

NO. 12

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2017

THURSDAY, JANUARY 26, 2017

Thursday, January 26, 2017
(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:

Isaiah 41:20

”So that all may see and know, all may consider and understand that the hand of God has done this, the Holy One of Israel has created it.”

Let us pray.

Gracious and almighty God, You are the creator of our vast universe. All that lives, moves and has being was created by Your hand. The ability to create in concert with You is a gift that You give us that separates us from other living creatures. Nowhere is this ability to create more apparent than in this Chamber where Senators are called upon each day to be creative in resolving long standing problems. Grant that all those who serve here will realize that they have a special place and time in history to create legislation so that our great State can be a better place for all future generations. This task is daunting but it is achievable when hearts are open to the less fortunate and minds are receptive to those who have variant opinions. Help each and every one here to pray on a daily basis for Your guidance, Your vision, Your insight and Your blessing as they seek to create, negotiate and adopt responsible legislation over the next four months. In Your holy name we pray. Amen.

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

Point of Quorum

At 11:04 A.M., Senator LEATHERMAN made the point that a quorum was not present. It was ascertained that a quorum was not present.

Call of the Senate

Senator PEELER moved that a Call of the Senate be made. The following Senators answered the Call:

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Alexander	Bennett	Campbell
Climer	Corbin	Cromer
Davis	Gambrell	Goldfinch
Grooms	Hembree	Hutto
Leatherman	Malloy	Martin
Massey	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Young	

A quorum being present, the Senate resumed.

Recorded Presence

Senators RICE, FANNING, CAMPSER, WILLIAMS and JOHNSON recorded their presence subsequent to the Call of the Senate.

COMMUNICATION FROM THE CLERK

Chapter 2, Title 2 of the 1976 Code, as added by the South Carolina Restructuring Act of 2014, provides a framework for systematic oversight of government agencies by the General Assembly. The PRESIDENT *Pro Tempore*, after consulting with the Standing Committee Chairmen and the Clerk of the Senate pursuant to Section 2-2-30 of the 1976 Code, determined that the Senate will schedule the following state agencies for Oversight Review during 2017:

Agencies scheduled for review are encouraged to review the provisions contained in Chapter 2, Title 2 so that they may prepare for the oversight process. Final reports issued for the 2016 Oversight Reviews can be found on the individual committee pages of the General Assembly's website.

Adjutant General	General Committee
Aeronautics Commission	Transportation Committee
Commission for the Blind	General Committee
Dept. of Disabilities and Special Needs	Medical Affairs Committee
Patriots Point Authority	Fish, Game and Forestry Comm.
Rural Infrastructure Authority	Finance Committee
Commission on Higher Education	Education Committee

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Secretary of State
Dept. of Commerce

Judiciary Committee
Labor, Commerce and Industry

Motion Adopted

On motion of Senator HEMBREE, with unanimous consent, the committee selection process in Rule 19 was waived and a vacancy was filled in the following manner:

Senator HEMBREE selected the Finance Committee.

Doctor of the Day

Senator MARTIN introduced Dr. Helen Stockinger of Spartanburg, S.C., Doctor of the Day.

Leave of Absence

At 11:51 A.M., Senator SETZLER requested a leave of absence for Senator J. MATTHEWS for the day.

Leave of Absence

At 12:13 P.M., Senator CAMPBELL requested a leave of absence for Senator COURSON for the balance of the day.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 58 Sen. Williams
S. 201 Sen. Talley
S. 217 Sen. Cromer
S. 226 Sens. Davis and M.B. Matthews
S. 263 Sens. Grooms and Campbell
S. 289 Sen. McLeod
S. 299 Sen. Cromer
S. 301 Sens. Talley and Climer

RECALLED

S. 263 -- Senators Peeler, Malloy, Alexander, Grooms and Campbell:
A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,
1976, BY ADDING ARTICLE 140 TO CHAPTER 3, TITLE 56 SO AS
TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES
SHALL ISSUE "CLEMSON UNIVERSITY 2016 FOOTBALL
NATIONAL CHAMPIONS" SPECIAL LICENSE PLATES.

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

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

RECALLED

H. 3402 -- Reps. Felder, Allison, Arrington, Bennett, Bernstein, Cobb-Hunter, Crawford, Davis, Dillard, Douglas, Erickson, Funderburk, Henderson, Henegan, Knight, Norrell, Parks, Robinson-Simpson and Thayer: A CONCURRENT RESOLUTION TO DECLARE JANUARY 18, 2017, "SC UNITED IN TEAL & WHITE LOBBY DAY" IN SOUTH CAROLINA AND ENCOURAGE ALL CITIZENS TO BE AWARE OF THE NEED FOR EARLY SCREENING FOR CERVICAL CANCER.

Senator PEELER asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Medical Affairs.

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

RECALLED AND ADOPTED

S. 226 -- Senators Campsen, Davis and M.B. Matthews: A SENATE RESOLUTION TO RECOGNIZE THE IMPORTANCE OF THE F-35 AIRCRAFT TO THE UNITED STATES AND SOUTH CAROLINA, AND TO ENCOURAGE CONGRESSIONAL SUPPORT FOR FULL FUNDING OF THE F-35 LIGHTNING II JOINT STRIKE FIGHTER PROGRAM.

Senator SHEALY asked unanimous consent to make a motion to recall the Resolution from the General Committee.

The Resolution was recalled from the General Committee.

Senator SHEALY asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

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On motion of Senator SHEALY, the Resolution was adopted and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 314 -- Senator Sheheen: A BILL TO AMEND CHAPTER 3, TITLE 5 OF THE 1976 CODE, RELATING TO THE CHANGE OF CORPORATE LIMITS FOR MUNICIPAL CORPORATIONS, BY ADDING SECTION 5-3-20, TO ALLOW MUNICIPALITIES WITH FEWER THAN EIGHT THOUSAND RESIDENTS AND FEWER THAN ELEVEN SQUARE MILES TO ANNEX CERTAIN REAL PROPERTY, BY ORDINANCE, UPON FINDING THAT THE PROPERTY IS BLIGHTED.

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

S. 315 -- Senator Cromer: A BILL TO AMEND SECTION 38-75-470, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HURRICANE, EARTHQUAKE, AND FIRE ADVISORY COMMITTEE, SO AS TO AUTHORIZE THE ADVISORY COMMITTEE TO ADDRESS THE MITIGATION OF PROPERTY LOSSES DUE TO FLOOD; TO AMEND SECTION 38-75-480, RELATING TO THE LOSS MITIGATION GRANT PROGRAM, SO AS TO ESTABLISH THAT GRANTS MAY BE MADE TO LOCAL GOVERNMENTS TO MITIGATE LOSSES AND PROVIDE TECHNICAL ASSISTANCE FOR THE DEVELOPMENT OF PROACTIVE HAZARD MITIGATION STRATEGIES AND TO ALLOW THE DEPARTMENT OF INSURANCE TO ACCEPT GRANTS IN AID FOR THE MITIGATION OF LOSSES FOR ELIGIBLE PROPERTIES; AND TO AMEND SECTION 38-75-485, RELATING TO THE SOUTH CAROLINA HURRICANE DAMAGE MITIGATION PROGRAM, SO AS TO ESTABLISH CERTAIN CRITERIA THAT A RESIDENTIAL PROPERTY MUST MEET IN ORDER TO BE ELIGIBLE FOR A NONMATCHING GRANT, TO PROHIBIT THE PROGRAM FROM ISSUING A GRANT FOR A RESIDENTIAL PROPERTY FROM EXCEEDING FIVE THOUSAND DOLLARS, TO ALLOW FOR MATCHING GRANT FUNDS TO BE MADE AVAILABLE TO LOCAL GOVERNMENTS AND NONPROFIT ENTITIES UNDER CERTAIN

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CIRCUMSTANCES, AND TO ESTABLISH A FORMULA FOR DETERMINING NONMATCHING GRANT AWARDS BASED ON AN APPLICANT'S HOUSEHOLD INCOME.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 316 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO AT-RISK STUDENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4656, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 317 -- Senators Grooms and Peeler: A CONCURRENT RESOLUTION TO CONGRATULATE THE CLEMSON TIGERS FOOTBALL TEAM ON WINNING THE COLLEGE FOOTBALL PLAYOFF NATIONAL CHAMPIONSHIP AND TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT APPROPRIATE MARKERS OR SIGNAGE IN THE STATE THAT CONTAIN THIS DESIGNATION.

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

S. 318 -- Senator Shealy: A BILL TO AMEND SECTION 27-37-10 OF THE 1976 CODE, RELATING TO GROUNDS FOR EJECTMENT OF A TENANT, TO PROVIDE THAT AN EVICTION PROCEEDING MUST BE EXPEDITED IF A TENANT OR ANOTHER PERSON WHO IS ON THE PREMISES WITH THE TENANT'S PERMISSION OR WHO IS ALLOWED ACCESS TO THE PREMISES BY THE TENANT DELIBERATELY OR NEGLIGENTLY DESTROYS, DEFACES, DAMAGES, IMPAIRS, OR REMOVES ANY PART OF THE PREMISES OR ENGAGES IN CRIMINAL ACTIVITY ON THE PREMISES.

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

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S. 319 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CHIEF ROBERT O. "BERT" POLK OF RICHLAND COUNTY, STATE FIRE MARSHAL WITH THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION, UPON THE OCCASION OF HIS RETIREMENT, TO THANK HIM FOR HIS MANY YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

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The Concurrent Resolution was adopted, ordered sent to the House.

H. 3537 -- Reps. Murphy and Mack: A BILL TO AMEND SECTION 2-1-35, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION DISTRICTS FROM WHICH MEMBERS OF THE HOUSE OF REPRESENTATIVES ARE ELECTED, SO AS TO REVISE DISTRICT 98 AND DISTRICT 109, TO FURTHER PROVIDE FOR THE MANNER IN WHICH THE LINCOLN PRECINCT IN DORCHESTER COUNTY IS REFLECTED IN BOTH DISTRICTS.

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

H. 3568 -- Rep. Lucas: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE FAITHFUL COMMITMENT OF THE FIREFIGHTERS OF THE BUFFALO-MT. PISGAH FIRE PROTECTION DISTRICT AND TO CELEBRATE WITH THEM A HALF CENTURY OF THE DEPARTMENT'S DEDICATED SERVICE TO THE COMMUNITIES OF BUFFALO AND MT. PISGAH.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3574 -- Reps. J. E. Smith, Bales, Ballentine, Bernstein, Douglas, Finlay, Hart, Howard, McEachern, Neal, Rutherford, Thigpen, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bamberg, Bannister, Bedingfield, Bennett, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Duckworth, Elliott, Erickson, Felder, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon,

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Hosey, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, B. Newton, W. Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE TRADITION OF HARBISON INSTITUTE AND HARBISON JUNIOR COLLEGE IN PROVIDING OPEN-DOOR ACCESS TO HIGHER EDUCATION FOR DIVERSE STUDENTS FROM ALL BACKGROUNDS AND SOCIO-ECONOMIC CIRCUMSTANCES AND TO DECLARE WEDNESDAY, FEBRUARY 22, 2017, AS "HARBISON HISTORY DAY" IN SOUTH CAROLINA.

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

H. 3575 -- Reps. Hiott, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, Neal, B. Newton, W. Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE THE VITAL ROLE OF FIRST RESPONDERS THROUGHOUT OUR STATE AND TO PROCLAIM THURSDAY, AUGUST 3, 2017, AS "SOUTH CAROLINA FIRST RESPONDER PRAYER AND APPRECIATION DAY" AND THE FIRST WEEK IN AUGUST 2017 AS "SOUTH CAROLINA FIRST

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RESPONDER PRAYER AND APPRECIATION WEEK" IN SOUTH CAROLINA, BRINGING AWARENESS, PRAYER, AND APPRECIATION FOR THE MEN AND WOMEN AND THEIR FAMILIES WHO STAND IN THE GAP EVERY DAY PROVIDING CIVILITY AND SAFETY TO OUR COMMUNITIES.

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

H. 3576 -- Reps. Atkinson, Alexander, Allison, Anderson, Anthony, Arrington, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gagnon, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott, Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, Neal, B. Newton, W. Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, West, Wheeler, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. FREDIS CLEON "FRED" FORE OF MARION COUNTY FOR HIS OUTSTANDING PUBLIC AND MILITARY SERVICE TO THE PEOPLE OF SOUTH CAROLINA AND THIS GREAT COUNTRY.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 3588 -- Reps. Gagnon, West, White, Alexander, Allison, Anderson, Anthony, Arrington, Atkinson, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bennett, Bernstein, Blackwell, Bowers, Bradley, Brown, Burns, Caskey, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cogswell, Cole, Collins, Crawford, Crosby, Daning, Davis, Delleney, Dillard, Douglas, Duckworth, Elliott, Erickson, Felder, Finlay, Forrest, Forrester, Fry, Funderburk, Gilliard, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hewitt, Hill, Hiott,

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Hixon, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, King, Kirby, Knight, Loftis, Long, Lowe, Lucas, Mack, Magnuson, Martin, McCoy, McCravy, McEachern, McKnight, Mitchell, D. C. Moss, V. S. Moss, Murphy, Neal, B. Newton, W. Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, M. Rivers, S. Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Thigpen, Toole, Weeks, Wheeler, Whipper, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE DIXIE HIGH SCHOOL BOYS CROSS COUNTRY TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2016 SOUTH CAROLINA CLASS A STATE CHAMPIONSHIP TITLE.

The Concurrent Resolution was adopted, ordered returned to the House.

REPORTS OF STANDING COMMITTEES

Senator VERDIN from the Committee on Agriculture and Natural Resources submitted a favorable report on:

S. 6 -- Senators Bryant, Hembree and Campbell: A BILL TO AMEND SECTION 47-3-630 OF THE 1976 CODE, RELATING TO PENALTIES FOR TEASING, MALTREATING, AND INJURING POLICE DOGS AND HORSES, TO PROVIDE THAT A PERSON WHO TORTURES, MUTILATES, INJURES, DISABLES, POISONS, OR KILLS A POLICE DOG OR HORSE MAY BE FINED UP TO TEN THOUSAND DOLLARS, MAY BE IMPRISONED FOR UP TO TEN YEARS, MUST PAY RESTITUTION TO COVER THE COST OF RESTORING OR REPLACING THE DOG OR HORSE INJURED OR KILLED, AND MAY BE REQUIRED TO COMPLETE UP TO FIVE HUNDRED HOURS OF COMMUNITY SERVICE FOR AN ANIMAL-RELATED ORGANIZATION OR FOUNDATION.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

S. 27 -- Senators Campsen, Young, Hembree and Climer: A BILL TO AMEND SECTION 59-3-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION OF THE STATE SUPERINTENDENT OF EDUCATION, SO AS TO PROVIDE FOR

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THE APPOINTMENT OF THE SUPERINTENDENT BY THE GOVERNOR, BY AND WITH THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE FOR THE TERM, QUALIFICATIONS, AND FILLING OF A VACANCY IN THE OFFICE OF SUPERINTENDENT; AND TO REPEAL SECTION 59-3-20 RELATING TO VACANCIES IN THE OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable report on:

S. 218 -- Senators Massey, Bennett, Alexander and Bryant: A BILL TO AMEND CHAPTER 1, TITLE 41 OF THE 1976 CODE, RELATING TO LABOR AND EMPLOYMENT GENERALLY, BY ADDING SECTION 41-1-25, TO PROVIDE THAT A POLITICAL SUBDIVISION OF THIS STATE MAY NOT ESTABLISH, MANDATE, OR OTHERWISE REQUIRE AN EMPLOYEE BENEFIT; AND TO DEFINE NECESSARY TERMS.

Ordered for consideration tomorrow.

HOUSE CONCURRENCES

S. 286 -- Senator Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND DR. FREDIS CLEON "FRED" FORE OF MARION COUNTY FOR HIS OUTSTANDING PUBLIC AND MILITARY SERVICE TO THE PEOPLE OF SOUTH CAROLINA AND THIS GREAT COUNTRY.

Returned with concurrence.

Received as information.

S. 287 -- Senator Williams: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND THE OWNERS AND EMPLOYEES OF BARRINGER'S JEWELERS, INC., IN MARION COUNTY FOR OUTSTANDING SERVICE TO THEIR COMMUNITY AND TO CONGRATULATE THEM AS THEY CELEBRATE THE SEVENTIETH ANNIVERSARY OF PROVIDING PERSONALIZED CUSTOMER SERVICE IN THE SALE OF QUALITY JEWELRY.

Returned with concurrence.

Received as information.

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S. 304 -- Senators Scott, Alexander, Allen, Bennett, Bryant, Campbell, Campsen, Climer, Corbin, Courson, Cromer, Davis, Fanning, Gambrell, Goldfinch, Gregory, Grooms, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, Martin, Massey, J. Matthews, M.B. Matthews, McElveen, McLeod, Nicholson, Peeler, Rankin, Reese, Rice, Sabb, Senn, Setzler, Shealy, Sheheen, Talley, Timmons, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE ELIZABETH "BETH" DINNDORF ON THE OCCASION OF HER RETIREMENT, TO COMMEND HER FOR HER YEARS OF OUTSTANDING LEADERSHIP AND SERVICE AS PRESIDENT OF COLUMBIA COLLEGE, AND TO WISH HER MUCH HAPPINESS AND FULFILLMENT IN THE YEARS TO COME.

Returned with concurrence.

Received as information.

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

SECOND READING BILL

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

H. 3462 -- Reps. Kirby, Jordan, Williams, Alexander and Lowe: A BILL TO AMEND ACT 84 OF 2011, AS AMENDED, RELATING TO THE BOARD OF TRUSTEES OF FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE, SO AS TO EXTEND THE TERMS OF THE MEMBERS OF THE BOARD OF TRUSTEES OF FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE TO FOUR YEARS, TO STAGGER THE TERMS OF THE MEMBERS, TO REQUIRE THAT THE MEMBERS BE ELECTED AT A GENERAL ELECTION HELD IN AN EVEN-NUMBERED YEAR, AND TO PROVIDE THE PROCESS BY WHICH A VACANCY IS FILLED.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 67 -- Senator Hutto: A BILL TO AMEND SECTION 12-10-88, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REDEVELOPMENT FEES, SO AS TO SPECIFY TO WHOM REDEVELOPMENT FEES MAY BE REMITTED; TO AMEND SECTION 31-12-30, RELATING TO DEFINITIONS FOR

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PURPOSES OF THE REDEVELOPMENT OF CERTAIN FEDERAL INSTALLATIONS, SO AS TO DEFINE "REDEVELOPMENT PROJECT"; AND BY ADDING SECTION 31-12-70 SO AS TO AUTHORIZE A REDEVELOPMENT AUTHORITY TO USE REDEVELOPMENT FEES ON CERTAIN OPERATING COSTS.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\67C002.BBM.DG17), which was adopted:

Amend the bill, as and if amended, SECTION 1, page 2, by striking Section 12-10-88(E) and inserting:

/ (E) For purposes of this section 'closed or realigned ~~military~~ federal installation' means:

(1) until January 1, 2021, a federal defense site in which permanent employment was reduced by three thousand or more jobs ~~after~~ from the level of such jobs on December 31, 1990, or a federal military base or installation which ~~is~~ has been closed or realigned under:

~~(1)(a)~~ the Defense Base Closure and Realignment Act of 1990;

~~(2)(b)~~ Title 11 of the Defense Authorization Amendments and Base Closure and Realignment Act; or

~~(3)(c)~~ Section 2687 of Title 10, United States Code; and

(2) from January 1, 2021, and until January 1, 2026, a federal site in which permanent employment has been reduced by three thousand or more jobs from the level of such jobs on December 31, 1996." /

Amend the bill further, by striking SECTION 3 and inserting:

/ SECTION 3. Section 31-12-70(A) of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

"() to use the redevelopment fees provided pursuant to Section 12-10-88 for the administration and implementation of the redevelopment authority's redevelopment plans which may include programs to reduce unemployment or increase the property tax base in the area served by the authority, including without limitation, by permitting the use of the fees by multicounty economic development not-for-profit corporations whose members include one or more counties that contain some or all of the area of operation of the redevelopment authority for their administration and operating costs;" /

Renumber sections to conform.

Amend title to conform.

Senator CROMER explained the committee amendment.

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The question then was second reading of the Bill.

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

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 250 -- Senators Leatherman, Setzler and Alexander: A BILL TO AMEND SECTION 12-6-40, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE APPLICATION OF THE INTERNAL REVENUE CODE TO STATE INCOME TAX LAWS, SO AS TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE TO THE YEAR 2016 AND TO PROVIDE THAT IF THE INTERNAL REVENUE CODE SECTIONS ADOPTED BY THIS STATE ARE EXTENDED, THEN THESE SECTIONS ALSO

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ARE EXTENDED FOR SOUTH CAROLINA INCOME TAX PURPOSES.

The Senate proceeded to a consideration of the Bill.

Senator SETZLER explained the Bill.

The question then was second reading of the Bill.

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

Ayes 41; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Fanning	Gambrell
Goldfinch	Grooms	Hembree
Hutto	Johnson	Kimpson
Leatherman	Malloy	Martin
Massey	McElveen	McLeod
Nicholson	Peeler	Rankin
Reese	Rice	Sabb
Scott	Senn	Setzler
Shealy	Sheheen	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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

COMMITTEE AMENDMENT ADOPTED

AMENDED, READ THE SECOND TIME

S. 58 -- Senators J. Matthews, Hutto, Johnson, Malloy, M.B. Matthews and Williams: A BILL TO AMEND THE CODE OF

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LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "PORT ENHANCEMENT ZONE ACT"; TO AMEND SECTION 12-6-3360, AS AMENDED, RELATING TO THE JOB TAX CREDIT, SO AS TO PROVIDE FOR A PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-6-3367, RELATING TO THE MORATORIUM ON CERTAIN TAXES FOR CERTAIN TAXPAYERS, SO AS TO EXTEND THE MORATORIUM TO TAXPAYERS CREATING AT LEAST FIFTY NEW FULL-TIME JOBS IN A PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-6-3375, AS AMENDED, RELATING TO THE TAX CREDIT FOR PORT CARGO VOLUME INCREASE, SO AS TO INCREASE THE MAXIMUM ANNUAL CREDIT AMOUNT FROM EIGHT MILLION TO NINE MILLION DOLLARS AND TO PROVIDE THAT ONE MILLION DOLLARS MAY BE AWARDED TO A NEW WAREHOUSE OR DISTRIBUTION FACILITY THAT MEETS CERTAIN REQUIREMENTS AND EMPLOYS AT LEAST FIFTY NEW FULL-TIME JOBS IN A PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-10-80, AS AMENDED, RELATING TO JOB DEVELOPMENT CREDITS, SO AS TO ALLOW EIGHTY-FIVE PERCENT OF THE MAXIMUM CREDIT TO BE CLAIMED BY BUSINESSES LOCATED IN A PORT ENHANCEMENT ZONE; TO AMEND SECTION 12-14-60, RELATING TO THE INVESTMENT TAX CREDIT, SO AS TO DOUBLE THE AMOUNT OF THE CREDIT FOR ANY QUALIFIED MANUFACTURING AND PRODUCTIVE EQUIPMENT PROPERTY LOCATED IN A PORT ENHANCEMENT ZONE; AND TO AMEND SECTION 12-36-2120, AS AMENDED, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXTEND THE EXEMPTION FOR MATERIALS HANDLING TO A TAXPAYER THAT INVESTS AT LEAST TWENTY MILLION DOLLARS IN A PORT ENHANCEMENT ZONE, AND TO EXTEND THE EXEMPTION FOR CONSTRUCTION MATERIALS TO A TAXPAYER THAT INVESTS AT LEAST FORTY MILLION DOLLARS, IN REAL AND PERSONAL PROPERTY, IN A PORT ENHANCEMENT ZONE.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG\58C001.BBM.DG17), which was adopted:

Amend the bill, as and if amended, SECTION 2, page 2, by striking lines 29 and 30 and inserting:

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/“()‘Port enhancement zone’ means an area that as of January 1, 2015, meets all of the following conditions: /

Renumber sections to conform.

Amend title to conform.

Senators SETZLER and KIMPSON proposed the following amendment (DG\58C002.BBM.DG17), which was adopted:

Amend the bill, as and if amended, by striking SECTION 7 to read:

/ SECTION 7. Section 12-36-2120(51) and (67) of the 1976 Code is amended to read:

“(51) material handling systems and material handling equipment used in the operation of a distribution facility or a manufacturing facility including, but not limited to, racks used in the operation of a distribution facility or a manufacturing facility and either used or not used to support a facility structure or part of it. To qualify for this exemption, the taxpayer shall notify the department before the first month it uses the exemption and shall invest:

(a) at least thirty-five million dollars in real or personal property in this State; or

(b) twenty million dollars in a port enhancement zone as defined in Section 12-6-3360(M) over the five-year period beginning on the date provided by the taxpayer to the department in its notices. The taxpayer shall notify the department in writing that it has met the ~~thirty-five million-dollar~~ investment requirement or, after the expiration of the five years, that it has not met the ~~thirty-five million-dollar~~ investment requirement. The department may assess any tax due on material handling systems and material handling equipment purchased tax-free pursuant to this item but due the State as a result of the taxpayer’s failure to meet the ~~thirty-five million-dollar~~ investment requirement. The running of the periods of limitations for assessment of taxes provided in Section 12-54-85 is suspended for the time period beginning with notice to the department before the taxpayer uses the exemption and ending with notice to the department that the taxpayer either has met or has not met the ~~thirty-five million-dollar~~ investment requirement.

As used in this item (51), ‘distribution facility’ includes a port facility, as that term is defined in Section 12-6-3375;

(67) effective July 1, 2011, construction materials used in the construction of a new or expanded single manufacturing or distribution facility, or one that serves both purposes, with:

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(a) a capital investment of at least one hundred million dollars in real and personal property at a single site in the State over an eighteen-month period; or

(b) at least forty million dollars in real and personal property at a single site located in a port enhancement zone as defined in Section 12-6-3360(M); or

(c) effective November 1, 2009, construction materials used in the construction of a new or expanded single manufacturing facility where:

(i) the taxpayer invests at least seven hundred fifty million dollars in real or personal property or both comprising or located at the facility over a seven-year period; and

(ii) the taxpayer creates at least three thousand eight hundred new full-time ~~new~~ jobs at the facility during that seven-year period.

To qualify for this exemption, the taxpayer shall notify the department before the first month it uses the exemption and shall make the required investment over the applicable time period beginning on the date provided by the taxpayer to the department in its notices. The taxpayer shall notify the department in writing that it has met the investment requirement or, after the expiration of the applicable time period, that it has not met the investment requirement. The department may assess any tax due on construction materials purchased tax free pursuant to this subitem but due the State as a result of the taxpayer's failure to meet the investment requirement. The running of the periods of limitations for assessment of taxes provided in Section 12-54-85 is suspended for the time period beginning with notice to the department before the taxpayer uses the exemption and ending with notice to the department that the taxpayer either has met or has not met the investment requirement.

As used in this subitem, 'taxpayer' includes a person who bears a relationship to the taxpayer as described in Section 267(b) of the Internal Revenue Code.

As used in this item (67), 'distribution facility' includes a port facility, as that term is defined in Section 12-6-3375;" /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The question then was second reading of the Bill.

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

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Ayes 40; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Courson	Cromer
Davis	Gambrell	Goldfinch
Grooms	Hembree	Hutto
Johnson	Kimpson	Leatherman
Malloy	Martin	Massey
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Sheheen	Talley	Timmons
Turner	Verdin	Williams
Young		

Total--40

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 197 -- Senator Hembree: A BILL TO AMEND SECTION 56-1-10 OF THE 1976 CODE, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE ISSUANCE OF DRIVER'S LICENSES, TO REVISE THE DEFINITION OF CERTAIN TERMS AND TO ADD THE TERMS "MOPED", "DAYLIGHT HOURS", AND "VEHICLE" AND THEIR DEFINITIONS; TO AMEND SECTION 56-1-30, RELATING TO PERSONS EXEMPT FROM OBTAINING A DRIVER'S LICENSE, TO DELETE THE TERM "ARTICLE" AND REPLACE IT WITH THE TERM "CHAPTER"; TO AMEND SECTION 56-1-50, RELATING TO THE ISSUANCE OF A BEGINNER'S PERMIT, TO MAKE TECHNICAL CHANGES, TO

[SJ]

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DELETE THE PROVISION THAT RELATES TO THE OPERATION OF MOTOR SCOOTERS, LIGHT MOTOR-DRIVEN CYCLES, AND MOPEDS, TO PROVIDE THAT A PERMITTEE MUST BE ACCOMPANIED BY A MOTORCYCLE-LICENSED DRIVER WHEN DRIVING A MOTORCYCLE DURING CERTAIN HOURS, TO PROVIDE THE LOCATION THAT AN ACCOMPANYING DRIVER MUST BE POSITIONED, AND TO DELETE AN OBSOLETE PROVISION; TO AMEND SECTION 56-1-175, RELATING TO THE ISSUANCE OF A CONDITIONAL DRIVER'S LICENSE, TO DELETE THE PROVISION THAT ALLOWS A LICENSEE TO OPERATE A MOTOR SCOOTER OR LIGHT MOTOR-DRIVEN CYCLE AND THE PROVISION THAT DEFINES THE TERM "DAYLIGHT HOURS"; TO AMEND SECTION 56-1-180, RELATING TO THE ISSUANCE OF A SPECIAL RESTRICTED DRIVER'S LICENSE, TO PROVIDE ADDITIONAL LOCATIONS WHERE A LICENSEE MAY OPERATE A MOTOR VEHICLE, TO MAKE A TECHNICAL CHANGE, TO DELETE THE PROVISION THAT ALLOWS A LICENSEE TO OPERATE A MOTOR SCOOTER OR LIGHT MOTOR-DRIVEN CYCLE, AND TO DELETE THE PROVISION THAT DEFINES THE TERM "DAYLIGHT HOURS"; TO AMEND SECTION 56-1-185, RELATING TO THE REMOVAL OF THE RESTRICTIONS PLACED ON A CONDITIONAL OR SPECIAL RESTRICTED DRIVER'S LICENSE, TO PROVIDE THAT A BEGINNER'S PERMIT, CONDITIONAL LICENSE, OR SPECIAL RESTRICTED LICENSE MAY NOT BE ISSUED TO A PERSON CONVICTED OF CERTAIN VIOLATIONS OF OPERATING A MOPED WHILE UNDERAGE OR WITHOUT A LICENSE FOR A CERTAIN PERIOD OF TIME; TO REPEAL SECTION 56-1-1710, RELATING TO THE DEFINITION OF THE TERM "MOPED"; TO AMEND SECTION 56-1-1720, RELATING TO THE OPERATION OF A MOPED, TO REVISE THE FORM OF LICENSURE A PERSON MUST POSSESS TO OPERATE A MOPED, TO REVISE THE AGE OF A PERSON WHO MAY OBTAIN A MOPED OPERATOR'S LICENSE, TO REVISE THE TIME PERIOD WHEN CERTAIN PERSONS MAY OPERATE A MOPED, TO REVISE THE PENALTIES FOR A VIOLATION OF THIS PROVISION, AND TO DELETE THE PROVISION THAT PROHIBITS THE DEPARTMENT OF MOTOR VEHICLES FROM ISSUING A BEGINNER'S PERMIT OR A SPECIAL RESTRICTED LICENSE TO CERTAIN PERSONS CONVICTED OF A MOPED

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VIOLATION FOR A CERTAIN PERIOD OF TIME; TO AMEND SECTION 56-1-1730, RELATING TO THE ELIGIBILITY TO OBTAIN, SUSPENSION OF, AND REVOCATION OF A MOPED OPERATOR'S LICENSE, TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-2-2740, RELATING TO MOTOR VEHICLE REGISTRATION AND PROPERTY TAXES, TO PROVIDE FOR THE ISSUANCE OF MOPED VALIDATION DECALS, TO PROVIDE THE COST OF THE DECALS, AND TO PROVIDE THAT THE FEES COLLECTED FOR THE DECALS MUST BE USED TO DEFRAY THE COSTS OF THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND CHAPTER 2, TITLE 56, RELATING TO SPECIALIZED VEHICLES, BY ADDING ARTICLE 3, TO PROVIDE FOR THE REGISTRATION, TITLING, AND LICENSING OF MOPEDS, TO PROVIDE PENALTIES FOR A VIOLATION OF THIS ARTICLE, TO REGULATE THE OPERATION OF A MOPED, AND TO REGULATE THE SALE OF A MOPED; TO AMEND ARTICLE 2, CHAPTER 2, TITLE 56, RELATING TO SPECIALIZED VEHICLES, BY ADDING SECTION 56-2-4000, TO PROVIDE A PENALTY FOR A VIOLATION OF THIS CHAPTER; TO AMEND SECTION 56-3-20, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGISTRATION AND LICENSING OF MOTOR VEHICLES, TO DELETE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 56-3-200, RELATING TO THE REGISTRATION OF A VEHICLE, TO PROVIDE THAT A CERTIFICATE OF TITLE IS NOT REQUIRED TO REGISTER A MOPED; TO AMEND SECTION 56-3-250, RELATING TO THE REGISTRATION AND LICENSING OF A MOTOR VEHICLE ONCE ALL LOCAL PROPERTY TAXES ARE PAID, TO PROVIDE THAT THIS PROVISION DOES NOT APPLY TO A MOPED, AND TO MAKE A TECHNICAL CHANGE; TO AMEND SECTIONS 56-3-630 AND 56-3-760, RELATING TO VEHICLES CLASSIFIED AS PRIVATE PASSENGER MOTOR VEHICLES AND THE REGISTRATION FEE FOR CERTAIN VEHICLES, TO DELETE THE TERM "MOTOR-DRIVEN CYCLE" AND REPLACE IT WITH THE TERM "MOPED", AND TO MAKE A TECHNICAL CHANGE; TO REPEAL SECTIONS 56-5-120, 56-5-130, 56-5-140, 56-5-150, 56-5-155, 56-5-165, 56-5-410, AND 56-5-1550, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 56-5-361, RELATING TO THE TERM "PASSENGER CAR" AND ITS DEFINITION, TO

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DELETE THE TERM “MOTOR-DRIVEN CYCLES” AND ADD THE TERM “MOPEDS”; TO AMEND SECTION 56-5-1555, RELATING TO THE OPERATION OF A MOPED, TO RAISE THE MAXIMUM SPEED AT WHICH A MOPED MAY BE OPERATED; TO AMEND SECTION 56-5-4450, RELATING TO A DISPLAY OF LIGHTS BY A VEHICLE DURING CERTAIN TIMES OF DAY, TO DELETE AN OBSOLETE PROVISION AND MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-9-20, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS CONTAINED IN THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, TO DELETE AND REVISE CERTAIN TERMS AND THEIR DEFINITIONS; TO REPEAL SECTION 56-9-110, RELATING TO THE APPLICABILITY OF THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT TO CERTAIN ACCIDENTS OR JUDGMENTS; TO AMEND SECTION 56-10-520, RELATING TO THE OFFENSE OF OPERATING AN UNINSURED MOTOR VEHICLE, TO MAKE A TECHNICAL CHANGE AND TO PROVIDE THAT THIS SECTION APPLIES TO THE OPERATOR OF AN UNINSURED MOPED WHO IS NOT THE REGISTERED OWNER OF THE MOPED, UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56-10-535, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES REQUIRING A PERSON TO PROVIDE PROOF OF FINANCIAL RESPONSIBILITY AFTER A CONVICTION OF CERTAIN TRAFFIC OFFENSES, TO PROVIDE THAT THIS SECTION APPLIES TO A REGISTERED OWNER OF A MOPED; TO AMEND SECTION 56-15-10, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS, TO REVISE THE DEFINITION OF THE TERM “MOTOR VEHICLE”; TO AMEND SECTION 56-16-10, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTORCYCLE MANUFACTURES, DISTRIBUTORS, DEALERS, AND WHOLESALERS, TO REVISE THE DEFINITION OF THE TERM “MOTORCYCLE” AND REVISE THE TYPE OF VEHICLES REGULATED BY THIS CHAPTER; TO AMEND SECTION 56-19-10, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING THE PROTECTION OF TITLES TO AND INTERESTS IN MOTOR VEHICLES, TO DELETE CERTAIN TERMS AND THEIR DEFINITIONS; TO AMEND SECTION 56-19-220, RELATING TO VEHICLES THAT ARE EXEMPT FROM

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THE REQUIREMENT TO OBTAIN A CERTIFICATE OF TITLE, TO MAKE A TECHNICAL CHANGE AND TO ADD MOPEDS TO THE LIST OF EXEMPTED VEHICLES; TO AMEND SECTION 38-77-30, RELATING TO TERMS AND THEIR DEFINITIONS REGARDING AUTOMOBILE INSURANCE, TO DELETE THE TERMS “MOTOR-DRIVEN CYCLES”, “MOTOR SCOOTERS,” AND “MOPEDS”; TO PROVIDE THAT A PERSON WHO SELLS, SOLICITS, OR ADVERTISES TO SELL CERTAIN MOPEDS PRIOR TO JULY 1, 2018, MUST LABEL THE MOPEDS WITH THEIR SPECIFICATIONS AND PROVIDE A METAL PLATE THAT IDENTIFIES THE VEHICLE, TO PROVIDE A PENALTY FOR FAILURE TO COMPLY WITH THIS PROVISION, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE CERTAIN MOPEDS WITHOUT A METAL IDENTIFICATION PLATE, AND TO PROVIDE A PENALTY FOR FAILURE TO COMPLY WITH THIS PROVISION; TO AMEND SECTION 56-5-2941, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES REQUIRING A PERSON WHO VIOLATES CERTAIN PROVISIONS TO HAVE INSTALLED ON CERTAIN VEHICLES AN IGNITION INTERLOCK DEVICE, TO PROVIDE THAT THIS PROVISION DOES NOT REQUIRE THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE ON A MOPED; AND TO REPEAL ARTICLE 3, CHAPTER 5, TITLE 56, RELATING TO MOPED REGULATIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (197R003.DR.LKG), which was adopted:

Amend the bill, as and if amended, page 7, by striking lines 41-43, and page 8, by striking lines 1-8 and inserting:

/ (26) ‘Moped’ means a cycle, defined as a motor vehicle, with or without pedals to permit propulsion by human power, that travels on not more than three wheels in contact with the ground, whether powered by gasoline, electricity, alternative fuel, or a hybrid combination thereof. Based on the engine or fuel source, the moped must be equipped with a motor of fifty cubic centimeters or less, or designed to have an input of no less than 750 watts and no more than 1500 watts. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. /

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Amend the bill further, as and if amended, by striking SECTION 3 in its entirety and inserting:

/SECTION 3. Section 56-1-50 of the 1976 Code is amended to read:

“Section 56-1-50. (A) A person who is at least fifteen years of age may apply to the ~~Department of Motor Vehicles~~ department for a beginner’s permit. After the applicant has passed successfully all parts of the examination other than the driving test, the department may issue to the applicant a beginner’s permit. A beginner’s permit which entitles the applicant permittee having the permit in his immediate possession to drive a motor vehicle on public highways under the conditions contained in this section on the public highways for not more than twelve months.

(B) The permit is valid only in the operation of:

(1) vehicles after six o’clock a.m. and not later than midnight. Except as provided in subsection (E), while driving, the permittee must be accompanied by a licensed driver twenty-one years of age or older who has had at least one year of driving experience. A permittee may not drive between midnight and six o’clock a.m. unless accompanied by the permittee’s licensed parent or guardian; and

(2) ~~motorcycles, or mopeds after six o’clock a.m. and not later than six o’clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the permittee may operate motorcycles or mopeds after six o’clock a.m. and not later than eight o’clock p.m. A permittee may not operate a motorcycle at any other time unless accompanied by a licensed motorcycle operator twenty-one years of age or older who has at least one year of driving experience. A permittee may not operate a moped at any other time unless accompanied by a licensed driver twenty-one years of age or older who has at least one year of driving experience.~~

While driving a motorcycle during nighttime hours, the permittee must be accompanied by a motorcycle licensed driver twenty-one years of age or older who has had at least one year of driving experience.

(C) The accompanying driver must:

(1) occupy a seat beside the permittee when the permittee is operating a motor vehicle; or

(2) be within a safe viewing distance of the permittee when the permittee is operating a motorcycle ~~or a moped~~.

(D) A beginner’s permit may be renewed or a new permit issued for additional periods of twelve months, ~~but~~ however the department may refuse to renew or issue a new permit where the examining officer has reason to believe the applicant has not made a bona fide effort to pass

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the required driver's road test or does not appear to the examining officer to have the aptitude to pass the road test. The fee for every beginner's or renewal permit is two dollars and fifty cents, and the permit must bear the full name, date of birth, and residence address and a brief description and color photograph of the permittee and a facsimile of the signature of the permittee or a space upon which the permittee shall write his usual signature with pen and ink immediately upon receipt of the permit. A permit is not valid until it has been signed by the permittee.

(E) The following persons are not required to obtain a beginner's permit to operate a motor vehicle:

(1) a student at least fifteen years of age regularly enrolled in a high school of this State which conducts a driver's training course while the student is participating in the course and when accompanied by a qualified instructor of the course; and

(2) a person fifteen years of age or older enrolled in a driver training course conducted by a driver training school licensed under Chapter 23 of this title. However, this person at all times must be accompanied by an instructor of the school and may drive only an automobile owned or leased by the school which is covered by liability insurance in an amount not less than the minimum required by law.

(F) A person who has never held a form of license evidencing previous driving experience first must be issued a beginner's permit and must hold the permit for at least one hundred eighty days before being eligible for full licensure.

(G) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:

Fees and Penalties Collected After	General Fund of the State	Department of Transportation State Non-Federal Aid Highway Fund
June 30, 2005	60 percent	40 percent
June 30, 2006	20 percent	80 percent
June 30, 2007	0 percent	100 percent. " /

Amend the bill further, as and if amended, page 19, by striking lines 32-43, and page 20, by striking lines 1-8, and inserting:

/ Section 56-2-3075. (A) Any time a moped is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the officer who initiated the stop must complete a data

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collection form designed by the Department of Public Safety that must include information regarding the age, gender, and race or ethnicity of the driver of the moped. This information may be gathered and transmitted electronically under the supervision of the department, which shall develop and maintain a database storing the information collected. The department must promulgate rules and regulations with regard to the collection and submission of the information gathered.

(B) The Department of Public Safety shall develop and maintain a database for the information submitted to the department under subsection (A) and prepare a report to be posted on the department's website regarding moped stops using the collected information.

(C) The General Assembly shall have the authority to withhold any state funds or federal pass-through funds from any state or local law enforcement agency that fails to comply with the requirements of this section.

(D) This section must be reviewed by the Senate Transportation Committee and the House of Representatives Education and Public Works Committee during the 2022 Session of the General Assembly. The committees must make recommendations of appropriate changes, if any, to this section before the end of the 2022 Session.

Section 56-2-3080. (A) It is unlawful for a person to sell a new moped for use on public highways or operate a moped on public highways without:

- (1) operable pedals, if the moped is equipped with pedals;
- (2) at least one rearview mirror;
- (3) an operable headlight and running lights; and
- (4) brake lights that are operable when either brake is deployed.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

Section 56-2-3090. A person selling mopeds shall post, in a conspicuous place in his business, a sign that contains a brief explanation of the provisions of law governing the operation of mopeds, including, but not limited to, age restrictions, maximum speeds, and the definition of a moped.

Section 56-2-3100. A person or entity selling mopeds is not required to obtain a motor vehicle dealer's license." /

Amend the bill further, as and if amended, page 27, by striking lines 33-38 and inserting:

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/ “(4) ‘Motor vehicle’: Every self-propelled vehicle which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles but excepting traction engines, road rollers, farm tractors, tractor cranes, power shovels, mopeds, and well drillers, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails; /

Amend the bill further, as and if amended, page 31, by striking lines 6-10 and inserting:

/ (B)(1) A person who is the operator of an uninsured motor vehicle and not the titled owner, who knows that the required fee has not been paid to the director, is guilty of a misdemeanor and, upon conviction, must: for a: /

Amend the bill further, as and if amended, by striking SECTION 37 in its entirety and inserting:

/SECTION 37. Section 38-77-30(5.5)(d) of the 1976 Code is amended to read:

“(d) Individual private passenger automobile does not include:

- (i) motor vehicles that are used for public or livery conveyance or rented to others without a driver;
- (ii) fire department vehicles, police vehicles, ambulances, and rescue squad vehicles which are publicly owned;
- (iii) ~~motor driven cycles, motor scooters, and~~ mopeds;
- (iv) dune buggies, all-terrain vehicles, go carts, and snowmobiles;
- (v) golf carts; and
- (vi) small commercial risks.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

Senator RICE proposed the following amendment (197R005.DR.RFR) which was not adopted:

Amend the bill, as and if amended, page 19, by striking lines 32-39 and inserting:

/ Section 56-2-3080. (A) It is unlawful for a person to sell a new moped for use on public highways or operate a moped on public highways without:

- (1) operable pedals, if the moped is equipped with pedals;
- (2) at least one rearview mirror;
- (3) an operable headlight and running lights;

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(4) brake lights that are operable when either brake is deployed;
and

(5) a flashing red rear tail light that is continuously engaged while
the moped is in operation. /

Renumber sections to conform.

Amend title to conform.

Senator RICE explained the amendment.

Senator GROOMS spoke on the amendment.

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

Ayes 8; Nays 32

AYES

Allen	Cromer	Hutto
Malloy	Rice	Sabb
Setzler	Sheheen	

Total--8

NAYS

Alexander	Bennett	Campbell
Campsen	Climer	Corbin
Davis	Gambrell	Goldfinch
Grooms	Hembree	Johnson
Kimpson	Leatherman	Martin
Massey	<i>Matthews, Margie</i>	McElveen
McLeod	Nicholson	Peeler
Rankin	Reese	Scott
Senn	Shealy	Talley
Timmons	Turner	Verdin
Williams	Young	

Total--32

The amendment failed.

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Senator MALLOY proposed the following amendment (197.GM.1), which was adopted:

Amend the bill, as and if amended, page 19, by striking lines 6-8.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator HEMBREE explained the amendment.

The question then was second reading of the Bill.

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

Ayes 39; Nays 0

AYES

Alexander	Allen	Bennett
Campbell	Campsen	Climer
Corbin	Cromer	Davis
Gambrell	Goldfinch	Grooms
Hembree	Hutto	Johnson
Kimpson	Leatherman	Malloy
Martin	Massey	<i>Matthews, Margie</i>
McElveen	McLeod	Nicholson
Peeler	Rankin	Reese
Rice	Sabb	Scott
Senn	Setzler	Shealy
Talley	Timmons	Turner
Verdin	Williams	Young

Total--39

NAYS

Total--0

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

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CARRIED OVER

S. 18 -- Senators Campsen and Hembree: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 24-21-705 SO AS TO PROVIDE THAT, UPON RECEIPT OF THE NOTICE OF A PAROLE HEARING, THE VICTIM AND MEMBERS OF THE VICTIM'S IMMEDIATE FAMILY MAY SUBMIT WRITTEN STATEMENTS TO THE BOARD OF PROBATION, PAROLE AND PARDON SERVICES, TO PROVIDE THAT THE STATEMENTS MUST BE CONSIDERED BY THE BOARD IN MAKING ITS DETERMINATION OF PAROLE, AND TO PROVIDE THAT THE STATEMENTS MUST BE RETAINED BY THE BOARD AND MUST BE SUBMITTED AT SUBSEQUENT PAROLE HEARINGS IF THE SUBMITTING PERSON DECLARES THAT THE STATEMENT STILL REPRESENTS THE PERSON'S PRESENT POSITION.

Senators SHEALY and CAMPSSEN explained the committee amendment.

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

S. 176 -- Senator Sheheen: A BILL TO AMEND CHAPTER 1, TITLE 24 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF CORRECTIONS, BY ADDING SECTION 24-1-300, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE AN UNMANNED AERIAL VEHICLE WITHIN A CERTAIN DISTANCE OF A DEPARTMENT OF CORRECTIONS FACILITY WITHOUT WRITTEN CONSENT, AND TO PROVIDE PENALTIES FOR THE VIOLATION.

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

Motion Adopted

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned.

MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Keith Gedamke of Sumter, S.C. Keith attended Santa Fe College and had a passion for photography. He worked for The Sumter Item newspaper as a photographer and photojournalist. He was a loving son and devoted brother who will be dearly missed.

THURSDAY, JANUARY 26, 2017

ADJOURNMENT

At 12:28 P.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M. under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up.

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