**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3322**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Collins, Long, Erickson and Felder

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Companion/Similar bill(s): 198, 300, 3242, 3580

Introduced in the House on January 10, 2017

Currently residing in the House Committee on **Education and Public Works**

Summary: Department of Social Services

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Education and Public Works**

1/10/2017 House Introduced and read first time ([House Journal‑page 161](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Education and Public Works** ([House Journal‑page 161](file:///h:\hj\20170110.docx))

2/16/2017 House Member(s) request name added as sponsor: Erickson

3/7/2017 House Member(s) request name added as sponsor: Felder

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**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3322_20161215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑7‑35 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO ESTABLISH A PROGRAM TO PAY FOR CERTAIN EXPENSES INCIDENTAL TO BECOMING LEGALLY AUTHORIZED TO DRIVE FOR CHILDREN FIFTEEN YEARS OF AGE OR OLDER WHO RESIDE IN OUT‑OF‑HOME CARE, WITH EXCEPTIONS; TO AMEND SECTION 56‑1‑100, RELATING TO DRIVER’S LICENSE APPLICATIONS FOR UNEMANCIPATED MINORS, SO AS TO ALLOW, AMONG OTHERS, FOSTER PARENTS TO SIGN APPLICATIONS; TO AMEND SECTION 56‑1‑110, RELATING TO IMPUTED LIABILITY OF A PERSON SIGNING A DRIVER’S LICENSE APPLICATION FOR AN UNEMANCIPATED MINOR, SO AS TO PROVIDE AN EXCEPTION TO LIABILITY FOR, AMONG OTHERS, FOSTER PARENTS; AND TO AMEND SECTION 63‑7‑2310, AS AMENDED, RELATING TO FOSTER CARE, SO AS TO PROVIDE IMMUNITY FROM LIABILITY FOR FOSTER PARENTS WITH EXCEPTIONS.

Whereas, it is the policy of this State that children living in out‑of‑home care should be able to participate in age or developmentally appropriate activities and that caregivers for these children should use a reasonable prudent standard to determine age or developmentally appropriate activities; and

Whereas, driving a motor vehicle is an age‑appropriate activity for a child fifteen years of age or older; and

Whereas, the expenses associated with driving a motor vehicle, including driver’s education programs, licensure, costs incidental to licensure, and motor vehicle insurance, can create a barrier to a child being able to engage in this age appropriate activity; and

Whereas, it may be cost‑prohibitive for a caregiver of a child in out‑of‑home care to pay for the expenses associated with the child becoming legally authorized to drive a motor vehicle; and

Whereas, the expenses associated with being able to drive legally also may create a barrier to gaining independence, obtaining employment, or completing educational goals. Now, therefore,

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

SECTION 1. Article 1, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63‑7‑35. (A) To the extent that funding is available, the department shall establish a program to pay the costs of a driver’s education program approved by the department and, upon successful completion of the program, the driver’s license fee, motor vehicle insurance, and any other costs incident to becoming legally authorized to drive a motor vehicle, for a child fifteen to eighteen years of age who resides in out‑of‑home care pursuant to this chapter.

(B) If a caregiver, or an individual or not‑for‑profit entity approved by the caregiver, adds a child to his existing insurance policy, the amount paid by the program to the caregiver or approved purchaser may not exceed the increase in cost attributable to the addition of the child to the policy.

(C) Payments must be made to eligible recipients in the order of eligibility until available program funds are exhausted.

(D) If a child who is determined to be eligible reaches permanency status or turns eighteen years of age, the program may pay for that child to complete a driver’s education program and obtain a driver’s license for up to six months after the date the child reaches permanency status or six months after the date the child turns eighteen years of age. A child continuing in out‑of‑home care after eighteen years of age as authorized by the department may be eligible to have the additional costs set forth in subsection (A) paid if the child demonstrates those costs are creating barriers for obtaining employment or completing educational goals.

(E) The department shall contract with a not‑for‑profit entity whose mission is to support youth aging out of foster care to develop procedures for operating and administering the program including, but not limited to:

(1) determining eligibility, including responsibilities for the child and caregiver;

(2) notifying eligible children, caregivers, group homes, and residential programs about the program;

(3) providing technical assistance to lead agencies, providers, group homes, and residential programs to support removing obstacles that prevent children in foster care from driving; and

(4) publicizing the program, engaging in outreach, and providing incentives to youth participating in the program to encourage the greatest number of eligible children to obtain drivers’ licenses.”

SECTION 2. Section 56‑1‑100 of the 1976 Code is amended to read:

“Section 56‑1‑100. (A) The application of an unemancipated minor for a beginner’s permit, instruction permit, or driver’s license must be signed and verified before a person authorized to administer oaths by ~~the father, mother, or guardian or, for all other minors, by a responsible adult who is willing to assume the obligation imposed under this article upon a person signing the application of a minor~~ a person responsible for the unemancipated minor’s welfare. Upon the extension of a permit pursuant to Section 56‑1‑50, authorization by the ~~father, mother, guardian, or a responsible adult~~ person responsible for the unemancipated minor’s welfare is not required.

(B) As contained in this section, a person responsible for an unemancipated minor’s welfare includes the minor’s parent, guardian, caregiver, as that term is defined in Section 63‑7‑20, or an adult who has assumed the role or responsibility of a parent or guardian for the minor, but who does not necessarily have legal custody of the minor. A person whose only role is as a caregiver and whose contact is only incidental with a minor, such as a babysitter or a person who only has incidental contact but may not be a caretaker, has not assumed the role or responsibility of a parent or guardian.”

SECTION 3. Section 56‑1‑110 of the 1976 Code is amended to read:

“Section 56‑1‑110. Any negligence or wilful misconduct of a minor when driving a motor vehicle upon a highway must be imputed to the person who has signed the application of ~~such~~ the minor for a beginner’s permit, instruction permit, or driver’s license, ~~which~~ and the person is jointly and severally liable with ~~such~~ the minor for any damage caused by ~~such~~ the negligence or wilful misconduct, except that if ~~such~~ the minor is protected by a policy of liability insurance in the form and in the amounts as required under Chapter 9 of this title and Sections 38‑77‑140 through 38‑77‑310, then ~~such parent or guardian or other responsible adult~~ the person responsible for the unemancipated minor’s welfare is not subject to the liability otherwise imposed ~~under~~ pursuant to this section. In addition, if the person who signed the application is a caregiver, as that term is defined in Section 63‑7‑20, the person is immune from and not subject to liability otherwise imposed pursuant to this section to the extent provided in Section 63‑7‑2310 (I).”

SECTION 4. Section 63‑7‑2310 of the 1976 Code, as last amended by Act 238 of 2016, is further amended by adding:

“(I) A caregiver is not liable for harm caused to or by a child in foster care who participates in an activity insofar as the caregiver acted in accordance with the reasonable and prudent parent standard pursuant to Sections 63‑7‑20 and 63‑7‑25.”

SECTION 5. This act takes effect upon approval by the Governor.

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