**A** **BILL**

TO AMEND SECTION 56‑10‑245, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PER DIEM FINE ASSESSED BY THE DEPARTMENT OF MOTOR VEHICLES UPON A PERSON WHOSE MOTOR VEHICLE LIABILITY INSURANCE HAS LAPSED, SO AS TO PROVIDE THAT THIS FINE SHALL NOT BE ASSESSED AGAINST A PERSON WHOSE INSURANCE HAS LAPSED DUE TO HIS INCARCERATION.

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

SECTION 1. Section 56‑10‑245 of the 1976 Code, as last amended by Act 2750 of 2016, is further amended to read:

“Section 56‑10‑245. Whenever a person furnishes proof of liability insurance, or surrenders or has his registration or license tags confiscated for failure to produce proof of insurance, after the Department of Motor Vehicles receives notice of the lapse or termination of the required liability insurance, the department shall compare the effective date of the lapse or termination with the date of the proof of insurance or the date of the confiscation or surrender. If the department determines there was a lapse in the required coverage, the department shall assess, in addition to other fines or penalties imposed by the law, a per diem fine in the amount of five dollars. The fine provided for in this section and the two hundred dollar reinstatement fee pursuant to Section 56‑10‑240 of the 1976 Code must not be assessed if the person furnishes proof, as documented by his sworn statement, that the motor vehicle upon which the coverage has lapsed or been terminated has not been operated upon the roads, streets, or highways of this State during the lapse or termination, and the lapse or termination is due to military service, incarceration, or illness as documented by a signed physician’s statement. The total amount of the fine provided for in this section may not exceed two hundred dollars for a first offense. Revenue generated by the fine imposed pursuant to this section must be placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

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

‑‑‑‑XX‑‑‑‑