFICER SHALL FOLLOW WHEN

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INTERACTING WITH A VICTIM; AND BY ADDING SECTION 16-3-2100, SO AS TO REQUIRE THE POSTING OF INFORMATION REGARDING THE NATIONAL HUMAN TRAFFICKING RESOURCE CENTER HOTLINE IN CERTAIN BUSINESSES.

Beg leave to report that they have duly and carefully considered the same and recommend:

That the same do pass with the following amendments:

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

/ SECTION 1. Section 16-3-2020 of the 1976 Code is amended to read:

“Section 16-3-2020. (A) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, knowing that the victim will be subjected to sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in this subsection, is guilty of trafficking in persons.

(B) A person who recruits, entices, solicits, isolates, harbors, transports, provides, or obtains, or so attempts, a victim, for the purposes of sex trafficking, forced labor or services, involuntary servitude or debt bondage through any means or who benefits, financially or by receiving anything of value, from participation in a venture which has engaged in an act described in subsection (A), is guilty of trafficking in persons.

(C) For a first offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years.

(D) For a second offense, the person is guilty of a felony and, upon conviction, must be imprisoned not more than thirty years.

(E) For a third or subsequent offense, the person is guilty of a felony, and, upon conviction, must be imprisoned not more than forty-five years.

(F) If the victim of an offense contained in this section is under the age of eighteen, an additional term of fifteen years may be imposed in addition and must be consecutive to the penalty prescribed for a violation of this section.

(G) A person who aids, abets, or conspires with another person to violate the criminal provisions of this section must be punished in the same manner as provided for the principal offender and is considered a trafficker. A person is considered a trafficker if he knowingly gives, agrees to give, or offers to give anything of value so that any person may

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engage in commercial sexual activity with another person when he knows that the other person is a victim of trafficking in persons.

(H) A business owner who uses his business in a way that participates in a violation of this article, upon conviction, must be imprisoned for not more than ten years in addition to the penalties provided in this section for each violation.

(I) A plea of guilty or the legal equivalent entered pursuant to a provision of this article by an offender entitles the victim of trafficking in persons to all benefits, rights, and compensation granted pursuant to Section 16-3-1110.

(J) In a prosecution of a person who is a victim of trafficking in persons, it is an affirmative defense that he was under duress or coerced into committing the offenses for which he is subject to prosecution, if the offenses were committed as a direct result of, or incidental or related to, trafficking. A victim of trafficking in persons convicted of a violation of this article or prostitution may motion the court to vacate the conviction and expunge the record of the conviction. The court may grant the motion on a finding that the person's participation in the offense was a direct result of being a victim. A victim of trafficking in persons is not subject to prosecution pursuant to this article or prostitution, if the victim was a minor at the time of the offense and committed the offense as a direct result of, or incidental or related to, trafficking.

(K) Evidence of the following facts or conditions do not constitute a defense in a prosecution for a violation of this article, nor does the evidence preclude a finding of a violation:

(1) the victim's sexual history or history of commercial sexual activity, the specific instances of the victim's sexual conduct, opinion evidence of the victim's sexual conduct, and reputation evidence of the victim's sexual conduct;

(2) the victim's connection by blood or marriage to a defendant in the case or to anyone involved in the victim's trafficking;

(3) the implied or express consent of a victim to acts which violate the provisions of this section do not constitute a defense to violations of this section;

(4) age of consent to sex, legal age of marriage, or other discretionary age; and

(5) mistake as to the victim's age, even if the mistake is reasonable.

(L) A person who violates the provisions of this section may be prosecuted by the State Grand Jury, pursuant to Section 14-7-1600, when

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a victim is trafficked in more than one county or a trafficker commits the offense of trafficking in persons in more than one county.”

SECTION 2. Section 16-3-2030(A) of the 1976 Code is amended to read:

“(A) The principal owners of a business, a business entity, including a corporation, partnership, charitable organization, or another legal entity, that knowingly aids or participates in an offense provided in this article is criminally liable for the offense and will be subject to a fine or loss of business license in the State, or both. In addition, the court may consider disgorgement of profit from activity in violation of this article and disbarment from state and local government contracts.”

SECTION 3. Section 16-3-2040(D) of the 1976 Code is amended to read:

“(D) Restitution for this section, pursuant to Section 16-3-1270, means payment for all injuries, specific losses, and expenses, including, but not limited to, attorney’s fees, sustained by a crime victim resulting from an offender’s criminal conduct pursuant to Section 16-3-1110(12)(a). In addition, the court may order an amount representing the value of the victim’s labor or services.”

SECTION 4. Section 16-3-2050 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) To the extent that funds are appropriated, the task force may make grants to or contract with a state agency, local government, or private victim’s service organization to develop or expand service programs for victim’s. A recipient of a grant or contract shall report annually to the task force the number and demographic information of all victims receiving services pursuant to the grant or contract.”

SECTION 5. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. This act takes effect upon approval by the Governor. / Amend title to conform.

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/s/Sen. Robert W. Hayes, Jr  
/s/Sen. C. Bradley Hutto  
/s/Sen. Tom Young, Jr.  
On Part of the Senate.

/s/Rep. Norman D. Brannon  
Rep. Christopher J. Murphy  
/s/Rep. J. David Weeks  
On Part of the House.

, and a message was sent to the House accordingly.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS  
AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

S. 199 -- Senators Grooms, Hembree, Bennett, Campbell, Verdin, Campsen, Gregory, Johnson, Setzler, Sabb, Nicholson and Scott: A BILL TO AMEND SECTION 56-5-1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND CREATE "PEANUT'S LAW", TO PROVIDE A DEFINITION FOR THE TERMS "HIGHWAY WORK ZONE" AND "HIGHWAY WORKER", TO CREATE THE OFFENSES OF "ENDANGERMENT OF A HIGHWAY WORKER", AND TO PROVIDE PENALTIES FOR THESE OFFENSES; TO AMEND SECTION 56-1-720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT "ENDANGERMENT OF A HIGHWAY WORKER" VIOLATIONS RANGE BETWEEN TWO AND SIX POINTS; AND TO REPEAL SECTION 56-5-1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

The House returned the Bill with amendments.

On motion of Senator HUTTO, the Bill was carried over.

**Motion to Ratify Adopted**

At 2:32 P.M., Senator LARRY MARTIN asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at a mutually convenient time.

There was no objection and a message was sent to the House accordingly.

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**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on June 03, 2015, at 3:00 P.M. and the following Acts and Joint Resolutions were ratified:

(R90, S. 78) -- Senators Massey and Nicholson: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "FORFEITED LANDS EMERGENCY DEVELOPMENT ACT" BY ADDING SECTION 12-59-140 SO AS TO AUTHORIZE THE COUNTY COUNCIL TO PETITION THE DEPARTMENT OF REVENUE TO ALLOW THE COUNTY'S FORFEITED LAND COMMISSION TO UTILIZE EMERGENCY PROCEDURES, TO SPECIFY THE PROCESS BY WHICH THE PETITION IS SUBMITTED, AND TO SPECIFY THE EMERGENCY PROCEDURES; AND BY ADDING SECTION 12-59-150 SO TO PROHIBIT AN IMMEDIATE FAMILY MEMBER OF A COUNTY FORFEITED LAND COMMISSION MEMBER FROM PURCHASING LAND FROM THE FORFEITED LAND COMMISSION ON WHICH THEIR RELATIVE SERVES, AND TO PROVIDE EXCEPTIONS.

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(R91, S. 810) -- Senator Leatherman: AN ACT TO AMEND ACT 250 OF 1991, AS AMENDED, RELATING TO THE ELECTION OF TRUSTEES IN FLORENCE COUNTY SCHOOL DISTRICT NUMBER FIVE, SO AS TO REAPPORTION THE FOUR SINGLE-MEMBER ELECTION DISTRICTS FROM WHICH TRUSTEES ARE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.

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(R92, S. 389) -- Senator Lourie: AN ACT TO AMEND CHAPTER 37, TITLE 33, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SOUTH CAROLINA BUSINESS DEVELOPMENT CORPORATIONS, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH THESE CORPORATIONS ARE ORGANIZED, REGULATED, AND PERMITTED TO OPERATE.

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(R93, S. 809) -- Senator Leatherman: AN ACT TO AMEND ACT 84 OF 2011, AS AMENDED, RELATING TO THE TIME AND METHOD BY WHICH THE NINE MEMBERS OF THE FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE BOARD OF TRUSTEES ARE ELECTED, SO AS TO REAPPORTION THE FIVE SINGLE-MEMBER ELECTION DISTRICTS AND THE TWO MULTIMEMBER ELECTION DISTRICTS FROM WHICH THESE NINE MEMBERS MUST BE ELECTED, TO DESIGNATE A MAP NUMBER ON WHICH THESE SINGLE-MEMBER AND MULTIMEMBER ELECTION DISTRICTS ARE DELINEATED, AND TO PROVIDE DEMOGRAPHIC INFORMATION PERTAINING TO THE REAPPORTIONED ELECTION DISTRICTS.  
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(R94, H. 3156) -- Reps. J.E. Smith, Cobb-Hunter, Whipper, Weeks and Yow: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 15, TITLE 63 ENACTING THE "UNIFORM DEPLOYED PARENTS CUSTODY AND VISITATION ACT" SO AS TO ADDRESS ISSUES OF CUSTODIAL RESPONSIBILITY WHEN A PARENT IN THE UNIFORMED SERVICE IS BEING DEPLOYED; TO PROVIDE THAT A COURT MUST HAVE JURISDICTION PURSUANT TO THE UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT TO ISSUE AN ORDER UNDER THIS ARTICLE; TO REQUIRE PROMPT NOTICE OF DEPLOYMENT TO THE OTHER PARENT; TO PROVIDE THAT THE CUSTODIAL RESPONSIBILITIES OF A DEPLOYING PARENT MAY BE ASSIGNED FOR THE DURATION OF THE DEPLOYMENT BY A TEMPORARY AGREEMENT ENTERED INTO BY THE PARENTS OR WITH THE DEPLOYING PARENT'S CONSENT, BY A COURT ISSUING A TEMPORARY ORDER GRANTING CUSTODIAL RESPONSIBILITIES AND TO FURTHER PROVIDE CERTAIN REQUIREMENTS AND LIMITATIONS OF AN AGREEMENT OR COURT ORDER; TO PROVIDE FOR THE TERMINATION OF A TEMPORARY AGREEMENT OR A TEMPORARY ORDER; TO PROVIDE THAT THIS ARTICLE SUPERSEDES THE FEDERAL ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, EXCEPT CERTAIN PROVISIONS IN THAT

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ACT; AND TO PROVIDE THAT THIS ARTICLE DOES NOT AFFECT THE VALIDITY OF A TEMPORARY COURT ORDER CONCERNING CUSTODIAL RESPONSIBILITY DURING DEPLOYMENT ENTERED BEFORE THIS ARTICLE'S EFFECTIVE DATE.

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(R95, H. 3548) -- Reps. J.E. Smith, Yow and Weeks: AN ACT TO AMEND SECTION 63-7-320, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTIFICATION AND TRANSFER OF REPORTS OF CHILD ABUSE OR NEGLECT, SO AS TO PROVIDE THAT IF THE ALLEGED ABUSED OR NEGLECTED CHILD IS A MEMBER OF AN ACTIVE DUTY MILITARY FAMILY, THE COUNTY DEPARTMENT OF SOCIAL SERVICES SHALL NOTIFY CERTAIN DESIGNATED MILITARY OFFICIALS AT THE INSTALLATION WHERE THE ACTIVE DUTY SERVICE MEMBER, WHO IS THE SPONSOR OF THE ALLEGED ABUSED OR NEGLECTED CHILD, IS ASSIGNED; TO AMEND SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, SO AS TO PROVIDE THAT THE DEPARTMENT OR LAW ENFORCEMENT, OR BOTH, MAY COLLECT INFORMATION CONCERNING THE MILITARY AFFILIATION OF THE PERSON HAVING CUSTODY OR CONTROL OF THE CHILD SUBJECT TO AN INVESTIGATION AND MAY SHARE THIS INFORMATION WITH THE APPROPRIATE MILITARY AUTHORITIES; TO AMEND SECTION 63-7-1990, AS AMENDED, RELATING TO CONFIDENTIALITY AND RELEASE OF RECORDS AND INFORMATION, SO AS TO MAKE TECHNICAL CORRECTIONS AND TO AUTHORIZE THE DEPARTMENT OF SOCIAL SERVICES TO GRANT ACCESS TO THE RECORDS OF AN INDICATED CASE TO CERTAIN DESIGNATED MILITARY OFFICIALS AT THE INSTALLATION WHERE THE ACTIVE DUTY SERVICE MEMBER, WHO IS THE SPONSOR OF THE ALLEGED ABUSED OR NEGLECTED CHILD, IS ASSIGNED; AND TO AMEND SECTION 63-11-80, RELATING TO CONFIDENTIAL INFORMATION WITHIN CHILD WELFARE AGENCIES, SO AS TO PROVIDE THAT AN OFFICER, AGENT OR EMPLOYEE OF THE DEPARTMENT OR A CHILD WELFARE AGENCY SHALL NOT DISCLOSE, DIRECTLY OR INDIRECTLY,

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INFORMATION LEARNED ABOUT A CHILD, THE CHILD'S PARENTS OR RELATIVES, OR OTHER PERSONS HAVING CUSTODY OR CONTROL OF THE CHILD, EXCEPT IN CASES INVOLVING A CHILD IN THE CUSTODY OR CONTROL OF PERSONS WHO HAVE MILITARY AFFILIATION.

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(R96, H. 3583) -- Reps. Clemmons, Simrill, McCoy, Loftis, Atwater, Kirby, Corley, Bernstein, McEachern, Weeks, Johnson, Goldfinch, Kennedy, H.A. Crawford, Rutherford, Whitmire, Douglas, Burns, Clyburn, Erickson, G.R. Smith, Yow, Spires, Chumley, Allison, Hardee, Anderson, Gagnon, Putnam, Nanney, Williams, Limehouse, Duckworth, Norrell, Anthony, Ballentine, Bannister, Bedingfield, Bingham, Clary, Delleney, Felder, Finlay, Funderburk, Gambrell, Hamilton, Hardwick, Hicks, Hiott, Hixon, Huggins, Long, Lowe, Lucas, V.S. Moss, Murphy, Norman, Pitts, Pope, Quinn, Riley, Rivers, Sandifer, G.M. Smith, Stringer, Tallon, Taylor, Thayer, Toole, Wells, Willis, Newton, Forrester, Hill and Gilliard: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 23 TO CHAPTER 35, TITLE 11 SO AS TO PROHIBIT THE STATE OR A POLITICAL SUBDIVISION OF THE STATE FROM ACCEPTING A PROPOSAL FROM OR PROCURING GOODS OR SERVICES FROM A BUSINESS WHICH ENGAGES IN THE BOYCOTT OF A PERSON OR AN ENTITY BASED ON RACE, COLOR, RELIGION, GENDER, OR NATIONAL ORIGIN; TO AMEND SECTION 11-57-320, RELATING TO THE EXCEPTION TO CONTRACT PROHIBITION ON A CASE-BY-CASE BASIS, SO AS TO REMOVE THE CASE-BY-CASE BASIS REQUIREMENT, AND TO PROVIDE THAT THIS SECTION APPLIES TO INVESTMENT ACTIVITIES MADE BEFORE JANUARY 1, 2015; TO AMEND SECTION 11-57-330, RELATING TO THE CERTIFICATION REQUIREMENT TO CONTRACT WITH THE STATE, SO AS TO PROVIDE THAT THE REQUIREMENT DOES NOT APPLY TO CONTRACTS BETWEEN PUBLIC PROCUREMENT UNITS, NOR CONTRACTS BETWEEN PUBLIC PROCUREMENT UNITS AND EXTERNAL PROCUREMENT ACTIVITIES; TO AMEND SECTION 11-57-510, RELATING TO THE CERTIFICATION REQUIREMENT IN THE BIDDING PROCESS, SO AS TO PROVIDE THAT THE REQUIREMENT DOES NOT APPLY TO CONTRACTS BETWEEN PUBLIC PROCUREMENT UNITS, NOR CONTRACTS BETWEEN

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PUBLIC PROCUREMENT UNITS AND EXTERNAL PROCUREMENT ACTIVITIES; BY ADDING SECTION 11-57-50 SO AS TO PROVIDE THAT FAILURE TO COMPLY WITH A PROVISION OF THIS CHAPTER IS NOT GROUNDS FOR CERTAIN PROTESTS; AND TO AMEND SECTION 11-57-40, RELATING TO CERTAIN CONTRACTS AND PROCUREMENTS TO WHICH THE IRAN DIVESTMENT ACT DOES NOT APPLY, SO AS TO PROVIDE THAT IT DOES NOT APPLY TO A PROCUREMENT OR CONTRACT VALUED AT TEN THOUSAND DOLLARS OR LESS.

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(R97, H. 3725) -- Reps. J.E. Smith, Quinn, Lowe, Jordan and W.J. McLeod: AN ACT TO AMEND SECTION 12-6-3535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX CREDITS FOR MAKING QUALIFIED REHABILITATION EXPENDITURES FOR CERTIFIED HISTORIC STRUCTURES, SO AS TO PROVIDE THAT A TAXPAYER MAY ELECT A TWENTY-FIVE PERCENT TAX CREDIT IN LIEU OF THE TEN PERCENT TAX CREDIT, NOT TO EXCEED ONE MILLION DOLLARS FOR EACH CERTIFIED HISTORIC STRUCTURE, TO PROVIDE FOR THE TIME PERIOD IN WHICH THE CREDIT MUST BE TAKEN, AND TO PROVIDE THAT THE TAX CREDIT MAY BE ASSIGNED; TO AMEND SECTION 12-67-120, RELATING TO DEFINITIONS, SO AS TO PROVIDE A DEFINITION FOR "STATE-OWNED ABANDONED BUILDING"; TO AMEND SECTION 12-67-140, RELATING TO ELIGIBILITY FOR THE ABANDONED BUILDING TAX CREDIT, SO AS TO INCLUDE INSURANCE PREMIUM TAXES AS ONE OF THE TAXES AGAINST WHICH A CREDIT CAN BE CLAIMED, TO PROVIDE FOR THE TIME PERIOD IN WHICH THE CREDIT MUST BE TAKEN, AND TO REMOVE A LIMITATION RELATED TO THE AMOUNT A TAXPAYER'S TAX LIABILITY MAY BE REDUCED; AND BY ADDING SECTION 12-67-160 SO AS TO PROVIDE FOR THE MANNER IN WHICH A TAXPAYER MAY APPLY TO OBTAIN CERTIFICATION OF THE ABANDONED BUILDING SITE.

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(R98, H. 3772) -- Reps. Merrill and Delleney: AN ACT TO AMEND SECTION 38-79-260, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT OF DIRECTORS TO THE BOARD OF THE SOUTH CAROLINA MEDICAL MALPRACTICE INSURANCE JOINT UNDERWRITING ASSOCIATION, SO AS TO PROVIDE FOR THE REAPPOINTMENT OF DIRECTORS TO SUCCESSIVE TERMS BY DELETING A RELATED PROHIBITION. L:\COUNCIL\ACTS\3772AB15.DOCX

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**DEBATE INTERRUPTED**

H. 3702 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2014-2015, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

The Senate proceeded to a consideration of the Joint Resolution, the question being the third reading of the Joint Resolution.

**Amendment No. 5A**

Senators SHANE MARTIN, DAVIS, BRIGHT and BRYANT proposed the following amendment (3702R010.KM.SRM):

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

/ SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2014-2015 the following amounts:

(1) H63 - Department of Education  
School Bus Lease or Purchase                   \$           17,000,000

(2) H03 - Commission on Higher Education  
  
Out  
of State Veteran Tuition

Reimbursement-Colleges                   \$           7,000,000

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(3) H51 - Medical University of South Carolina Children's Hospital	\$	1
(4) H59 - State Board for Technical and Comprehensive Education ReadySC	\$	4,249,000
(5) J02 - Department of Health and Human Services  Telemedicine	\$	2,000,000
(6) D10 - State Law Enforcement Division New Laboratory Facility	\$	1
(7) D10 - State Law Enforcement Division Vehicles	\$	900,000
(8) K05 - Department of Public Safety Law Enforcement Vehicles	\$	1,000,000
(9) K05 - Department of Public Safety Body Armor Replacement	\$	800,000
(10) K05 - Department of Public Safety Supply Warehouse Roof  Replacement	\$	250,000
(11) P16 - Department of Agriculture Consumer Protection Equipment	\$	1,000,000
(12) P28 - Department of Parks, Recreation and Tourism  Welcome Center Facility  Management	\$	1
(13) Y14 - State Ports Authority Georgetown Port		



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SECTION 3. Funds appropriated above in Section 1, Item (14) to the Department of Transportation shall be used to fund the Orangeburg District Office Building Renovation, Clarendon County Maintenance Complex Construction, SHEP Greenville/Spartanburg Office Construction, and Lexington Maintenance Complex Construction.

SECTION 4. The Comptroller General shall post the appropriations contained in SECTION 1 of this joint resolution as provided in Section 11-11-320(D) of the 1976 Code. Unexpended funds appropriated pursuant to SECTION 1 of this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 5. This joint resolution takes effect thirty days after the completion of the 2014-2015 Fiscal Year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11-11-320(D)(1) of the 1976 Code. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS spoke on the amendment.

Debate was interrupted by adjournment.

**Motion Adopted**

Senator LEATHERMAN asked unanimous consent to make a motion that the Senate stand adjourned with Senator DAVIS retaining the floor on H. 3702.

There was no objection.

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Reappointment, Greenville County Master-in-Equity, with the term to commence April 30, 2015, and to expire April 30, 2021

Charles B. Simmons, Jr., 305 East North Street, Suite 313, Greenville, SC 29601

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**ADJOURNMENT**

At 6:25 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.

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