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2015 REGULAR SESSION

Acts and Joint Resolutions

of the

GENERAL ASSEMBLY
OF THE STATE OF SOUTH CAROLINA

Numbers in parenthesis to left of act numbers (numbers in bold face) refer as follows: number with R before it refers to ratification number, number with S before it refers to bill number in Senate, and number with H before it refers to bill number in House of Representatives.

James H. Harrison, Code Commissioner, P.O. Box 11489,
Columbia, S.C. 29211

If the first portion of the act on the opposite page is incomplete, see the preceding Advance Sheet for the first portion.

order temporarily by agreement pursuant to Subarticle 2, the residence of the deploying parent is not changed by reason of the deployment for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

(C) If a court in another state has issued a temporary order regarding custodial responsibility as a result of impending or current deployment, the residence of the deploying parent is not changed by reason of the deployment for the purposes of the Uniform Child Custody Jurisdiction and Enforcement Act.

(D) This section does not prohibit the exercise of temporary emergency jurisdiction by a court pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act.

Section 63-15-508. (A) Except as provided in subsection (D), and subject to subsection (C), a deploying parent shall notify in a record the other parent of a pending deployment not later than seven days after receiving notice of deployment unless reasonably prevented from doing so by the circumstances of service. If the circumstances of service prevent providing notification within seven days, such notification must be made as soon as reasonably possible thereafter.

(B) Except as provided in subsection (D), and subject to subsection (C), each parent shall provide in a record the other parent with a plan for fulfilling that parent's share of custodial responsibility during deployment as soon as reasonably possible after receiving notice of deployment.

(C) If an existing court order prohibits disclosure of the address or contact information of the other parent, a notification of deployment pursuant to subsection (A) or notification of a plan for the custodial responsibility during deployment pursuant to subsection (B) may be made only to the issuing court. If the address of the other parent is available to the issuing court, the court shall forward the notification to the other parent. The court shall keep confidential the address or contact information of the other parent.

(D) Notice in a record is not required if the parents are living in the same residence and there is actual notice of the deployment or plan.

(E) In a proceeding regarding custodial responsibility between parents, a court may consider the reasonableness of a parent's efforts to comply with this section.

Section 63-15-510. (A) Except as otherwise provided in subsection (B), an individual to whom custodial responsibility has been assigned or granted during deployment pursuant to Subarticle 2 or 3 shall notify the

deploying parent and any other individual with custodial responsibility of any change of mailing address or residence until the assignment or grant is terminated. The individual shall provide the notice to any court that has issued an existing custody or child support order concerning the child.

(B) If an existing court or order prohibits disclosure of the address or contact information of an individual to whom custodial responsibility has been assigned or granted, a notification of change of mailing address or residence pursuant to subsection (A) may be made only to the court that issued the order. The court shall keep confidential the mailing address or residence of the individual to whom custodial responsibility has been assigned or granted.

Section 63-15-512. In a proceeding for custodial responsibility of a child of a service member, a court may not consider a parent's past deployment or possible future deployment in itself in determining the best interest of the child but may consider any significant impact on the best interest of the child of the parent's past or possible future deployment.

Subarticle 2

Agreement Addressing Custodial Responsibility
During Deployment

Section 63-15-514. (A) The parents of a child may enter into a temporary agreement granting custodial responsibility during deployment.

(B) An agreement under subsection (A) must be:

(1) in writing; and

(2) signed by both parents and any nonparent to whom custodial responsibility is granted.

(C) An agreement under subsection (A), if feasible, must:

(1) identify to the extent feasible the destination, duration, and conditions of the deployment that is the basis for the agreement;

(2) specify the allocation of caretaking authority among the deploying parent, the other parent, and any nonparent, if applicable;

(3) specify a decision-making authority that accompanies a grant of caretaking authority;

(4) specify any grant of limited contact to a nonparent;

(5) if the agreement shares custodial responsibility between the other parent and a nonparent or between two nonparents, provide a process to resolve any dispute that may arise;

(6) specify the frequency, duration, and means, including electronic means, by which the deploying parent will have contact with the child; any role to be played by the other parent in facilitating the contact; and allocation of any costs of communications;

(7) specify the contact between the deploying parent and child during the time the deploying parent is on leave or is otherwise available;

(8) acknowledge that any party's existing child-support obligation cannot be modified by the agreement and that changing the terms of the obligation during deployment requires modification in the appropriate court;

(9) provide that the agreement terminates following the deploying parent's return from deployment according to the procedures in Subarticle 4; and

(10) if the agreement must be filed pursuant to Section 63-15-522, specify which parent shall file the agreement.

(D) The omission of an item in subsection (C) does not invalidate an agreement entered into pursuant to this section.

Section 63-15-516. (A) An agreement under this subarticle is temporary and terminates pursuant to Subarticle 4 following the return from deployment of the deployed parent, unless the agreement has been terminated before that time by court order or modification of the agreement pursuant to Section 63-15-518. The agreement derives from the parent's custodial responsibility and does not create an independent, continuing right to caretaking authority, decision-making authority, or limited contact in an individual to whom custodial responsibility is given.

(B) A nonparent given caretaking authority, decision-making authority, or limited contact by an agreement under this subarticle has standing to enforce the agreement until it has been terminated pursuant to an agreement of the parents under Section 63-15-518, under Subarticle 4, or by court order.

Section 63-15-518. (A) The parents may modify an agreement regarding custodial responsibility made pursuant to this article by mutual consent.

(B) If an agreement under subsection (A) is modified before deployment of a deploying parent, the modification must be in writing

and signed by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

(C) If an agreement under subsection (A) is modified during deployment of a deploying parent, the modification must be agreed to in a record by both parents and any nonparent who will exercise custodial responsibility under the modified agreement.

Section 63-15-520. If no other parent possesses custodial responsibility under the law of this State, other than this article, or if an existing court order prohibits contact between the child and the other parent, a deploying parent, by power of attorney, may delegate all or part of his or her custodial responsibility to an adult nonparent for the period of deployment. The power of attorney is revocable by the deploying parent through a revocation of the power of attorney signed by the deploying parent.

Section 63-15-522. An agreement or power of attorney made under this subarticle must be filed within a reasonable period of time with any court that has entered an existing order on custodial responsibility or child support concerning the child. The case number and heading of the existing case concerning custodial responsibility or child support must be provided to the court with the agreement or power of attorney.

Subarticle 3

Judicial Procedure for Granting Custodial Responsibility During Deployment

Section 63-15-524. (A) After a deploying parent receives notice of deployment and during the deployment, a court may issue a temporary order granting custodial responsibility unless prohibited by the Servicemembers Civil Relief Act, 50 U.S.C. Appx. Sections 521-522. A court may not issue a permanent order granting custodial responsibility without the consent of the deploying parent.

(B) At any time after a deploying parent receives notice of deployment, either parent may file a motion regarding custodial responsibility of a child during deployment. The motion must be filed in an existing proceeding for custodial responsibility of the child with jurisdiction pursuant to Section 63-15-506 or, if there is no existing proceeding in a court with jurisdiction pursuant to Section 63-15-506, in a new action for granting custodial responsibility during deployment.

Section 63-15-526. If a motion to grant custodial responsibility is filed before a deploying parent deploys, the court shall conduct an expedited hearing.

Section 63-15-528. In a proceeding brought pursuant to this subarticle, a party or witness who is not reasonably available to appear personally may appear and provide testimony and present evidence by electronic means unless the court finds good cause to require a personal appearance.

Section 63-15-530. In a proceeding for a grant of custodial responsibility pursuant to this subarticle, the following rules apply:

(1) A prior judicial order designating custodial responsibility of a child in the event of deployment is binding on the court unless the circumstances meet the requirements of the law of this State, other than this article, for modifying a judicial order regarding custodial responsibility.

(2) The court shall enforce a prior written agreement between the parents for designating custodial responsibility of a child in the event of deployment, including a prior written agreement executed pursuant to Subarticle 2, unless the court finds the agreement contrary to the best interest of the child.

Section 63-15-532. (A) On the motion of a deploying parent and in accordance with the law of this State other than this article, a court may grant caretaking authority of a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if it is in the best interest of the child.

(B) Unless the grant of caretaking authority to a nonparent under subsection (A) is agreed to by the other parent, the grant is limited to an amount of time not greater than:

(1) the time granted to the deploying parent in an existing permanent custody order, except that the court may add unusual travel time necessary to transport the child; or

(2) in the absence of an existing permanent custody order, the amount of time that the deploying parent habitually cared for the child before being notified of deployment, except that the court may add unusual travel time necessary to transport the child.

(C) A court may grant part of the deploying parent's decision-making authority for a child to a nonparent who is an adult family member of the child or an adult with whom the child has a close and substantial relationship if the deploying parent is unable to exercise that authority.

When a court grants the authority to a nonparent, the court shall specify the decision-making power that will and will not be granted, including applicable health, educational, and religious decisions.

Section 63-15-534. On motion of a deploying parent and in accordance with the law of this State, other than this article, a court shall grant limited contact with a child to a nonparent who is either a family member of the child or an individual with whom the child has a close and substantial relationship, unless the court finds that the contact would be contrary to the best interest of the child.

Section 63-15-536. (A) A grant made pursuant to this subarticle is temporary and terminates pursuant to Subarticle 4 following the return from deployment of the deployed parent, unless the grant has been terminated before that time by court order. The grant does not create an independent, continuing right to caretaking authority, decision-making authority, or limited contact in an individual to whom it is granted.

(B) A nonparent granted caretaking authority, decision-making authority, or limited contact pursuant to this article has standing to enforce the grant until it is terminated pursuant to Subarticle 4 or by court order.

Section 63-15-538. (A) An order granting custodial responsibility pursuant to this article must:

(1) designate the order as temporary; and

(2) identify to the extent feasible the destination, duration, and conditions of the deployment.

(B) If applicable, a temporary order for custodial responsibility must:

(1) specify the allocation of caretaking authority, decision-making authority, or limited contact among the deploying parent, the other parent, and any nonparent;

(2) if the order divides caretaking or decision-making authority between individuals or grants caretaking authority to one individual and limited contact to another, provide a process to resolve any significant dispute that may arise;

(3) provide for liberal communication between the deploying parent and the child during deployment, including through electronic means, unless contrary to the best interest of the child, and allocate any costs of communications;

(4) provide for liberal contact between the deploying parent and the child during the time the deploying parent is on leave or is otherwise available, unless contrary to the best interest of the child;

(5) provide for reasonable contact between the deploying parent and the child following return from deployment until the temporary order is terminated, which may include more time than the deploying parent spent with the child before entry of the temporary order; and

(6) provide that the order will terminate following return from deployment according to the procedures pursuant to Subarticle 4.

Section 63-15-540. If a court has issued an order providing for grant of caretaking authority pursuant to this subarticle or an agreement granting caretaking authority has been executed pursuant to Subarticle 2, the court may enter a temporary order for child support consistent with the law of this State, other than this article, if the court has jurisdiction under the Uniform Interstate Family Support Act.

Section 63-15-542. (A) Except for an order in accordance with Section 63-15-530, or as otherwise provided in subsection (B), and consistent with the Servicemembers Civil Relief Act, 50 U.S.C. Appx. Sections 521-522, on motion of a deploying parent or other parent or any nonparent to whom caretaking authority, decision-making authority, or limited contact has been granted, the court may modify or terminate a grant of caretaking authority, decision-making authority, or limited contact made pursuant to this article if the modification or termination is consistent with this article and the court finds it is in the best interest of the child. Any modification must be temporary and terminates following the conclusion of deployment of the deployed parent according to the procedures in Subarticle 4, unless the grant has been terminated before that time by court order.

(B) On motion of a deploying parent, the court shall terminate a grant of limited contact.

Subarticle 4

Return From Deployment

Section 63-15-544. (A) At any time following return from deployment, a temporary agreement granting custodial responsibility pursuant to Subarticle 2 may be terminated by an agreement to terminate signed by the deploying parent and the other parent.

(B) The temporary agreement granting custodial responsibility terminates:

(1) if the agreement to terminate specifies a date for termination, on that date; or

(2) if the agreement to terminate does not specify a date, on the date the agreement to terminate is signed by both parents.

(C) In the absence of an agreement to terminate, the temporary agreement granting custodial responsibility terminates sixty days from the date of the deploying parent's giving notice to the other parent of having returned from deployment.

(D) If the temporary agreement granting custodial responsibility was filed with a court pursuant to Section 63-15-522, an agreement to terminate the temporary agreement also must be filed with that court within a reasonable period of time after the signing of the agreement. The case number and heading of the existing custodial responsibility or child support case must be provided to the court with the agreement to terminate.

Section 63-15-546. At any time following return from deployment, the deploying parent and the other parent may file with the court an agreement to terminate a temporary order for custodial responsibility issued pursuant to Subarticle 3. After an agreement has been filed, the court shall issue an order terminating the temporary order on the date specified in the agreement. If no date is specified, the court shall issue the order immediately.

Section 63-15-548. Following return from deployment of a deploying parent until a temporary agreement or order for custodial responsibility established pursuant to Subarticle 2 or 3 is terminated, the court shall enter a temporary order granting the deploying parent reasonable contact with the child unless it is contrary to the best interest of the child, even if the time exceeds the time the deploying parent spent with the child before deployment.

Section 63-15-550. (A) A temporary order for custodial responsibility issued pursuant to Subarticle 3 shall terminate, if no agreement between the parties to terminate a temporary order for custodial responsibility has been filed, sixty days from the date of the deploying parent's giving notice of having returned from deployment to the other parent and any nonparent granted custodial responsibility.

(B) Any proceedings seeking to prevent termination of a temporary order for custodial responsibility are governed by the law of this State other than this article.

Section 63-15-552. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Section 63-15-554. This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001, et seq., but does not modify, limit, or supersede Section 101(c) of that act, 15 U.S.C. Section 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. Section 7003(b).

Section 63-15-556. This article does not affect the validity of a temporary court order concerning custodial responsibility during deployment that was entered before the effective date of this article."

Time effective

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

Ratified the 3rd day of June, 2015.

Approved the 4th day of June, 2015.

No. 62

(R95, H3548)

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, 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.

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

County Department of Social Services to notify designated military officials when an alleged abused or neglected child is an active duty military family member

SECTION 1. Section 63-7-320 of the 1976 Code is amended by adding subsection (C) at the end to read:

"(C) In the event the alleged abused or neglected child is a member of an active duty military family, concurrent with the transfer of the report, the county department of social services shall notify the designated authorities at the military installation where the active duty military

sponsor is assigned, pursuant to the memorandum of understanding or agreement with the military installation's command authority."

County Department of Social Services or law enforcement may collect and share information concerning military affiliation of person having custody of a child who is the subject of an investigation

SECTION 2. Section 63-7-920 of the 1976 Code is amended by adding subsection (F) at the end to read:

"(F) 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 pursuant to Section 63-11-80."

Department of Social Services may grant access to certain records with designated military officials at the installation where the sponsor of an alleged abused or neglected child is assigned

SECTION 3. Section 63-7-1990(B)(23) of the 1976 Code is amended to read:

"(23) the Division of Guardian ad Litem, Office of the Governor, for purposes of certifying that no potential employee or volunteer is the subject of an indicated report or an affirmative determination; and

(24) the designated authorities at the military installation where the active duty service member, who is the sponsor of the alleged abused or neglected child, is assigned. The authorities are designated in the memorandum of understanding or agreement between county protective services and the military installation's command authority."

Prohibition against certain disclosures of information, exception

SECTION 4. Section 63-11-80 of the 1976 Code is amended to read:

"Section 63-11-80. 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."

Time effective

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

Ratified the 3rd day of June, 2015.

Approved the 4th day of June, 2015.

No. 63

(R96, H3583)

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 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.

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

Prohibition of contracting with discriminatory businesses

SECTION 1. Chapter 35, Title 11 of the 1976 Code is amended by adding:

"Article 23

Statewide Provisions

Section 11-35-5300. (A) A public entity may not enter into a contract with a business to acquire or dispose of supplies, services, information technology, or construction unless the contract includes a representation that the business is not currently engaged in, and an agreement that the business will not engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with whom South Carolina can enjoy open trade, as defined in this article.

(B) For purposes of this section:

(1) 'Boycott' means to blacklist, divest from, or otherwise refuse to deal with a person or firm when the action is based on race, color, religion, gender, or national origin of the targeted person or entity. 'Boycott' does not include:

(a) a decision based on business or economic reasons, or the specific conduct of a targeted person or firm;

(b) a boycott against a public entity of a foreign state when the boycott is applied in a nondiscriminatory manner; and

(c) conduct necessary to comply with applicable law in the business's home jurisdiction.

(2) 'Public entity' means the State, or any political subdivision of the State, including a school district or agency, department, institution, or other public entity of them.

(3) A 'jurisdiction with whom South Carolina can enjoy open trade' includes World Trade Organization members and those with which the United States has free trade or other agreements aimed at ensuring open and nondiscriminatory trade relations.

(C) This section does not apply if a business fails to meet the requirements of subsection (A) but offers to provide the goods or services for at least twenty percent less than the lowest certifying business. Also, this section does not apply to contracts with a total potential value of less than ten thousand dollars.

(D) Failure to comply with a provision of this section is not grounds for a protest filed pursuant to Section 11-35-4210 or any other preaward protest process appearing in a procurement ordinance adopted by a political subdivision pursuant to Section 11-35-50 or Section 11-35-70, or similar law."

Iran Divestment Act revised

SECTION 2. A. Sections 11-57-320 and 11-57-330 of the 1976 Code, both as added by Act 267 of 2014, are amended to read:

"Section 11-57-320. Notwithstanding Section 11-57-310, a person engaged in investment activities in Iran as described in Section 11-57-300, may contract with the State if:

(1) the investment activities in Iran were made before January 1, 2015, the investment activities in Iran have not been expanded or renewed after the effective date of this act, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

(2) the state agency makes a determination that the commodities or services are necessary to perform its functions and that, absent such an exemption, the state agency would be unable to obtain the commodities or services for which the contract is offered. Such determination shall be entered into the procurement record.

Section 11-57-330. (A) A state agency or entity shall require a person that attempts to contract with the State, including a contract renewal or assumption, to certify, at the time the bid is submitted or the contract is entered into, renewed, or assigned, that the person or the assignee is not

identified on a list created pursuant to Section 11-57-310. A state agency shall include certification information in the procurement record. This section does not apply to and such certification is not required for contracts between public procurement units, nor contracts between public procurement units and external procurement activities, as that term is defined in Section 11-35-4610.

(B) A person who contracts with the State shall not enter into a subcontract, on the contract with the state agency or entity, with any person that is identified on a list created pursuant to Section 11-57-310.

(C) Upon receiving information that a person who has made the certification required by subsection (A) is in violation thereof, the state agency or entity shall review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment which is in violation of this act within ninety days after the determination of such violation, then the state agency or entity shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, imposing sanctions, seeking compliance, recovering damages, or declaring the contractor in default."

B. Section 11-57-510 of the 1976 Code, as added by Act 267 of 2014, is amended to read:

"Section 11-57-510. (A) Effective January 1, 2015, every bid or proposal made to a political subdivision of the State or any public department, agency, or official thereof where competitive bidding is required by statute, rule, regulation, or local law, for work or services performed or to be performed or goods sold or to be sold, shall contain the following statement subscribed by the bidder and affirmed by such bidder as true under the penalties of perjury: 'By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to Section 11-57-310.' This section does not apply to and such certification is not required for contracts between public procurement units, nor contracts between public procurement units and external procurement activities, as that term is defined in Section 11-35-4610.

(B) Notwithstanding subsection (A), the statement of noninvestment in the Iranian energy sector may be submitted electronically.

(C) A bid shall not be considered for award nor shall any award be made where the condition set forth in subsection (A) has not been

complied with; provided, however, that if in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. A political subdivision may award a bid to a bidder who cannot make the certification pursuant to subsection (A) if:

(1) the investment activities in Iran were made before January 1, 2015, the investment activities in Iran have not been expanded or renewed after the effective date of this act, and the person has adopted, publicized, and is implementing a formal plan to cease the investment activities in Iran and to refrain from engaging in any new investments in Iran; or

(2) the political subdivision makes a determination that the goods or services are necessary for the political subdivision to perform its functions and that, absent such an exemption, the political subdivision would be unable to obtain the goods or services for which the contract is offered. Such determination shall be made in writing and shall be a public document."

C. Article 1, Chapter 57, Title 11 of the 1976 Code is amended by adding:

"Section 11-57-50. Failure to comply with a provision of this chapter is not grounds for a protest filed pursuant to Section 11-35-4210 or any other preaward protest process appearing in a procurement ordinance adopted by a political subdivision pursuant to Section 11-35-50 or Section 11-35-70, or similar law."

Applicability of Iran Divestment Act increased threshold

SECTION 3. Section 11-57-40 of the 1976 Code, as added by Act 267 of 2014, is amended to read:

"Section 11-57-40. This chapter does not apply to a procurement or contract valued at ten thousand dollars or less."

Severability

SECTION 4. If any section, subsection, 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, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 5. This act takes effect upon approval by the Governor and does not apply to contracts entered into before the effective date of this act.

Ratified the 3rd day of June, 2015.

Approved the 4th day of June, 2015.

No. 64

(R98, H3772)

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.

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

Member reappointments to successive terms permitted

SECTION 1. Section 38-79-260 of the 1976 Code is amended to read:

"Section 38-79-260. The association is governed by a board of thirteen directors, all of whom must be appointed by the Governor. The Governor shall appoint five health care providers after consultation with the South Carolina Medical Association, the South Carolina Dental Association, and the South Carolina Health Alliance; four insurance representatives after consultation with the insurance industry; one

consumer representative who is unaffiliated with the insurance or health care industries or the medical or legal professions; and two licensed insurance agents or brokers. The professional associations listed and the insurance industry may nominate qualified individuals to the Governor for his consideration. The Governor may also receive nominations for appointments to the board from any other individual, group, or association. Notices of vacancies on the board must be published in newspapers of general statewide circulation. The director or his designee shall serve as an ex officio member of the board. The board shall develop a plan of operation which is subject to the approval of the director or his designee as provided in this article. The plan of operation shall provide for staggered terms of the members of the board. The approved plan of operation of the association may make provision for combining insurers under common ownership or management into groups for voting, assessment, and all other purposes and may provide that not more than one of the officers or employees of a group may serve as a director at any one time. The board shall elect a chairman and other necessary officers for two-year terms. A vacancy must be filled for the unexpired portion of the term only. The Governor may receive recommendations from any individual, group, or association for any vacancy on the board. The board must meet at the call of the chairman or a majority of the members of the board, but in any event it must meet at least once a year."

Time effective

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

Ratified the 3rd day of June, 2015.

Approved the 4th day of June, 2015.

No. 65

(R111, H3266)

AN ACT 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.

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

Limitation on liability of land possessors to trespassers

SECTION 1. Title 15 of the 1976 Code is amended by adding:

"CHAPTER 82

Limitation on Liability of Land Possessors to Trespassers

Trespasser Responsibility Act

Section 15-82-10. (A) As used in this section, the terms:

(1) 'Possessor of land' means the possessor of any fee, reversionary, or easement interest in real property, including an owner, lessee, or other lawful occupant.

(2) 'Trespasser' means a person who enters or remains on the land of another without permission or without legal privilege.

(B) A possessor of land owes no duty to a trespasser except to refrain from causing a wilful or wanton injury.

(C) Notwithstanding subsection (B), a possessor of land is subject to liability for physical harm to children or a person with an intellectual disability who are trespassing thereon caused by an artificial condition upon the land if:

(1) the place where the condition exists is one upon which the possessor knows or has reason to know that children or persons with an intellectual disability are likely to trespass;

(2) the condition is one of which the possessor knows or has reason to know and which he realizes or should realize will involve an unreasonable risk of death or serious bodily harm to children or persons with an intellectual disability;

(3) the person because of his youth or intellectual disability does not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it;

(4) the utility to the possessor of maintaining the condition and the burden of eliminating the danger are slight as compared with the risk to children or the persons with an intellectual disability who are involved; and

(5) the possessor fails to exercise reasonable care to eliminate the danger or otherwise to protect the children or the persons with an intellectual disability.

(D) For the purposes of subsection (C), 'intellectual disability' has the same meaning as provided for in Section 44-20-30(12).

(E) This chapter does not affect any immunities from or defenses to civil liability established by another section of the South Carolina Code of Laws or available at common law to which a possessor of land may be entitled.

(F) The provisions of this chapter do not affect any right, privilege, or provision of the South Carolina Tort Claims Act pursuant to Chapter 78, Title 15."

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 66

(R113, H3882)

AN ACT TO AMEND SECTION 59-67-160, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANDATORY PHYSICAL EXAMINATIONS OF PUBLIC SCHOOL BUS DRIVERS, SO AS TO PROVIDE THE EXAMINATIONS MUST MEET CERTAIN FEDERAL REQUIREMENTS IN ADDITION TO STATE REQUIREMENTS, TO PROVIDE THE EXAMINATIONS MUST BE CERTIFIED BY MEDICAL EXAMINERS, AND TO DELETE EXISTING PROVISIONS REQUIRING THIS CERTIFICATION INSTEAD BE MADE BY PHYSICIANS, NURSE PRACTITIONERS, OR PHYSICIAN'S ASSISTANTS.

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

Examination criteria revised

SECTION 1. Section 59-67-160 of the 1976 Code, as added by Act 351 of 2006, is amended to read:

"Section 59-67-160. A school bus driver shall have a physical examination that meets the requirements of the Federal Motor Carrier Safety Regulations (FMCSR), 49 C.F.R. 391.41, and meets the certification requirements of this section, certified by a medical examiner as defined in 49 C.F.R. 390.5, before the testing required to operate a school bus and at least every two years after that. The certification must be made on forms provided by the State Department of Education or the United States Department of Transportation. The school bus driver candidate shall provide the testing administrator with the certified physical examination before taking the school bus driver physical performance test and the commercial driver's license skills test. The school bus driver candidate shall provide a copy of the certification to the employing school district. A school district may require additional physical examinations as the district determines to be appropriate. The State assumes no responsibility for the cost of physical examinations required by districts."

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 67

(R115, H4260)

AN ACT 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.

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

Colleton County voting precincts designated

SECTION 1. Section 7-7-200 of the 1976 Code, as last amended by Act 193 of 2012, is further amended to read:

"Section 7-7-200. (A) In Colleton County there are the following voting precincts:
Ashton-Lodge
Bells
Berea-Smoaks
Canadys
Cottageville
Edisto
Green Pond
Hendersonville
Horse Pen
Hudson Mill
Jacksonboro
Maple Cane
Mashawville
Peniel
Peeples
Petits
Rice Patch
Ritter
Round O
Ruffin
Sidneys
Sniders
Stokes
Walterboro No. 1
Walterboro No. 2
Walterboro No. 3
Walterboro No. 4
Walterboro No. 5
Walterboro No. 6
Williams

Edisto Beach
Wolfe Creek

(B) The precinct lines defining the precincts provided for in subsection (A) are as shown on maps filed with the Colleton County Board of Voter Registration and Elections as provided and maintained by the Revenue and Fiscal Affairs Office designated as document P-29-15.

(C) The polling places for the precincts provided in this section must be determined by the Colleton County Board of Voter Registration and Elections with the approval of a majority of the Colleton County Legislative Delegation."

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 68

(R97, H3725)

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.

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

Additional option for certified historic structure tax credit

SECTION 1. Section 12-6-3535 of the 1976 Code is amended to read:

"Section 12-6-3535. (A)(1) A taxpayer who is allowed a federal income tax credit pursuant to Section 47 of the Internal Revenue Code for making qualified rehabilitation expenditures for a certified historic structure located in this State is allowed to claim a credit against a combination of income taxes and license fees imposed by this title. For the purposes of this section, 'qualified rehabilitation expenditures' and 'certified historic structures' are defined as provided in the Internal Revenue Code Section 47 and the applicable treasury regulations. Except as provided in item (2), the amount of the credit is ten percent of the expenditures that qualify for the federal credit. To claim the credit allowed by this subsection, a taxpayer filing a paper return must attach a copy of the section of the federal income tax return showing the credit claimed, along with other information that the Department of Revenue determines is necessary for the calculation of the credit provided by this subsection.

(2) 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.

(B) A taxpayer who is not eligible for a federal income tax credit under Section 47 of the Internal Revenue Code and who makes rehabilitation expenses for a certified historic residential structure located in this State is allowed to claim a credit against the tax imposed by this chapter. The amount of the credit is twenty-five percent of the rehabilitation expenses. To claim the credit allowed by this subsection, a taxpayer filing a paper return must attach a copy of the certification obtained from the State Historic Preservation Officer verifying that the historic structure has been rehabilitated in accordance with this

subsection, along with all information that the Department of Revenue determines is necessary for the calculation of the credit provided by this subsection. A taxpayer filing an electronic return shall keep a copy of the certification with his tax records.

For the purposes of subsections (B) through (F):

(1) 'Certified historic residential structure' means an owner-occupied residence that is:

(a) listed individually in the National Register of Historic Places;

(b) considered by the State Historic Preservation Officer to contribute to the historic significance of a National Register Historic District;

(c) considered by the State Historic Preservation Officer to meet the criteria for individual listing in the National Register of Historic Places; or

(d) an outbuilding of an otherwise eligible property considered by the State Historic Preservation Officer to contribute to the historic significance of the property.

(2) 'Certified rehabilitation' means repairs or alterations consistent with the Secretary of the Interior's Standards for Rehabilitation and certified as such by the State Historic Preservation Officer before commencement of the work. The review by the State Historic Preservation Officer shall include all repairs, alterations, rehabilitation, and new construction on the certified historic residential structure and the property on which it is located. To qualify for the credit, the taxpayer shall receive documentation from the State Historic Preservation Officer verifying that the completed project was rehabilitated in accordance with the standards for rehabilitation. The rehabilitation expenses must, within a thirty-six-month period, exceed fifteen thousand dollars. A taxpayer shall not take more than one credit on the same certified historic residential structure within ten years.

(3) 'Rehabilitation expenses' means expenses incurred by the taxpayer in the certified rehabilitation of a certified historic residential structure that are paid before the credit is claimed including preservation and rehabilitation work done to the exterior of a certified historic residential structure, repair and stabilization of historic structural systems, restoration of historic plaster, energy efficiency measures except insulation in frame walls, repairs or rehabilitation of heating, air-conditioning, or ventilating systems, repairs or rehabilitation of electrical or plumbing systems exclusive of new electrical appliances and electrical or plumbing fixtures, and architectural and engineering fees.

'Rehabilitation expenses' do not include the cost of acquiring or marketing the property, the cost of new construction beyond the volume of the existing certified historic residential structure, the value of an owner's personal labor, or the cost of personal property.

(4) 'State Historic Preservation Officer' means the Director of the Department of Archives and History or the director's designee who administers the historic preservation programs within the State.

(5) 'Owner-occupied residence' means a building or portion of a building in which the taxpayer has an ownership interest, in whole or in part, in fee, by life estate, or as the income beneficiary of a property trust, that is, after being placed in service, the residence of the taxpayer and is not:

(a) actively used in a trade or business;

(b) held for the production of income; or

(c) held for sales or disposition in the ordinary course of the taxpayer's trade or business.

(C)(1) The entire credit may not be taken for the taxable year in which the property is placed in service but must be taken in equal installments over a three-year period beginning with the year in which the property is placed in service. 'Placed in service' means the rehabilitation is completed and allows for the intended use. Any unused portion of any credit installment may be carried forward for the succeeding five years.

(2) The credit earned pursuant to this section by an 'S' corporation owing corporate level income tax must be used first at the entity level. Remaining credit passes through to each shareholder in a percentage equal to each shareholder's percentage of stock ownership. The credit earned pursuant to this section by a general partnership, limited partnership, limited liability company, or other pass-through entity, as defined in Section 12-6-545, must be passed through to its partners and may be allocated among partners, including, without limitation, an allocation of the entire credit to one partner, in a manner agreed by the partners. As used in this item the term 'partner' means a partner, member, or owner of an interest in the pass-through entity, as applicable. If the taxpayer makes a pass-through election under Section 50(d) of the Internal Revenue Code, the taxpayer may elect to pass the credit claimed pursuant to this section to the tenant of the eligible structure or to retain the credit.

(D) Additional work done by the taxpayer while the credit is being claimed, for a period of up to five years, must be consistent with the Secretary of the Interior's Standards for Rehabilitation. During this period the State Historic Preservation Officer may review additional work to the certified historic structure or certified historic residential

structure and has the right to inspect certified historic structures and certified historic residential structures. If additional work is not consistent with the Standards for Rehabilitation, the taxpayer and Department of Revenue must be notified in writing and any unused portion of the credit, including carry forward, is forfeited.

(E) The South Carolina Department of Archives and History shall develop an application and may promulgate regulations, including the establishment of fees, needed to administer the certification process. The Department of Revenue may promulgate regulations, including the establishment of fees, to administer the tax credit.

(F) A taxpayer may appeal a decision of the State Historic Preservation Officer to a committee of the State Review Board appointed by the chairperson."

Definition

SECTION 2. Section 12-67-120 of the 1976 Code, as added by Act 57 of 2013, is amended by adding an item at the end to read:

"(8) 'State-owned abandoned building' means an abandoned building and its ancillary service buildings or a project consisting of one or more abandoned buildings, the aggregate size of which is greater than fifty thousand square feet, that has been abandoned for more than five years, and, prior to the taxpayer's acquisition of such building, was most recently owned by the State, or an agency, instrumentality, or political subdivision of the State. For purposes of this definition, the taxpayer shall include any entity under common control or common ownership with the taxpayer."

Abandoned building rehabilitation tax credit revised

SECTION 3. Section 12-67-140(A) and (B) of the 1976 Code, as added by Act 57 of 2013, is amended to read:

"(A) Subject to the terms and conditions of this chapter, a taxpayer who rehabilitates an abandoned building is eligible for either:

(1) a credit against income taxes imposed pursuant to Chapter 6 and Chapter 11 of this title, corporate license fees pursuant to Chapter 20 of this title, taxes on associations pursuant to Chapter 13 of this title, or insurance premium taxes, including retaliatory taxes, imposed by Chapter 7, Title 38, or a combination of them; or

(2) a credit against real property taxes levied by local taxing entities.

(B) If the taxpayer elects to receive the credit pursuant to subsection (A)(1), the following provisions apply:

(1) The taxpayer shall file with the department a Notice of Intent to Rehabilitate before incurring its first rehabilitation expenses at the building site. Failure to provide the Notice of Intent to Rehabilitate results in qualification of only those rehabilitation expenses incurred after the notice is provided.

(2) The amount of the credit is equal to twenty-five percent of the actual rehabilitation expenses incurred at the building site if the actual rehabilitation expenses incurred in rehabilitating the building site are between eighty percent and one hundred twenty-five percent of the estimated rehabilitation expenses set forth in the Notice of Intent to Rehabilitate. If the actual rehabilitation expenses exceed one hundred twenty-five percent of the estimated expenses set forth in the Notice of Intent to Rehabilitate, the taxpayer qualifies for the credit based on one hundred twenty-five percent of the estimated expenses as opposed to the actual expenses it incurred in rehabilitating the building site. If the actual rehabilitation expenses are below eighty percent of the estimated rehabilitation expenses, the credit is not allowed.

(3)(a) The entire credit is earned in the taxable year in which the applicable phase or portion of the building site is placed in service but must be taken in equal installments over a three-year period beginning with the tax year in which the applicable phase or portion of the building site is placed in service. Unused credit may be carried forward for the succeeding five years.

(b) The entire credit earned pursuant to this subsection may not exceed five hundred thousand dollars for any taxpayer in a tax year for each abandoned building site. The limitation provided in this subitem applies to each unit or parcel deemed to be an abandoned building site.

(4) If the taxpayer qualifies for both the credit allowed by this section and the credit allowed pursuant to the Textiles Communities Revitalization Act or the Retail Facilities Revitalization Act, the taxpayer only may claim one of the three credits. However, the taxpayer is not disqualified from claiming any other tax credit in conjunction with the credit allowed by this section.

(5)(a) If the taxpayer leases the building site, or part of the building site, the taxpayer may transfer any applicable remaining credit associated with the rehabilitation expenses incurred with respect to that part of the site to the lessee of the site. If a taxpayer sells the building site, or any phase or portion of the building site, the taxpayer may

transfer all or part of the remaining credit, associated with the rehabilitation expenses incurred with respect to that phase or portion of the site, to the purchaser of the applicable portion of the building site.

(b) To the extent that the taxpayer transfers the credit, the taxpayer shall notify the department of the transfer in the manner the department prescribes.

(6) To the extent that the taxpayer is a partnership or a limited liability company taxed as a partnership, the credit may be passed through to the partners or members and may be allocated among any of its partners or members including, without limitation, an allocation of the entire credit to one partner or member, without regard to any provision of the Internal Revenue Code or regulations promulgated pursuant thereto, that may be interpreted as contrary to the allocation, including, without limitation, the treatment of the allocation as a disguised sale."

Certification of abandoned building site

SECTION 4. Chapter 67, Title 12 of the 1976 Code is amended by adding:

"Section 12-67-160. (A) Notwithstanding any other provision of law, the taxpayer may apply to the municipality or county in which the abandoned building is located for a certification of the abandoned building site made by ordinance or binding resolution of the governing body of the municipality or county. The certification must include findings that the:

(1) abandoned building site was an abandoned building as defined in Section 12-67-120(1); and

(2) geographic area of the abandoned building site is consistent with Section 12-67-120(2).

(B) The taxpayer may apply to the municipality or county in which the state-owned abandoned building is located for a certification of the state-owned abandoned building site made by ordinance or binding resolution of the governing body of the municipality or county. The certification must include findings that the:

(1) state-owned abandoned building site was a state-owned abandoned building as defined in Section 12-67-120(8); and

(2) geographic area of the state-owned abandoned building site is consistent with Section 12-67-120(8).

(C) The taxpayer conclusively may rely upon the certification in determining the credit allowed; provided, however, that if the taxpayer

is relying upon the certification, the taxpayer shall include a copy of the certification on the first return for which the credit is claimed."

Time effective

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

Ratified the 3rd day of June, 2015.

Approved the 9th day of June, 2015.

No. 69

(R112, H3568)

AN ACT TO AMEND SECTION 12-36-2120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO EXEMPT CERTAIN CONSTRUCTION MATERIALS USED BY AN ENTITY ORGANIZED UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE AS A NONPROFIT ORGANIZATION, TO EXPAND THE EXEMPTION FOR PARTS AND SUPPLIES USED BY PERSONS ENGAGED IN THE BUSINESS OF REPAIRING OR RECONDITIONING AIRCRAFT, AND TO EXEMPT CERTAIN CHILDREN'S CLOTHING SOLD TO A PRIVATE CHARITABLE ORGANIZATION EXEMPT FROM FEDERAL AND STATE INCOME TAX AND TO PROVIDE EXCEPTIONS.

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

Sales tax exemption for certain construction materials

SECTION 1. Section 12-36-2120 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

"( ) construction materials used by an entity organized under Section 501(c)(3) of the Internal Revenue Code as a nonprofit corporation to build, rehabilitate, or repair a home for the benefit of an individual or family in need. For purposes of this item, 'an individual or family in

need' means an individual or family, as applicable, whose income is less than or equal to eighty percent of the county median income."

Expanding the sales tax exemption for aircraft parts and supplies

SECTION 2. Section 12-36-2120(52) of the 1976 Code is amended to read:

"(52) parts and supplies used by persons engaged in the business of repairing or reconditioning aircraft. This exemption does not extend to tools and other equipment not attached to or that do not become a part of the aircraft;"

Sales tax exemption for certain children's clothing

SECTION 3. Section 12-36-2120 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

"( ) children's clothing sold to a private charitable organization exempt from federal and state income tax, except for private schools, for the sole purpose of distribution by that organization to needy children. For purposes of this item:

(a) 'clothing' means those items exempt from sales and use tax pursuant to item (57)(a)(i) and (iii) of this section; and

(b) 'needy children' means children eligible for free meals under the National School Lunch Program of the United States Department of Agriculture."

Time effective

SECTION 4. This act takes effect January 1, 2016.

Ratified the 4th day of June, 2015.

Approved the 9th day of June, 2015.

No. 70

(R99, S11)

AN ACT TO AMEND SECTION 30-4-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROVISIONS IN THE FREEDOM OF INFORMATION ACT CONCERNING REQUIRED NOTICE FOR MEETINGS OF PUBLIC BODIES, SO AS TO PROVIDE PUBLIC BODIES SHALL POST AGENDAS FOR ALL REGULARLY SCHEDULED MEETINGS AND SPECIAL MEETINGS, TO PROVIDE THE TIME AND MANNER FOR POSTING THESE AGENDAS AND NOTICES OF MEETINGS, TO SPECIFY CONTENTS REQUIRED FOR THESE MEETING NOTICES, AND TO PROVIDE FOR THE MANNER IN WHICH THESE AGENDAS SUBSEQUENTLY MAY BE AMENDED.

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

Meeting notice and agenda requirements

SECTION 1. Section 30-4-80 of the 1976 Code is amended to read:

"Section 30-4-80. (A) All public bodies, except as provided in subsections (B) and (C) of this section, must give written public notice of their regular meetings at the beginning of each calendar year. The notice must include the dates, times, and places of such meetings. An agenda for regularly scheduled or special meetings must be posted on a bulletin board in a publicly accessible place at the office or meeting place of the public body and on a public website maintained by the body, if any, at least twenty-four hours prior to such meetings. All public bodies must post on such bulletin board or website, if any, public notice for any called, special, or rescheduled meetings. Such notice must include the agenda, date, time, and place of the meeting, and must be posted as early as is practicable but not later than twenty-four hours before the meeting. This requirement does not apply to emergency meetings of public bodies. Once an agenda for a regular, called, special, or rescheduled meeting is posted pursuant to this subsection, no items may be added to the agenda without an additional twenty-four hours notice to the public, which must be made in the same manner as the original posting. After the meeting begins, an item upon which action can be taken only may be added to the agenda by a two-thirds vote of the members present and

voting; however, if the item is one upon which final action can be taken at the meeting or if the item is one in which there has not been and will not be an opportunity for public comment with prior public notice given in accordance with this section, it only may be added to the agenda by a two-thirds vote of the members present and voting and upon a finding by the body that an emergency or an exigent circumstance exists if the item is not added to the agenda. Nothing herein relieves a public body of any notice requirement with regard to any statutorily required public hearing.

(B) Legislative committees must post their meeting times during weeks of the regular session of the General Assembly and must comply with the provisions for notice of special meetings during those weeks when the General Assembly is not in session. Subcommittees of standing legislative committees must give notice during weeks of the legislative session only if it is practicable to do so.

(C) Subcommittees, other than legislative subcommittees, of committees required to give notice under subsection (A), must make reasonable and timely efforts to give notice of their meetings.

(D) Written public notice must include but need not be limited to posting a copy of the notice at the principal office of the public body holding the meeting or, if no such office exists, at the building in which the meeting is to be held.

(E) All public bodies shall notify persons or organizations, local news media, or such other news media as may request notification of the times, dates, places, and agenda of all public meetings, whether scheduled, rescheduled, or called, and the efforts made to comply with this requirement must be noted in the minutes of the meetings."

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 71

(R100, S47)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23-1-240 SO AS TO DEFINE THE TERM "BODY-WORN CAMERA"; TO REQUIRE ALL STATE AND LOCAL LAW ENFORCEMENT OFFICERS TO IMPLEMENT THE USE OF BODY-WORN CAMERAS PURSUANT TO GUIDELINES ESTABLISHED BY THE LAW ENFORCEMENT TRAINING COUNCIL; TO REQUIRE STATE AND LOCAL LAW ENFORCEMENT AGENCIES TO SUBMIT POLICIES AND PROCEDURES RELATED TO THE USE OF BODY-WORN CAMERAS TO THE LAW ENFORCEMENT TRAINING COUNCIL FOR REVIEW, APPROVAL, OR DISAPPROVAL; TO ESTABLISH A "BODY-WORN CAMERAS FUND"; AND TO PROVIDE THAT DATA RECORDED BY A BODY-WORN CAMERA IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT.

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

Body-worn cameras, definition, guidelines and policies and procedures, fund, data release

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

"Section 23-1-240. (A) For purposes of this section, 'body-worn camera' means an electronic device worn on a person's body that records both audio and video data.

(B) State and local law enforcement agencies, under the direction of the Law Enforcement Training Council, shall implement the use of body-worn cameras pursuant to guidelines established by the Law Enforcement Training Council.

(C) Within one hundred eighty days after the effective date of this section, the Law Enforcement Training Council shall conduct a thorough study of the use, implementation procedures, costs, and other related aspects associated with body-worn cameras in jurisdictions with body-worn cameras currently in use or which begin their use during this period. The Law Enforcement Training Council shall develop guidelines for the use of body-worn cameras by state and local law

enforcement agencies within one hundred eighty days of the effective date of this act. The guidelines must include, but are not limited to, specifying which law enforcement officers must wear body-worn cameras, when body-worn cameras must be worn and activated, restrictions on the use of body-worn cameras, the process to obtain consent of victims and witnesses before using body-worn cameras during an interview, the retention and release of data recorded by body-worn cameras, and access to the data recorded by body-worn cameras pursuant to subsection (G). The Law Enforcement Training Council shall provide the guidelines to state and local law enforcement agencies. The General Assembly may terminate all or part of the guidelines by resolution.

(D) State and local law enforcement agencies shall develop policies and procedures for the use of body-worn cameras pursuant to the guidelines established by the Law Enforcement Training Council. The agencies shall submit the policies and procedures to the Law Enforcement Training Council within two hundred seventy days of the effective date of this act. The Law Enforcement Training Council shall review and approve or disapprove of the policies and procedures. If the Law Enforcement Training Council disapproves of the policies and procedures, the law enforcement agency shall modify and resubmit the policies and procedures. The Law Enforcement Training Council, by three hundred sixty days from the effective date of this section, shall submit a report to the General Assembly which must include recommendations for statutory provisions necessary to ensure the provisions of this section are appropriately and efficiently managed and carried out and the fiscal impact associated with the use of body-worn cameras as required by this section, updated continuously as necessary.

(E)(1) A 'Body-Worn Cameras Fund' is established within the Department of Public Safety for the purpose of assisting state and local law enforcement agencies, the Attorney General's office, solicitors' offices, and public defenders' offices in implementing the provisions of this section, including, but not limited to, the initial purchase, maintenance, and replacement of body-worn cameras and ongoing costs related to the maintenance and storage of data recorded by body-worn cameras. The Public Safety Coordinating Council shall oversee the fund, and shall, within one hundred eighty days of the effective date of this act, establish a process for the application for and disbursement of monies to state and local law enforcement agencies, the Attorney General's office, solicitors' offices, and public defenders' offices. The Public Safety Coordinating Council shall disburse the funds in a fair and equitable manner, taking into consideration priorities in funding.

(2) Upon approval of a state or local law enforcement agency's policies and procedures by the Law Enforcement Training Council, the agency may apply to the Public Safety Coordinating Council for funding to implement the agency's use of body-worn cameras pursuant to this section, including, but not limited to, the initial purchase, maintenance, and replacement of body-worn cameras and ongoing costs related to the maintenance and storage of data recorded by body-worn cameras. A state or local law enforcement agency is not required to implement the use of body-worn cameras pursuant to this section until the agency has received full funding.

(F) Nothing in this section prohibits a state or local law enforcement agency's use of body-worn cameras pursuant to the agency's existing policies and procedures and funding while the agency is awaiting receipt of the Law Enforcement Training Council's guidelines, approval of the agency's policies and procedures by the Law Enforcement Training Council, and funding from the Public Safety Coordinating Council. Such an agency is eligible to apply to the Public Safety Coordinating Council for reimbursement, including, but not limited to, the initial purchase, maintenance, and replacement of body-worn cameras and ongoing costs related to maintenance and storage of data recorded by body-worn cameras.

(G)(1) Data recorded by a body-worn camera is not a public record subject to disclosure under the Freedom of Information Act.

(2) The State Law Enforcement Division, the Attorney General, and a circuit solicitor may request and must receive data recorded by a body-worn camera for any legitimate criminal justice purpose.

(3) A law enforcement agency, the State Law Enforcement Division, the Attorney General, or a circuit solicitor may release data recorded by a body-worn camera in its discretion.

(4) A law enforcement agency may request and must receive data recorded by a body-worn camera if the recording is relevant to an internal investigation regarding misconduct or disciplinary action of a law enforcement officer.

(5) In addition to the persons who may request and must receive data recorded by a body-worn camera provided in item (2), the following are also entitled to request and receive such data pursuant to the South Carolina Rules of Criminal Procedure, the South Carolina Rules of Civil Procedure, or a court order:

(a) a person who is the subject of the recording;

(b) a criminal defendant if the recording is relevant to a pending criminal action;

(c) a civil litigant if the recording is relevant to a pending civil action;

(d) a person whose property has been seized or damaged in relation to, or is otherwise involved with, a crime to which the recording is related;

(e) a parent or legal guardian of a minor or incapacitated person described in subitem (a) or (b); and

(f) an attorney for a person described in subitems (a) through (e).”

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 10th day of June, 2015.

No. 72

(R101, S176)

AN ACT TO AMEND SECTION 44-63-74, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTRONIC FILING AND TRANSMISSION OF DEATH CERTIFICATES, SO AS TO PROVIDE FOR RESPONSIBILITIES OF PHYSICIANS, FUNERAL HOMES, AND FUNERAL DIRECTORS AND TO ESTABLISH PENALTIES FOR NONCOMPLIANCE; TO AMEND SECTION 32-8-325, RELATING TO PREREQUISITES BEFORE CREMATING HUMAN REMAINS, SO AS TO PROVIDE FOR THE USE OF ELECTRONICALLY FILED DEATH CERTIFICATES TO MEET CERTAIN PREREQUISITES; AND TO AMEND SECTION 32-8-340, RELATING TO THE TIME THAT MUST ELAPSE BEFORE CREMATING HUMAN REMAINS, SO AS TO ALLOW USE OF INFORMATION PROVIDED ON ELECTRONICALLY FILED DEATH CERTIFICATES TO CALCULATE THE TIME OF DEATH.

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

Death certificates, electronic filing

SECTION 1. Section 44-63-74(A) of the 1976 Code is amended to read:

"(A)(1) Notwithstanding any other provision of law, death certificates must be electronically filed with the Bureau of Vital Statistics as prescribed by the State Registrar of Vital Statistics within five days after death.

(2) The funeral director or other person acting as the funeral director who first assumes custody of a dead body shall file a death certificate. He also shall obtain:

(a) the personal data of the decedent from the next of kin or the best qualified person or source available; and

(b) the medical certification of cause of death as provided in department regulations.

(3) Medical certifications of cause of death must be completed and returned to the funeral home director within forty-eight hours after receipt of notice of the death by the physician in charge of the patient's care for the illness or condition which resulted in death, except when an inquiry is required by a coroner or medical examiner. If the cause of death cannot be determined within forty-eight hours after death, the medical certification must be entered as pending, and the physician, medical examiner, or coroner shall submit a supplemental report to the state registrar on a form furnished by or approved by him as soon as practicable. The supplemental report shall be made a part of the death certificate. If the forty-eight hour period terminates on a weekend, federal holiday, or state holiday, the physician must file the certification by the end of the next business day. In the absence of this physician or with his approval, the certificate may be completed by his associate physician, the chief medical officer of the institution in which the death occurred, or by the pathologist who performed an autopsy upon the decedent.

(4) Death certificates must be transmitted electronically between the funeral home director and the physician, coroner, or medical examiner certifying the cause of death in order to document the death certificate information prescribed by this chapter. Required signatures on death certificates must be provided by electronic signature. An individual who acts, without compensation, as a funeral director on behalf of a deceased family member or friend, physicians certifying fewer than twelve deaths per year, and funeral homes that perform fewer

than twelve funerals per year are exempt from the requirement to file electronically but must comply with the requirements of items (2) or (3), as applicable.

(5)(a) A physician who fails to certify the cause of death within forty-eight hours, without good cause shown, may be assessed an administrative penalty for violating item (3). The department shall notify the Board of Medical Examiners if a penalty is assessed. Each day after the initial forty-eight hour period shall constitute an additional violation.

(b) A funeral home or funeral director who fails to file a death certificate or collect data or collect medical certification of cause of death as required in items (1), (2), or both, without good cause shown, may be assessed an administrative penalty for violating the respective item. However, the department must not assess a penalty against a funeral home or funeral director for the delay or inability to collect personal data of the decedent pursuant to item (2)(a). The department shall notify the Board of Funeral Services if a penalty is assessed. Each day after the initial five day period in item (1) shall constitute an additional violation of that item.

(c) A physician, funeral director, or funeral home that is required to file electronically pursuant to item (4) but who fails to file accordingly may be assessed an administrative penalty for violating item (4).

(d) The administrative penalties are:

(i) two hundred fifty dollars for a first violation or a warning letter;

(ii) five hundred dollars for a second violation; and

(iii) one thousand dollars for a third or subsequent violation.

(e) The department shall retain any administrative penalties collected pursuant to this subsection and must allocate all of these funds to the Bureau of Vital Statistics for its use."

Crematory authorities, use of electronic death certificates before accepting body for cremation

SECTION 2. Section 32-8-325(A)(1) of the 1976 Code is amended to read:

"(A) A crematory authority shall not cremate human remains until it has received all of the following:

(1) An abstract of information from a filed death certificate available on the electronic vital records system or a certified copy of the death certificate; however, if the decedent was pronounced dead during

hours the department was not open to the public, a completed copy of the death certificate, excluding the signature of the State Registrar of Vital Statistics, signed by the attending physician, coroner, or medical examiner must be provided to the crematory authority; the death certificate signed by the registrar must be filed the next working day of the department and a certified copy must be provided to the crematory authority."

Cremation, use of electronic death certificates to calculate time of death

SECTION 3. Section 32-8-340(A) of the 1976 Code is amended to read:

"(A) Human remains may not be cremated before twenty-four hours have elapsed from the time of death as indicated on the attending physician's, medical examiner's, coroner's certificate of death, or an abstract of information from a filed death certificate available on the electronic vital records system. However, if it is known that the decedent had an infectious or dangerous disease and if the time requirement is waived in writing by the attending physician, medical examiner, or coroner in the county in which the death occurred, the remains may be cremated before twenty-four hours have elapsed."

Time effective

SECTION 4. This act takes effect January 1, 2016.

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 73

(R102, S179)

AN ACT TO AMEND SECTION 61-6-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF ALCOHOLIC LIQUORS, SO AS TO INCLUDE POWDERED OR CRYSTALLINE ALCOHOLS WHEN

HYDROLYZED IN THE DEFINITION OF ALCOHOLIC LIQUORS; AND TO AMEND SECTION 61-6-4157, RELATING TO THE PROHIBITION TO POSSESS, USE, SELL, OR PURCHASE POWDERED ALCOHOL, SO AS TO INCLUDE BOTH POWDERED AND CRYSTALLINE ALCOHOL WHEN HYDROLYZED.

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

Alcoholic liquors defined, powdered or crystalline alcohol added

SECTION 1. Section 61-6-20(1) of the 1976 Code is amended to read:

"Section 61-6-20. As used in the ABC Act, unless the context clearly requires otherwise:

(1)(a) 'Alcoholic liquors' or 'alcoholic beverages' means any spirituous malt, vinous, fermented, brewed (whether lager or rice beer), or other liquors or a compound or mixture of them, including, but not limited to, a powdered or crystalline alcohol, by whatever name called or known, which contains alcohol and is used as a beverage for human consumption, but does not include:

(i) wine when manufactured or made for home consumption and which is not sold by the maker of the wine or by another person; or

(ii) a beverage declared by statute to be nonalcoholic or nonintoxicating.

(b) 'Alcoholic liquor by the drink' or 'alcoholic beverage by the drink' means a drink poured from a container of alcoholic liquor, without regard to the size of the container for consumption on the premises of a business licensed pursuant to Article 5 of this chapter.

(c) 'Powdered or crystalline alcohol' means a powdered or crystalline product prepared or sold for either direct use or reconstitution for human consumption that contains any amount of alcohol when hydrolyzed."

Prohibition on powdered alcohol, crystalline alcohol added

SECTION 2. Section 61-6-4157 of the 1976 Code, as added by Act 253 of 2014, is amended to read:

"Section 61-6-4157. (A) As used in this section, 'powdered or crystalline alcohol' is alcohol prepared or sold in a powdered or

crystalline form that contains any amount of alcohol when hydrolyzed for either direct use or reconstitution for human consumption.

(B)(1) It is unlawful for a person to use, offer for use, purchase, offer to purchase, sell, offer to sell, or possess powdered or crystalline alcohol.

(2) It is unlawful for a holder of a license pursuant to the provisions of this chapter for on-premises or off-premises consumption of alcoholic liquors to use powdered or crystalline alcohol as an alcoholic beverage.

(3) Any person or license holder that violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows:

(a) for a first offense, by a fine of not more than three hundred dollars or imprisonment for not more than thirty days, or both;

(b) for a second offense, by a fine of not more than seven hundred fifty dollars or imprisonment for not more than six months, or both;

(c) for a third or subsequent offense, by a fine of not more than three thousand dollars or imprisonment for not more than two years, or both.

(C) This section does not apply to the use of powdered or crystalline alcohol for commercial uses specifically approved by state law, or for bona fide research purposes by a:

(1) health care provider that operates primarily for the purpose of conducting scientific research;

(2) state institution;

(3) private college or university; or

(4) pharmaceutical or biotechnology company."

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 4th day of June, 2015.

Approved the 5th day of June, 2015.

No. 74

(R103, S183)

AN ACT TO AMEND SECTION 16-3-2020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAFFICKING IN PERSONS OFFENSES, SO AS TO PROVIDE THAT A PERSON IS CONSIDERED A TRAFFICKER IF THE PERSON GIVES OR OFFERS ANYTHING OF VALUE TO ANOTHER PERSON TO ENGAGE IN COMMERCIAL SEXUAL ACTIVITY KNOWING THAT THE OTHER PERSON IS A VICTIM OF TRAFFICKING IN PERSONS, TO PROVIDE THAT A VICTIM CONVICTED OF A TRAFFICKING IN PERSONS VIOLATION OR PROSTITUTION MAY MOTION THE COURT TO VACATE THE CONVICTION, AND TO PROVIDE THAT A VICTIM IS NOT SUBJECT TO PROSECUTION FOR TRAFFICKING IN PERSONS OR PROSTITUTION IF THE VICTIM WAS A MINOR AT THE TIME OF THE OFFENSE UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 16-3-2030, RELATING TO BUSINESSES AND TRAFFICKING IN PERSONS, SO AS TO PROVIDE THAT A COURT MAY CONSIDER DISGORGEMENT OF PROFIT FROM A BUSINESS INVOLVED IN TRAFFICKING IN PERSONS AND DISBARMENT FROM GOVERNMENT CONTRACTS; TO AMEND SECTION 16-3-2040, RELATING TO RESTITUTION FOR VICTIMS OF TRAFFICKING IN PERSONS, SO AS TO PROVIDE THAT THE COURT MAY ORDER RESTITUTION IN AN AMOUNT REPRESENTING THE VALUE OF THE VICTIM'S LABOR OR SERVICES AND INCLUDE ATTORNEY'S FEES; TO AMEND SECTION 16-3-2050, AS AMENDED, RELATING TO THE TASK FORCE ON TRAFFICKING IN PERSONS, SO AS TO PROVIDE THAT THE TASK FORCE MAY MAKE GRANTS OR CONTRACTS TO DEVELOP OR EXPAND VICTIMS' SERVICE PROGRAMS.

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

Trafficking in persons, persons considered traffickers, vacating convictions of certain victims of trafficking in persons

SECTION 1. Section 16-3-2020 of the 1976 Code, as added by Act 258 of 2012, 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 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 a victim is trafficked in more than one county or a trafficker commits the offense of trafficking in persons in more than one county."

Trafficking in persons, businesses, loss of profits and government contracts

SECTION 2. Section 16-3-2030(A) of the 1976 Code, as added by Act 258 of 2012, 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."

Trafficking in persons, restitution, value of victim's services and attorney's fees included

SECTION 3. Section 16-3-2040(D) of the 1976 Code, as added by Act 258 of 2012, 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."

Trafficking in persons task force, grants or contracts to expand victims' service programs

SECTION 4. Section 16-3-2050 of the 1976 Code, as last amended by Act 7 of 2015, is amended by adding an appropriately lettered 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 victims. 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."

Severability clause

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.

Time effective

SECTION 6. This act takes effect upon approval by the Governor

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 75

(R105, S250)

AN ACT TO AMEND SECTION 63-7-380, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, IN PART, TO THE RIGHT OF CERTAIN MEDICAL PROFESSIONALS WITHOUT PARENTAL CONSENT TO PERFORM MEDICAL EXAMINATIONS ON AND RELEASE MEDICAL RECORDS ABOUT A CHILD WHO IS THE SUBJECT OF AN ABUSE OR NEGLECT REPORT, SO AS TO IDENTIFY TO WHOM PRIMARY CARE PHYSICIANS, CONSULTING PHYSICIANS, AND HOSPITAL FACILITIES MAY OR MUST RELEASE THE MEDICAL RECORDS; TO AMEND SECTION 63-7-1990, AS AMENDED, RELATING TO CONFIDENTIALITY OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE DEPARTMENT OF SOCIAL SERVICES, SO AS TO ALLOW SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDERS TO HAVE ACCESS TO CERTAIN INFORMATION ABOUT INDICATED CASES AND TO REQUIRE THE DEPARTMENT TO SHARE INFORMATION RELATING TO AN INDICATED CASE WITH A CHILD'S PRIMARY OR SPECIALTY HEALTH CARE PROVIDER; AND TO AMEND SECTION 63-7-2000, RELATING TO RETENTION OF RECORDS ON UNFOUNDED CASES OF REPORTED CHILD ABUSE OR NEGLECT, SO AS TO AUTHORIZE THE DEPARTMENT TO RELEASE A SUMMARY OF THE ALLEGATIONS AND INVESTIGATION OUTCOME TO

SOUTH CAROLINA CHILDREN'S ADVOCACY MEDICAL RESPONSE SYSTEM CHILD ABUSE HEALTH CARE PROVIDERS.

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

Child abuse or neglect, release of medical records by health care providers without parental consent

SECTION 1. Section 63-7-380 of the 1976 Code is amended to read:

"Section 63-7-380. A person required to report under Section 63-7-310 may take, or cause to be taken, color photographs of the areas of trauma visible on a child who is the subject of a report and, if medically indicated, a physician may cause to be performed a radiological examination or other medical examinations or tests of the child without the consent of the child's parents or guardians. Copies of all photographs, negatives, radiological, and other medical reports must be sent to the department at the time a report pursuant to Section 63-7-310 is made, or as soon as reasonably possible after the report is made. Upon written request of the consulting care physician or the hospital facility and without consent of the child's parent or legal guardian, the primary care physician shall release the medical records, radiologic imaging, photos, and all other health information only to the consulting care physician and the hospital facility. The consulting care physician and the hospital facility only may release the records to law enforcement in accordance with the Health Insurance Portability and Accountability Act, 45 C.F.R. 164.512(b)."

Child abuse or neglect, access to indicated case records by child advocacy medical response system providers

SECTION 2. Section 63-7-1990(B) of the 1976 Code is amended by adding:

"(24) a South Carolina Children's Advocacy Medical Response System child abuse health care provider or his designee for the evaluation of a child for suspected abuse or neglect."

Child abuse or neglect, access to information about indicated cases by child advocacy medical response system providers and certain medical professionals

SECTION 3. Section 63-7-1990 of the 1976 Code is amended by adding:

"(N) The department is authorized to provide a summary of referrals and the outcome of the referrals made to a contracted service agency or program addressing identified risks affecting the stability of the family to a South Carolina Children's Advocacy Medical Response System child abuse health care provider or his designee.

(O) The department shall notify and share information relating to the outcome of an indicated investigation or other contracted services and programs addressing identified risks affecting the stability of the family with the physicians involved in the ongoing primary or specialty health care of the child."

Child abuse or neglect, access to information about unfounded cases by child advocacy medical response system providers

SECTION 4. Section 63-7-2000 of the 1976 Code is amended by adding:

"(F) The department is authorized to release a summary of the allegations and outcome of an investigation for unfounded cases regarding a child and family to a South Carolina Children's Advocacy Medical Response System child abuse health care provider or his designee for evaluation of the child for suspected abuse or neglect."

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 76

(R106, S341)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-37-65 SO AS TO REQUIRE EVERY HOSPITAL AND BIRTH CENTER IN THE STATE TO PROVIDE EDUCATIONAL INFORMATION ON SICKLE CELL DISEASE AND SICKLE CELL TRAIT AND ASSOCIATED COMPLICATIONS TO THE PARENTS OF EACH NEWBORN BABY WHO IS AT HIGH RISK FOR SICKLE CELL DISEASE OR SICKLE CELL TRAIT DELIVERED IN THE HOSPITAL OR BIRTH CENTER.

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

Hospitals and birth centers required to provide sickle cell education

SECTION 1. Chapter 37, Title 44 of the 1976 Code is amended by adding:

"Section 44-37-65. Every hospital and birth center in this State shall provide the parents of each newborn baby who is at high risk for sickle cell disease or sickle cell trait delivered in the hospital or birth center, educational information on sickle cell disease and sickle cell trait and associated complications."

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 77

(R107, S407)

AN ACT TO AMEND SECTION 41-27-265, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CORPORATE OFFICERS EXEMPTION FROM UNEMPLOYMENT BENEFITS ABSENT EMPLOYER ELECTION, SO AS TO PROVIDE THAT CORPORATE OFFICERS ARE ELIGIBLE FOR UNEMPLOYMENT BENEFITS UNLESS THE CORPORATION ELECTS TO OPT OUT OF THE COVERAGE AND TO PROVIDE FOR THE OPT OUT PROCESS, TO PROVIDE THAT THE SECTION ALSO APPLIES TO INDIVIDUALS WHO OWN TWENTY-FIVE PERCENT OR MORE STOCK IN A CORPORATION OR OTHERWISE EXERCISE AN OWNERSHIP INTEREST IN A CORPORATION, TO PROVIDE THAT PERSONS WITH A TWENTY-FIVE PERCENT OWNERSHIP INTEREST IN ANY OTHER BUSINESS ENTITY FORMED UNDER THE LAWS OF THIS STATE ARE ELIGIBLE FOR UNEMPLOYMENT BENEFITS UNLESS THE BUSINESS ENTITY ELECTS TO OPT OUT OF THE COVERAGE, TO PROVIDE THAT NEWLY-FORMED BUSINESS ENTITIES WITH PERSONS QUALIFIED FOR UNEMPLOYMENT BENEFITS UNDER THIS SECTION MUST REGISTER WITH THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE EACH QUALIFIED PERSON WHO THE ENTITY SEEKS TO EXEMPT; AND TO AMEND CHAPTER 41, TITLE 41, RELATING TO OFFENSES, PENALTIES, AND VIOLATIONS CONCERNING UNEMPLOYMENT BENEFITS, SO AS TO INCREASE PENALTIES FOR VIOLATIONS OF PROVISIONS CONTAINED IN CHAPTERS 27 THROUGH 41 OF TITLE 41, TO PROVIDE FINAL DECISIONS CONCERNING UNEMPLOYMENT BENEFITS OVERPAYMENTS ARE FINAL FOR ALL PURPOSES AND PROCEEDINGS, AND TO PROVIDE THE DEPARTMENT MAY RECOVER CERTAIN FINES THROUGH ACTION IN THE ADMINISTRATIVE LAW COURT; TO MAKE PROVISIONS OF SECTION 1 APPLICABLE RETROACTIVELY TO JANUARY 1, 2015, AND TO PROVIDE CREDIT AGAINST FUTURE CONTRIBUTIONS FOR EMPLOYERS WHOSE CONTRIBUTION RATES CONSEQUENTLY ARE REDUCED.

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

Opt out from benefits required, new business registration

SECTION 1. Section 41-27-265(A) and (B) of the 1976 Code, as added by Act 266 of 2014, is amended to read:

"(A)(1) Solely for purposes of this section, 'corporate officer' shall mean a person appointed or otherwise serving as an officer for a corporation pursuant to Article 4, Chapter 8, Title 33, a person who owns twenty-five percent or more of the shares of a corporation, or a person who otherwise exercises an ownership interest in a corporation. Solely for the purposes of this title, services performed by a corporate officer shall be considered services in employment unless a corporation elects not to cover all of its corporate officers under item (2). If an employer elects not to cover its corporate officers under item (2), the employer must notify its corporate officers in writing that they are ineligible for unemployment benefits. However, if the employer fails to provide notice, the individual's status as a corporate officer is unchanged and the person remains ineligible for unemployment benefits.

(2) An employer may elect not to cover its corporate officers by providing the department with a written election that all services performed by its corporate officers shall not be deemed to constitute employment for all purposes related to Chapters 27 through 41 of this title for at least two calendar years. To make the election, a corporation with qualifying corporate officers pursuant to item (1) must register with the department all qualifying corporate officers exempt from coverage. The registration must be in a format prescribed by the department. Registration forms received and approved by the department on or before January fifteenth must become effective the first day of the calendar year and must remain in effect for at least two consecutive calendar years. Registration forms received and approved by the department after January fifteenth, must become effective January first of the following year, and must remain in effect for at least two consecutive calendar years. Exemptions from coverage shall not be eligible for a refund or credit for contributions paid for corporate officers before the effective date of the exemption.

(B)(1) Solely for the purposes of this title, services performed by a person who has at least a twenty-five percent ownership interest in a business entity formed pursuant to the laws of this State, other than a corporation, shall be considered services in employment unless the entity

elects not to cover a person with at least a twenty-five percent ownership interest in the entity.

(2) A person who has an ownership interest of at least twenty-five percent in a business entity formed pursuant to the laws of this State, other than a corporation, may elect not to cover himself by providing the department with a written election that all services performed by the person shall not be deemed to constitute employment for all purposes related to Chapters 27 through 41 of this title for at least two calendar years. The election must be in a format prescribed by the department. Election forms received and approved by the department on or before January fifteenth must become effective the first day of the calendar year and must remain in effect for at least two consecutive calendar years. Registration forms received and approved by the department after January 15, 2015, must become effective January 1, 2016, and must remain in effect for at least two consecutive calendar years. Exemptions from coverage must not be retroactive and the business entity requesting the exemption shall not be eligible for a refund or credit for contributions paid for persons before the effective date of the exemption.

(3) A newly formed business entity with qualifying persons pursuant to items (1) and (2) must register with the department each person it elects to exempt within thirty calendar days after becoming an employer under Chapters 27 through 41 of this title. Registration forms received and approved by the department must become effective on and after the date of approval and must remain in effect for at least two consecutive calendar years."

Penalties and procedures revised

SECTION 2. Chapter 41, Title 41 of the 1976 Code is amended to read:

"CHAPTER 41

Employment and Workforce-Offenses, Penalties and Liabilities

Section 41-41-10. Whoever makes a false statement or representation knowing it to be false or who knowingly fails to disclose a material fact to obtain or to increase any benefits or other payment under Chapters 27 through 41 of this title or under an employment security or unemployment compensation law of any other state, the Federal Government, or of a foreign government, either for himself or for any other person, shall be punished by a fine of not less than fifty nor more than two hundred fifty dollars or by imprisonment for not longer

than thirty days and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

Section 41-41-20. (A) A claimant found by the department knowingly to have made a false statement or who knowingly failed to disclose a material fact when filing a compensable claim to establish his right to or increase the amount of his benefits is ineligible to receive benefits for any week for which the claim was filed and is ineligible to receive further benefits for not less than ten and not more than fifty-two consecutive weeks as determined by the department according to the circumstances of the case, these weeks to commence with the date of the determination.

(B) If the department finds that a fraudulent misrepresentation has been made by a claimant with the object of obtaining benefits under this chapter to which he was not entitled, in addition to any other penalty or prosecution provided under this chapter, the department may make a determination that there must be deducted from benefits to which the claimant might become entitled during this present benefit year or the next subsequent benefit year, or both, an amount not less than two and one-half times his weekly benefit amount and not more than his maximum benefit amount payable in a benefit year, as determined under Chapter 35. This deduction takes effect on the date of the determination. An appeal from this determination must be made in the manner prescribed in Article 5, Chapter 35.

Section 41-41-30. Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any individual entitled thereto or to avoid becoming or remaining subject thereto or to avoid or reduce any contribution or other payment required from any employing unit under Chapters 27 through 41 of this title shall be punished by a fine of not less than fifty nor more than two hundred fifty dollars or by imprisonment for not longer than thirty days, and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

Section 41-41-40. (A)(1) A person who has received a sum as benefits under Chapters 27 through 41 while conditions for the receipt of benefits imposed by these chapters were not fulfilled or while he was disqualified from receiving benefits is liable to repay the department for

the unemployment compensation fund a sum equal to the amount received by him.

(2) If full repayment of benefits, to which an individual was determined not entitled, has not been made, the sum must be deducted from future benefits payable to him under Chapters 27 through 41, and the sum must be collectible in the manner provided in Sections 41-31-380 through 41-31-400 for the collection of past due contributions.

(3) The department may attempt collection of overpayments through the South Carolina Department of Revenue in accordance with Section 12-56-10, et seq. If the overpayment is collectible in accordance with Section 12-56-60, the department shall add to the amount of the overpayment a collection fee of not more than fifty dollars for each collection attempt to defray administrative costs. Notwithstanding another provision of law, a final decision of the department or court establishing the character and amount of overpayment is final for all purposes and proceedings.

(4) The department may attempt collection of overpayment through the federal Unemployment Compensation Treasury Offset Program (UCTOP). If the overpayment is collectible, the department shall add to the amount of the overpayment a collection fee not to exceed the administrative costs set by this program.

(5) Notwithstanding any other provision of this section, no action to enforce recovery or recoupment of any overpayment may begin after five years from the date of the final determination for nonfraudulent overpayments nor after eight years from the date of the final determination for fraudulent overpayments.

(B)(1) A person who is overpaid any amounts as benefits under Chapters 27 through 41 is liable to repay those amounts, except as otherwise provided by this subsection.

(2) Upon written request by the person submitted to the department within the statutory appeal period from the issuance of the determination of overpayment, the department may waive repayment if the department finds that the:

(a) overpayment was not due to fraud, misrepresentation, or wilful nondisclosure on the part of the person;

(b) overpayment was received without fault on the part of the person; and

(c) recovery of the overpayment from the person would be contrary to equity and good conscience.

(3) Decisions denying waiver requests are subject to the appeal provisions of Chapter 35.

(C) A person who has received a sum as benefits under the comparable unemployment law of any other state while conditions imposed by that law were not fulfilled or while he was disqualified from receiving benefits by that law is liable to repay the department for the corresponding unemployment compensation fund of the other state a sum equal to the amount received by him if the other state has entered into an Interstate Reciprocal Overpayment Recovery Agreement with the State and has furnished the department with verification of the overpayment as required by the agreement. Recovery of overpayments under this subsection are not subject to the provisions of subsections (A)(3) and (B).

(D) Upon the determination of fraudulent overpayments by the department, an employer from whose account the overpayment was debited must be credited for the amount of the overpayment regardless of the outcome of the action for recoupment or recovery of the overpayment. This section shall not apply to employers whose accounts are subject to the provisions of Section 41-31-810 or 41-31-620.

Section 41-41-45. (A) Notwithstanding any other provision of law, if the department determines that an improper payment from its unemployment compensation fund or from any federal unemployment compensation fund was made to any individual due to a false statement or failure to disclose a material fact pursuant to Sections 41-41-10 and 41-41-20, the department will assess a monetary penalty of thirty-three percent of the amount of the overpayment.

(B) The notice of the determination or decision informing the individual of the overpayment must include:

(1) the claimant's appeal rights;

(2) the penalty amount;

(3) an explanation of the reason for the overpayment; and

(4) the reason the penalty has been applied.

(C) The recovered amounts shall be applied with priority to:

(1) the principal amount of the overpayment to the unemployment compensation fund;

(2) sixty percent of the monetary penalty to the unemployment compensation fund;

(3) the remaining forty percent of the monetary penalty to promote unemployment compensation integrity; and

(4) any remaining amounts to interest.

(D) Offset of future unemployment insurance benefits shall not be applied to the monetary penalty or interest associated with an overpayment.

(E) The monetary penalty will be assessed on any fraudulent overpayment determined by the department.

Section 41-41-50. An employing unit or person who wilfully violates a provision of Chapters 27 through 41 of this title or an order, rule, or regulation under this title, the violation of which is made unlawful or the observance of which is required under the terms of these chapters, is liable to a penalty of two thousand dollars, to be recovered by the department in an appropriate action in the South Carolina Administrative Law Court, and also is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than fifty dollars but not more than two hundred fifty dollars or imprisonment for not longer than thirty days, and, with regard to both civil and criminal penalties, each day the violation continues is considered a separate offense."

Time effective, retroactive application, credits against future employer contributions

SECTION 3. This act takes effect upon approval by the Governor. The provisions contained in SECTION 1 shall retroactively apply to contribution rates calculated and imposed on or after January 1, 2015. Where the application of SECTION 1 would result in the reduction of contribution rates on an employer, the department shall credit that amount against future contributions from that employer until the credit is exhausted.

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 78

(R109, S754)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-23-15 SO AS TO INCREASE THE BOUNDARIES OF THE MURRELL'S INLET-GARDEN CITY FIRE DISTRICT.

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

Murrell's Inlet-Garden City Fire District expanded

SECTION 1. Article 1, Chapter 23, Title 4 of the 1976 Code is amended by adding:

"Section 4-23-15. Notwithstanding the boundaries of the Murrell's Inlet-Garden City Fire District set forth in Section 4-23-10, as of January 1, 2016, the boundaries of the district also include that area shown on the official map prepared by and on file with the Revenue and Fiscal Affairs Office designated as document F-43-51-15."

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 79

(R117, H3154)

AN ACT TO AMEND SECTION 7-13-350, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CERTIFICATION OF CANDIDATES AND VERIFICATION OF QUALIFICATIONS, SO AS TO REVISE THE DATES BY WHICH CANDIDATES FOR PRESIDENT AND VICE PRESIDENT MUST BE CERTIFIED; TO AMEND SECTION 7-15-10, AS AMENDED, RELATING TO THE DUTIES OF THE STATE ELECTION COMMISSION, SO AS TO MAKE TECHNICAL CORRECTIONS; TO AMEND SECTION 7-15-20, AS AMENDED, RELATING TO THE LIBERAL CONSTRUCTION OF CHAPTER 15, TITLE 7, SO AS TO INCLUDE THE NEW ARTICLE 9; TO AMEND SECTION 7-15-310, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO ARTICLE 5, CHAPTER 15, TITLE 7, SO AS TO MAKE TECHNICAL CORRECTIONS; BY ADDING ARTICLE 9 TO CHAPTER 15, TITLE 7 SO AS TO ENACT THE

"SOUTH CAROLINA UNIFORM MILITARY AND OVERSEAS VOTERS ACT", TO DEFINE NECESSARY TERMS, AND PROVIDE REGISTRATION AND ABSENTEE VOTING ALTERNATIVES FOR CERTAIN MILITARY AND OVERSEAS VOTERS; AND TO REPEAL SECTIONS 7-15-400, 7-15-405, 7-15-406, AND 7-15-460 ALL RELATING TO ABSENTEE REGISTRATION AND VOTING.

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

Certification of candidates for President and Vice President

SECTION 1. Section 7-13-350(B) of the 1976 Code, as last amended by Act 3 of 2003, is further is amended to read:

"(B) Candidates for President and Vice President must be certified not later than twelve o'clock noon on the first Tuesday following the first Monday in September to the State Election Commission."

Duties of State Election Commission

SECTION 2. Section 7-15-10 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

"Section 7-15-10. The State Election Commission is responsible for carrying out the provisions of this chapter. The commission may promulgate regulations, and must have drafted, printed, and distributed all forms that are required to make it possible for persons eligible to vote by absentee ballot in primary, general, and special elections. Regulations promulgated pursuant to this section must be promulgated in accordance with the Administrative Procedures Act."

Construction

SECTION 3. Section 7-15-20 of the 1976 Code, as last amended by Act 280 of 1982, is further amended to read:

"Section 7-15-20. Article 3, Article 5, and Article 9 of this chapter shall be liberally construed in order to effectuate their purposes."

Definitions

SECTION 4. Section 7-15-310 of the 1976 Code, as last amended by Act 392 of 2000, is further amended to read:

"Section 7-15-310. As used in this article:

(1) 'Members of the Armed Forces of the United States' means members of the United States Army, the United States Navy, the United States Marine Corps, the United States Air Force, the United States Coast Guard, or any of their respective components.

(2) 'Members of the Merchant Marine of the United States' means all officers and men engaged in maritime service on board ships.

(3) 'Students' means all persons residing outside of the counties of their respective residences, enrolled in an institution of learning.

(4) 'Physically disabled person' means a person who, because of injury or illness, cannot be present in person at his voting place on election day.

(5) 'Registration form' means Standard Form 76, or a subsequent form replacing it, authorized by the federal government or the state form described in Section 7-15-120.

(6) 'Persons in employment' means those persons who by virtue of their employment obligations are unable to vote in person.

(7) 'Authorized representative' means a registered elector who, with the voter's permission, acts on behalf of a voter unable to go to the polls because of illness or disability resulting in his confinement in a hospital, sanatorium, nursing home, or place of residence, or a voter unable because of a physical handicap to go to his polling place or because of a handicap is unable to vote at his polling place due to existing architectural barriers which that deny him physical access to the polling place, voting booth, or voting apparatus or machinery. Under no circumstance shall a candidate or a member of a candidate's paid campaign staff or volunteers reimbursed for the time they expend on campaign activity be considered an 'authorized representative' of an elector desiring to vote by absentee ballot.

(8) 'Immediate family' means a person's spouse, parents, children, brothers, sisters, grandparents, grandchildren, and mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law.

(9) 'Overseas citizen' means a citizen of the United States residing outside of the United States as specified by Section 7-15-110."

South Carolina Uniform Military and Overseas Voters Act

SECTION 5. Chapter 15, Title 7 of the 1976 Code is amended by adding:

"Article 9

South Carolina Uniform Military and Overseas Voters

Section 7-15-600. This article may be cited as the 'South Carolina Uniform Military and Overseas Voters Act'.

Section 7-15-610. As used in this article:

(1) 'Members of the Armed Forces of the United States' means members of the United States Army, the United States Navy, the United States Marine Corps, the United States Air Force, the United States Coast Guard, or any of their respective components.

(2) 'Members of the Merchant Marine of the United States' means all officers and men engaged in maritime service on board ships.

(3) 'Registration form' means Standard Form 76, or a subsequent form replacing it, authorized by the federal government or the state form described in Section 7-15-120.

(4) 'Overseas citizen' means a citizen of the United States residing outside of the United States who is a:

(a) member of the Armed Forces of the United States;

(b) member of the Merchant Marine of the United States;

(c) person serving with the American Red Cross or the United Service Organizations (USO) attached to and serving with the Armed Forces of the United States outside of the county of his residence in South Carolina;

(d) members or employees of any department of the United States Government serving overseas;

(e) citizen of the United States residing outside the United States:

(i) if he last resided in South Carolina immediately before his departure from the United States;

(ii) if he could have met all qualifications to vote in federal elections in South Carolina even though while residing outside the United States he does not have a place of abode or other address in South Carolina; even if his intent to return to South Carolina may be uncertain, as long as he has complied with all applicable South Carolina qualifications and requirements which are consistent with the Uniformed and Overseas Absentee Voting Act (Public Law 99-410).

(5) 'Covered voter' means:

(a) a uniformed-service voter or an overseas voter who is registered to vote in this State;

(b) a uniformed-service voter whose voting residence is in this State and who otherwise satisfies this state's voter eligibility requirements;

(c) an overseas voter who, before leaving the United States, was last eligible to vote in this State and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;

(d) an overseas voter who, before leaving the United States, would have been last eligible to vote in this State had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or

(e) an overseas voter who was born outside the United States, is not described in subitem (c) or (d), and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

(i) the last place where a parent or legal guardian of the voter was, or under this article would have been, eligible to vote before leaving the United States is within this State; and

(ii) the voter has not previously registered to vote in any other state.

(6) 'Dependent' means an individual recognized as a dependent by a uniformed service.

(7) 'Federal postcard application' means the application prescribed under Section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff(b)(2), or its successor.

(8) 'Federal write-in absentee ballot' means the ballot described in Section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff-2, or its successor.

(9) 'Military-overseas ballot' means:

(a) a federal write-in absentee ballot;

(b) a ballot specifically prepared or distributed for use by a covered voter in accordance with this article; or

(c) a ballot cast by a covered voter in accordance with this article.

(10) 'Overseas voter' means a United States citizen who resides outside the United States.

(11) 'Uniformed service' means:

(a) active and reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States;

(b) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

(c) the National Guard or organized militia.

(12) 'Uniformed-service voter' means an individual who is qualified to vote and is:

(a) a member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;

(b) a member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

(c) a member on activated status of the National Guard or organized militia; or

(d) a spouse or dependent of a member referred to in this item.

Section 7-15-620. Notwithstanding other provisions of law, a voter who meets the requirements of this article may utilize the absentee ballot process established by this article, or as otherwise permitted by state or federal law.

Section 7-15-630. (A) A qualified elector of this State who is eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the 42 U.S.C. Section 1973ff, et seq., or its successor, may apply not earlier than ninety days before an election for a special write-in absentee ballot. This ballot must be used for each general and special election and primaries for federal offices, statewide offices, and members of the General Assembly.

(B) The application for a special write-in absentee ballot may be made on the federal postcard application form, or its electronic equivalent or on a form prescribed by the State Election Commission.

(C) In order to qualify for a special write-in absentee ballot, the voter must state that he is unable to vote by regular absentee ballot or in person due to requirements of military service or due to living in isolated areas or extremely remote areas of the world. This statement may be made on the federal postcard application or on a form prepared by the State Election Commission and supplied and returned with the special write-in absentee ballot.

(D) Upon receipt of this application, the county board of voter registration and elections shall issue the special write-in absentee ballot which must be prescribed and provided by the State Election Commission. The ballot shall list the offices for election in the general

election. It may list the candidates for office if known at the time of election. This ballot shall permit the elector to vote by writing in a party preference for each federal, state, and local office, the names of specific candidates for each federal, state, and local office, or the name of the person whom the voter prefers for each office.

(E) A qualified elector may alternatively submit a federal write-in absentee ballot for any federal, state, or local office or state or local ballot measure.

Section 7-15-640. (A) A covered voter may use a federal postcard application, the federal postcard application's electronic equivalent, or another method approved by the federal government or the State Election Commission to apply to register to vote.

(B) A covered voter may use the declaration accompanying a federal write-in absentee ballot to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received before the closure of the registration books for that election pursuant to Section 7-5-120, 7-5-150 or 7-5-155, as appropriate. If the declaration is received after that date, it must be treated as an application to register to vote for subsequent elections.

(C) The Executive Director of the State Election Commission shall ensure that the election commission's electronic transmission system is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate election official. The voter may use the electronic transmission system or any other approved method to register to vote.

Section 7-15-650. (A) For the qualified electors of this State who are eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the 42 U.S.C. Section 1973ff, et seq., or its successor, an absentee ballot with an absentee instant runoff ballot for each potential second primary must be sent to the elector at least forty-five days prior to the primary election.

(B) The absentee instant runoff ballots for second primaries must be prepared by the authority charged with conducting the election.

(C) The absentee instant runoff ballot for a second primary shall permit the elector to vote his order of preference for each candidate for each office by indicating a rank next to the candidate's name on the ballot. However, the elector shall not be required to indicate his preference for more than one candidate on the ballot if he so chooses.

(D) The special absentee ballot shall be designated as an 'absentee instant runoff ballot' and be clearly distinguishable from the regular absentee ballot.

(E) Instructions explaining the absentee instant runoff voting process must be provided with the ballot to the qualified elector.

(F) The State Election Commission shall promulgate regulations necessary for the implementation of this section.

Section 7-15-660. An overseas voter who is registering to vote, and who is eligible to vote in this State shall use, and must be assigned to, the voting precinct of the address of the voter's last place of residence in this State, or in the case of a voter described by Section 7-15-610(5)(e), the address of the voter's parent's or legal guardian's place of last residence in this State. If that address is no longer a recognized residential address, the overseas voter must be assigned an address within the voting precinct of the last place of residence for voting purposes.

Section 7-15-670. (A) A covered voter may use the declaration accompanying a federal write-in absentee ballot as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate election official by seven o'clock p.m. on election day.

(B) To receive the benefits of this article, a covered voter must inform the appropriate election official that the voter is a covered voter. Methods of informing the appropriate election official that a voter is a covered voter include:

(1) the use of a federal postcard application or federal write-in absentee ballot;

(2) the use of an overseas address on an approved voter registration application or ballot application; and

(3) the inclusion on an approved voter registration application or ballot application of other information sufficient to identify the voter as a covered voter.

Section 7-15-680. An absentee ballot must be sent to a covered voter, upon the voter's request, at least forty-five days prior to any election. However, if a ballot application from a covered voter arrives within the forty-five day period, an absentee ballot must be sent to the covered voter no later than five o'clock p.m. on the next business day after the application arrives.

Section 7-15-690. (A) To ensure that all South Carolina residents eligible to vote as provided by the Uniformed and Overseas Citizens Absentee Voting Act, set forth in the 42 U.S.C. Section 1973ff, et seq., or its successor, have the opportunity to receive and cast any ballot they would have been eligible to cast if they resided in and had remained in South Carolina, the State Election Commission must, in cooperation with United States government agencies, take all steps and action as may be necessary including, but not limited to, electronic transmissions of Standard Form 76A, or its successor form, issued by the federal government as an application for voter registration and an application for absentee ballots and electronic transmissions of absentee ballots for all elections for federal, state, and local offices to voters in accordance with his preferred method of transmission.

(B) The State Election Commission shall promulgate regulations necessary for the implementation of this section.

Section 7-15-700. (A) A valid military-overseas ballot must be counted if it is delivered to the address that the State Election Commission or county board of voter registration and elections, as appropriate, has specified by the close of business on the business day before the county canvass.

(B) If, at the time of completing a military-overseas ballot and balloting materials, the voter has declared under penalty of perjury that the ballot was timely submitted, the ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark, or no postmark as long as the ballot was received in accordance with subsection (A).

Section 7-15-710. A military-overseas ballot must include, or be accompanied by, a declaration signed by the voter that a material misstatement of fact in completing the ballot may be grounds for a conviction of perjury under the laws of the United States or this State.

Section 7-15-720. The Executive Director of the State Election Commission, in coordination with the county boards of voter registration and elections shall implement an electronic free-access system by which a covered voter may determine whether:

(1) the voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted; or

(2) the voter's military-overseas ballot has been received and the current status of the ballot.

Section 7-15-730. (A) The county board of voter registration and elections or the State Election Commission, as appropriate, shall request an electronic-mail address from each covered voter who registers to vote after the effective date of this article. An electronic-mail address provided by a covered voter may not be made available to the public or any individual or organization other than an employee or official with the county board of voter registration and elections or the State Election Commission, and is exempt from disclosure under the Freedom of Information Act of this State. The electronic-mail address may be used only for official communication with the covered voter about the voting process, including transmitting military-overseas ballots and election materials if the voter has requested electronic transmission, and verifying the covered voter's mailing address and physical location. The request for an electronic-mail address must describe the purposes for which the electronic-mail address may be used and include a statement that any other use or disclosure of the electronic-mail address is prohibited.

(B) A covered voter who provides an electronic-mail address may request that the voter's application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December thirty-first of the year following the calendar year of the date of the application or another shorter period the voter specifies, including for any runoff elections that occur as a result of those elections. An election official or employee shall provide a military-overseas ballot to a covered voter who makes a standing request for each election to which the request is applicable. A covered voter who is entitled to receive a military-overseas ballot for a primary election under this subsection is entitled to receive a military-overseas ballot for the general election.

Section 7-15-740. (A) At least one hundred days before a regularly scheduled election and as soon as practicable before an election not regularly scheduled, the Executive Director of the State Election Commission shall prepare appropriate election notices to be used in conjunction with a federal write-in absentee ballot. The election notice must contain a list of all of the ballot measures and federal, state, and local offices that as of that date the official expects to be on the ballot on the date of the election. The notice also must contain specific instructions for how a voter is to indicate on the federal write-in absentee ballot the voter's choice for each office to be filled and for each ballot measure to be contested.

(B) A covered voter may request a copy of an election notice. The executive director shall send the notice to the voter by facsimile, electronic mail, or regular mail, as the voter requests.

(C) As soon as ballot styles are certified, and not later than the date ballots are required to be transmitted to voters pursuant to Article 5, Chapter 15, the executive director shall update the notice with the certified candidates for each office and ballot measure questions and make the updated notice publicly available.

(D) A county board of voter registration and elections that maintains an online website shall make the election notice available by linking to the State Election Commission website.

Section 7-15-750. (A) If a covered voter's mistake or omission in the completion of a document pursuant to this article does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonsubstantive requirement, such as using paper or envelopes of a specified size or weight, does not invalidate a document submitted pursuant to this article. In a write-in ballot authorized by this article or in a vote for a write-in candidate on a regular ballot, if the intention of the voter is discernable pursuant to the laws of this State, an abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.

(B) Notarization is not required for the execution of a document pursuant to this article. An authentication, other than the declaration specified in Section 7-15-710, or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document pursuant to this article. The declaration and any information in the declaration may be compared with information on file to ascertain the validity of the document.

Section 7-15-760. A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this article on application by:

(1) a covered voter alleging a grievance under this article; or

(2) an election official in this State."

Repeal

SECTION 6. Sections 7-15-400, 7-15-405, 7-15-406, and 7-15-460 are repealed.

Severability clause

SECTION 7. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, 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 the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 8. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2015.

Approved the 11th day of June, 2015.

No. 80

(R118, H3305)

AN ACT 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 EXPAND THE RANGE OF SPECIMENS FROM AN EMPLOYEE THAT MAY BE TESTED TO INCLUDE ORAL FLUIDS, AND TO CHANGE CERTIFICATION REQUIREMENTS OF LABORATORIES THAT MAY PERFORM THESE TESTS.

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

Oral fluid testing allowed, testing laboratory certification revised

SECTION 1. Section 41-35-120(3)(a)(iii) of the 1976 Code, as last amended by Act 146 of 2010, is further amended to read:

"(iii) insured worker provides a blood, hair, oral fluid, or urine specimen during a drug test administered on behalf of the employer, which tests positive for illegal drugs or legal drugs used unlawfully, provided:

(A) the sample was collected and labeled by a licensed health care professional or another individual authorized to collect and label test samples by federal or state law, including law enforcement personnel; and

(B) the test was performed by a laboratory certified to perform such tests by the United States Department of Health and Human Services (USDHHS)/Substance Abuse Mental Health Services Administration (SAMHSA), the College of American Pathologists or the State Law Enforcement Division; and

(C) an initial positive test was confirmed on the specimen using the gas chromatography/mass spectrometry method, or an equivalent or a more accurate scientifically accepted method approved by USDHHS/SAMHSA;"

Time effective

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

Ratified the 8th day of June, 2015.

Approved the 11th day of June, 2015.

No. 81

(R120, H3852)

AN ACT 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 REIMBURSEMENT TO THE ADMINISTRATION FOR THE COSTS 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.

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

Escheatment of United States Savings Bonds

SECTION 1. Chapter 18, Title 27 of the 1976 Code is amended by adding:

"Section 27-18-75. (A) Notwithstanding any other provisions of law, a United States savings bond in the possession of the administrator or registered to a person with a last known address in this State, including a bond that is lost, stolen, or destroyed, is presumed abandoned and unclaimed five years after the bond reaches final maturity and no longer earns interest. This United States savings bond must be reported and remitted to the administrator by the financial institution or other holder in accordance with the provisions of this chapter if the administrator is not in possession of the bond. If the savings bond is located in a safe deposit box, the financial institution or other holder must report and remit the savings bond to the administrator whether or not the administrator chooses to accept the other contents of the safe deposit box in the manner provided by law.

(B) As used in this section:

(1) 'book-entry bond' means a savings bond maintained by the United States Treasury in electronic or paperless form as a computer record;

(2) 'definitive bond' means a savings bond issued by the United States Treasury in paper form;

(3) 'final maturity' means the date a United States savings bond ceases to earn interest; and

(4) 'United States savings bond' means a book-entry bond or definitive bond issued by the United States Treasury.

(C)(1) After a United States savings bond is abandoned and unclaimed in accordance with subsection (A), the administrator may commence a civil action in the court of common pleas in Richland County for a determination that the bond shall escheat to the State. Upon determination of escheatment, all property rights to the bond or proceeds from the bond, including all rights, powers, and privileges or survivorship of an owner, co-owner, or beneficiary, shall vest solely in the State.

(2) Service of process by publication may be made on a party in a civil action pursuant to this section. The notice of action must state the name of any known owner of the bond, the nature of the action or proceeding, the name of the court in which the action or proceeding is instituted, and an abbreviated title of the case.

(3) The notice of action must require a person claiming an interest in the bond to file a written response with the court and serve a copy of the response by the date fixed in the notice. This date must be no later than thirty days from the date the last newspaper notice required by this section was or will be published.

(4) The administrator shall cause the notice of action to be published once a week for three consecutive weeks in a newspaper of general circulation published in Richland County. Proof of publication must be filed with the court.

(5)(a) If no person files a claim with the court for the bond and if the administrator has substantially complied with the provisions of this section and of law, the court shall enter a default judgment that the bond, or proceeds from the bond, has escheated to the State.

(b) If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is not entitled to the bonds claimed by the claimant, the court shall enter a judgment that the bonds, or proceeds from the bonds, have escheated to the State.

(c) If a person files a claim for one or more bonds and, after notice and hearing, the court determines that the claimant is entitled to the bonds claimed by the claimant, the court shall enter a judgment in favor of the claimant.

(D) The administrator may be reimbursed for the costs of the civil action required by this section from the proceeds of the savings bonds which have escheated to the State under the action and which have been redeemed. To the extent the proceeds, if any, are insufficient to cover the costs of a civil action required by this section, the administrator may deduct the costs from other unclaimed funds received under this chapter before depositing the funds to the credit of the general fund in the manner provided in Section 27-18-240(B).

(E) The administrator may redeem a United States savings bond escheated to the State pursuant to this section or, in the event that the administrator is not in possession of the bond, seek to obtain the proceeds from the bond. Proceeds received by the administrator must be deposited in accordance with Section 27-18-240.

(F) Nothing in this section prohibits the inclusion in a single civil action of multiple United States savings bonds subject to escheatment to the State of South Carolina, and the administrator may postpone the bringing of any such civil action until sufficient United States savings bonds have accumulated in the administrator's custody to justify the expense of the proceeding.

(G) The provisions of this section and Section 27-18-76 supersede any other provisions of this chapter in regard to United States savings bonds to the extent the provisions conflict."

Claims for proceeds

SECTION 2. Chapter 18, Title 27 of the 1976 Code is amended by adding:

"Section 27-18-76. A person claiming a United States savings bond escheated to the State under Section 27-18-75, or for the proceeds from the bond, may file a claim with the administrator. The administrator may approve the claim if the person is able to provide sufficient proof of the validity of the person's claim. No costs of prior court action regarding the savings bond or bonds which are the subject of the person's claim may be taxed against that person. Once a bond, or the proceeds from the bond, are remitted to a claimant, no action thereafter may be maintained by any other person against the administrator, the State, or any officer of the State, for or on account of the funds. The person's sole remedy, if any, must be against the claimant who received the bond or proceeds from the bond."

Applicability

SECTION 3. This act applies to any United States savings bond that reaches maturity on, before, or after the effective date of this act.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2015.

Approved the 11th day of June, 2015.

No. 82

(R121, H4005)

AN ACT 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.

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

Berkeley County voting precincts designated

SECTION 1. Section 7-7-120 of the 1976 Code, as last amended by Act 176 of 2014, is further amended to read:

"Section 7-7-120. (A) In Berkeley County there are the following voting precincts:
Alvin
Bethera
Beverly Hills
Bonneau
Bonneau Beach
Central
Cainhoy
Cane Bay
Carnes Cross Road 1
Carnes Cross Road 2
Cordesville
Cross
Daniel Island 1
Daniel Island 2
Daniel Island 3

Daniel Island 4
Devon Forest 1
Devon Forest 2
Discovery
Eadytown
Foster Creek 1
Foster Creek 2
Foster Creek 3
Foxbank
Hanahan 1
Hanahan 2
Hanahan 3
Hanahan 4
Hanahan 5
Harbour Lake
Hilton Cross Roads
Howe Hall 1
Howe Hall 2
Huger
Jamestown
Lebanon
Liberty Hall
Macedonia
McBeth
Medway
Moncks Corner 1
Moncks Corner 2
Moncks Corner 3
Moncks Corner 4
Moultrie
Old 52
Pimlico
Pinopolis
Royle
Russellville
Sangaree 1
Sangaree 2
Sangaree 3
Sedgefield 1
Sedgefield 2
Seventy Eight
Shulerville

St. James
St. Stephen 1
St. Stephen 2
Stone Lake
Stratford 1
Stratford 2
Stratford 3
Stratford 4
Stratford 5
The Village
Tramway
Wassamassaw 1
Wassamassaw 2
Weatherstone
Westview 1
Westview 2
Westview 3
Westview 4
Whitesville 1
Whitesville 2
Yellow House

(B) The precinct lines defining the precincts provided in subsection (A) are as shown on the official map prepared by and on file with the Revenue and Fiscal Affairs Office designated as document P-15-15 and as shown on copies provided to the Board of Voter Registration and Elections of Berkeley County.

(C) The polling places for the precincts provided in this section must be established by the Board of Voter Registration and Elections of Berkeley County subject to the approval of a majority of the Senators and a majority of the House members of the Berkeley County Delegation."

Time effective

SECTION 2. This act takes effect July 1, 2015.

Ratified the 8th day of June, 2015.

Approved the 11th day of June, 2015.

No. 83

(R122, H4084)

AN ACT 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 CHARTER SCHOOLS, AND ADMISSIONS TO CHARTER SCHOOLS, SO AS TO AUTHORIZE SCHOOL LEADERS TO BE HIRED TO ASSIST WITH THE DAILY OPERATIONS OF CHARTER SCHOOLS, TO PROVIDE THAT EMPLOYEES, BOARD MEMBERS, AND STAFF OF CHARTER SCHOOLS ARE SUBJECT TO THE ETHICS AND GOVERNMENT ACCOUNTABILITY REQUIREMENTS APPLICABLE TO PUBLIC MEMBERS AND PUBLIC EMPLOYEES, AND TO PROVIDE CHARTER CONTRACTS MUST CONTAIN STATEMENTS OF ASSURANCE OF ETHICAL COMPLIANCE ON BEHALF OF THE SCHOOLS.

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

Use of school leaders to oversee daily operations

SECTION 1. A. Section 59-40-50(B)(6) of the 1976 Code, as last amended by Act 164 of 2012, is further amended to read:

"(6) hire or contract for, in its discretion, administrative staff, including a school leader, to oversee the daily operation of the school. At least one of the administrative staff must be certified or experienced in the field of school administration;"

Ethics and accountability requirements

B. Section 59-40-50(B) of the 1976 Code, as last amended by Act 29 of 2013, is further amended by adding a new item at the end to read:

"(11) be subject to the ethics and government accountability requirements for public members and public employees as contained in Chapter 13, Title 8. For purposes of this subsection, employees of the charter school board are considered public employees. The charter

contract in accordance with Section 59-40-60(B) must contain a statement of assurance of ethical compliance on behalf of the school."

Time effective

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

Ratified the 8th day of June, 2015.

Approved the 11th day of June, 2015.

No. 84

(R123, H4142)

AN ACT 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.

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

Richland County voting precincts map number designated

SECTION 1. Section 7-7-465(B) of the 1976 Code, as last amended by Act 93 of 2013, is further amended to read:

"(B) The precinct lines defining the precincts provided in subsection (A) are as shown on the official map prepared by and on file with the Revenue and Fiscal Affairs Office designated as document P-79-15 and as shown on copies of the official map provided to the Board of Voter Registration and Elections of Richland County by the Revenue and Fiscal Affairs Office."

Time effective

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

Ratified the 8th day of June, 2015.

Approved the 11th day of June, 2015.

No. 85

(R108, S526)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-4-397 SO AS TO AUTHORIZE THE DEPARTMENT OF REVENUE TO DESIGNATE AN AMNESTY PERIOD DURING WHICH THE DEPARTMENT SHALL WAIVE DELINQUENT TAX PENALTIES AND INTEREST AND SHALL NOT INITIATE A CRIMINAL INVESTIGATION, TO SPECIFY TAXPAYERS THAT MAY PARTICIPATE IN THE PROGRAM, AND TO SET FORTH THE MANNER IN WHICH THE DEPARTMENT SHALL ADMINISTER THE PROGRAM.

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

Tax amnesty period

SECTION 1. Article 3, Chapter 4, Title 12 of the 1976 Code is amended by adding:

"Section 12-4-397. (A) In order to encourage the voluntary disclosure and payment of taxes owed to the State, the General Assembly finds it desirable to allow the Department of Revenue to designate an amnesty period which has a beginning and ending date from time to time as determined by the department. During the amnesty period, the department shall waive the penalties and interest or portion of them at its discretion imposed pursuant to Titles 12, 27, and 61 for a taxpayer who voluntarily files delinquent returns and pays all taxes owed. If the department establishes an amnesty period pursuant to this section, it must notify the General Assembly of the amnesty period at least sixty days before the commencement of the amnesty period.

(B) If a taxpayer is granted amnesty, the department shall not initiate a criminal investigation or refer the taxpayer to the Office of the

Attorney General for criminal prosecution for the tax or tax periods covered by the granting of amnesty.

(C) The department shall grant amnesty to a taxpayer who files a request for an amnesty form and:

(1) voluntarily files all delinquent tax returns and pays in full all taxes due;

(2) voluntarily files an amended tax return to correct an incorrect or insufficient original return and pays all taxes due; or

(3) voluntarily pays in full all previously assessed tax liabilities due within an extended amnesty period which begins at the close of the amnesty period and runs for a period of time as determined by the department. The department may set up installment agreements as long as all taxes are paid within this period. An installment agreement must be agreed upon before the close of the amnesty period established pursuant to subsection (A).

(D) The department shall not grant amnesty to a taxpayer who is the subject of a state tax-related criminal investigation or criminal prosecution.

(E) The department shall not waive penalties and interest attributable to any one filing period if the taxpayer has outstanding liabilities for other periods.

(F) A taxpayer who has an appeal pending with respect to an assessment made by the department is eligible to participate in the amnesty program if the taxpayer pays all taxes owed. Payment of the outstanding liability does not constitute a forfeiture of appeal or an admission of liability for the disputed assessment.

(G) The department must be reimbursed the administrative costs associated with the amnesty period in the amount of five percent of the amounts collected through amnesty. This amount may be retained and expended for budgeted operations.

(H) The department may review all cases in which amnesty has been granted and may on the basis of mutual mistake of fact, fraud, or misrepresentation rescind the grant of amnesty. A taxpayer who files false or fraudulent returns or attempts in any manner to defeat or evade a tax under the amnesty program is subject to applicable civil penalties, interest, and criminal prosecution.

(I) Compromised liabilities as allowed by Section 12-4-320(3), may be eligible for relief under the amnesty period at the department's discretion.

(J) Any overdue tax debt, as defined in Section 12-55-30, remaining unpaid may have imposed on it at the department's discretion an additional ten percent collection assistance fee. This collection

assistance fee initially may be imposed on any overdue tax debt at the close of the extended amnesty period as prescribed by the department. This additional collection assistance fee only may be imposed for a period of one year after the close of the extended amnesty period."

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 86

(R104, S211)

AN ACT TO AMEND SECTION 56-2-105, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF GOLF CART PERMITS BY THE DEPARTMENT OF MOTOR VEHICLES AND THE OPERATION OF GOLF CARTS, SO AS TO PROVIDE THAT A POLITICAL SUBDIVISION MAY CREATE SEPARATE GOLF CART PATHS ON STREETS AND ROADS WITHIN THE JURISDICTION OF THE POLITICAL SUBDIVISION.

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

Golf carts

SECTION 1. Section 56-2-105(E) of the 1976 Code, as added by Act 177 of 2012, is further amended to read:

"(E)(1)A political subdivision may, on designated streets or roads within the political subdivision's jurisdiction, reduce the area in which a permitted golf cart may operate from four miles to no less than two miles.

(2) A political subdivision may, on primary highways, secondary highways, streets, or roads within the political subdivision's jurisdiction, create separate golf cart paths on the shoulder of its primary highways,

secondary highways, streets and roads for the purpose of golf cart transportation, if:

(a) the political subdivision obtains the necessary approvals, if any, to create the golf cart paths; and

(b) the golf cart path is:

(i) separated from the traffic lanes by a hard concrete curb;

(ii) separated from the traffic lanes by parking spaces; or

(iii) separated from the traffic lanes by a distance of four feet or more.

(3) A political subdivision may not reduce or otherwise amend the other restrictions placed on the operation of a permitted golf cart contained in this section."

Time effective

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

Ratified the 4th day of June, 2015.

Approved the 8th day of June, 2015.

No. 87

(R116, S379)

AN ACT TO AMEND SECTION 12-4-520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COUNTY TAX OFFICIALS, SO AS TO REDUCE THE OBLIGATION THAT THE DEPARTMENT OF REVENUE ANNUALLY SHALL EXAMINE RECORDS OF ASSESSORS, AUDITORS, TREASURERS, AND TAX COLLECTORS TO A PERMISSIVE AUTHORITY TO ANNUALLY EXAMINE THESE RECORDS; TO AMEND SECTION 12-4-530, RELATING TO INVESTIGATION AND PROSECUTION OF VIOLATIONS, SO AS TO REDUCE THE OBLIGATION THAT THE DEPARTMENT SHALL INITIATE COMPLAINTS, INVESTIGATIONS, AND PROSECUTIONS OF VIOLATIONS TO A PERMISSIVE AUTHORITY; TO AMEND SECTION 12-37-30, RELATING TO THE ASSESSMENT OF MULTIPLE TAXES TO BE LEVIED ON THE SAME ASSESSMENT, SO AS

TO CHANGE THE DESIGNATION OF STATE TAXES TO COUNTY TAXES; TO AMEND SECTION 12-37-266, RELATING TO THE HOMESTEAD EXEMPTION FOR DWELLINGS HELD IN TRUST, SO AS TO REQUIRE A COPY OF THE TRUST AGREEMENT BE PROVIDED; TO AMEND SECTION 12-37-290, RELATING TO THE GENERAL HOMESTEAD EXEMPTION, SO AS TO CHANGE THE HOMESTEAD EXEMPTION FROM PROPERTY TAXES FROM THE FIRST TEN THOUSAND DOLLARS TO THE FIRST FIFTY THOUSAND DOLLARS OF THE VALUE OF THE PRIMARY RESIDENCE OF A HOMEOWNER WHO IS SIXTY-FIVE YEARS OF AGE OR OLDER TO CONFORM WITH OTHER SECTIONS OF THE CODE, AND TO TRANSFER FROM THE COMPTROLLER GENERAL TO THE DEPARTMENT OF REVENUE THE AUTHORITY TO PROMULGATE RULES AND FORMS, AND THE OBLIGATION TO REIMBURSE THE VOCATIONAL REHABILITATION DEPARTMENT FOR EXPENSES INCURRED IN EVALUATING DISABILITY UNDER THE REQUIREMENTS OF THIS SECTION; TO AMEND SECTION 12-37-450, RELATING TO THE BUSINESS INVENTORY TAX EXEMPTION, SO AS TO REMOVE THE REQUIREMENT THAT THE AMOUNT OF REIMBURSEMENT ATTRIBUTED TO DEBT SERVICE BE REDISTRIBUTED TO OTHER SEPARATE MILLAGES ONCE THE DEBT IS PAID, TO REQUIRE THE REIMBURSEMENT BE REDISTRIBUTED PROPORTIONATELY TO THE SEPARATE MILLAGES LEVIED BY THE POLITICAL SUBDIVISIONS, TO DELETE THE REQUIREMENT THAT THE REDISTRIBUTION BE ATTRIBUTED TO THE MILLAGE RATES IN THE YEAR 1987, AND TO REQUIRE THE ATTRIBUTION OF THE CURRENT TAX YEAR MILLAGE RATES; TO AMEND SECTION 12-37-710, RELATING TO THE RETURN AND ASSESSMENT OF PERSONAL PROPERTY, SO AS TO DELETE "OF FULL AGE AND OF SOUND MIND" AS A QUALIFIER FOR EVERY PERSON WHO MUST LIST PERSONAL PROPERTY FOR TAXATION; TO AMEND SECTION 12-37-715, RELATING TO THE FREQUENCY OF AD VALOREM TAXATION ON PERSONAL PROPERTY, SO AS TO ALLOW NEWLY ACQUIRED VEHICLES TO BE TAXED MORE THAN ONCE IN A TAX YEAR; TO AMEND SECTION 12-37-760, RELATING TO STATEMENTS OF PERSONAL PROPERTY FOR TAXATION WHERE A PERSON REFUSES OR NEGLECTS TO DELIVER A

STATEMENT OF PERSONAL PROPERTY, SO AS TO ELIMINATE THE OBLIGATION AND TO ALLOW THE PERMISSIVE AUTHORITY FOR THE COUNTY AUDITOR TO ASCERTAIN AND RETURN A LIST OF THAT PERSON'S PERSONAL PROPERTY AND TO ALLOW THAT HE MAY DENOTE REASONS FOR THE REFUSAL; TO REPEAL SECTION 12-37-850 RELATING TO THE REMOVAL OF THE JURISDICTION OF THE COURTS TO HEAR MATTERS ORIGINATED FROM THE TAXPAYER CONCERNING ALLEGATIONS OF FALSE RETURNS, TAX EVASION, OR FRAUD; TO AMEND SECTION 12-37-890, RELATING TO PERSONAL PROPERTY RETURNS FOR TAXATION PURPOSES, SO AS TO DELETE LANGUAGE LISTING ANIMALS AND VEHICLES AND REPLACE WITH DESIGNATION OF PROPERTY USED IN ANY BUSINESS TO BE RETURNED TO THE COUNTY IN WHICH IT IS SITUATED FOR TAXATION PURPOSES, AND TO REMOVE THE REQUIREMENT THAT ALL BANKERS' CAPITAL OR PERSONAL ASSETS RELATED TO THE BANKING BUSINESS BE RETURNED TO THE COUNTY WHERE THE BANKING HOUSE IS LOCATED FOR TAXATION PURPOSES; TO AMEND SECTION 12-37-900, RELATING TO PERSONAL PROPERTY TAX RETURNS, SO AS TO MAKE TECHNICAL CHANGES AND TO DELETE THE AUTHORITY OF THE COUNTY LEGISLATIVE DELEGATION TO WAIVE THE PENALTIES OF FAILURE TO MAKE A REQUIRED STATEMENT; TO AMEND SECTION 12-37-940, RELATING TO VALUATION OF ARTICLES OF PERSONAL PROPERTY, SO AS TO DELETE THE REQUIREMENT THAT MONEY AND BANK BILLS BE VALUED AT PAR VALUE AND THAT CREDITS BE VALUED AT THE FACE VALUE OF THE CONTRACT UNLESS THE PRINCIPAL BE PAYABLE AT A FUTURE TIME WITHOUT INTEREST AND CONTRACTS FOR THE DELIVERY OF SPECIFIC ARTICLES BE VALUED AT THE USUAL SELLING PRICE OF SUCH ITEMS; TO AMEND SECTION 12-37-970, RELATING TO THE ASSESSMENT AND RETURN OF MERCHANTS' INVENTORIES, SO AS TO REMOVE MERCHANTS' INVENTORIES FROM THE REQUIRED ASSESSMENT OF PERSONAL PROPERTY FOR TAXATION PURPOSES; TO AMEND SECTION 12-37-2420, RELATING TO PROPERTY TAX RETURNS FOR AIRLINE COMPANIES, SO AS TO CHANGE THE DATE OF FILING

FROM APRIL FIFTEENTH TO APRIL THIRTIETH, AND TO DELETE LANGUAGE DESIGNATING THE FILING DEADLINES FOR AIRLINES IN YEAR 1976; TO AMEND SECTION 12-37-2610, RELATING TO THE TAX YEAR OF MOTOR VEHICLES, SO AS TO REMOVE REFERENCES TO VEHICLE LICENSES AND REPLACE WITH VEHICLE REGISTRATIONS, TO REMOVE REFERENCES AND PROCEDURES FOR TWO-YEAR VEHICLE LICENSES, TO PROVIDE AN EXCEPTION FOR TRANSFER OF THE LICENSE FROM ONE VEHICLE TO ANOTHER, AND TO PROVIDE THAT NOTICES OF SALES BY DEALERS MUST BE MADE TO THE DEPARTMENT OF MOTOR VEHICLES RATHER THAN THE DEPARTMENT OF REVENUE; TO AMEND SECTION 12-37-2630, RELATING TO MOTOR VEHICLE TAXES, SO AS TO REQUIRE THAT AN OWNER OF A VEHICLE SHALL MAKE A PROPERTY TAX RETURN TO THE AUDITOR WITHIN FORTY-FIVE DAYS OF THE VEHICLE BECOMING TAXABLE IN A COUNTY; TO AMEND SECTION 12-37-2660, RELATING TO MOTOR VEHICLE LICENSE REGISTRATIONS, SO AS TO REDUCE THE TIME THE DEPARTMENT OF MOTOR VEHICLES MUST PROVIDE A LIST OF LICENSE REGISTRATION APPLICATIONS TO THE COUNTY AUDITOR FROM NINETY TO SIXTY DAYS AND TO UPDATE THE REQUIRED FORM OF THE LISTINGS; TO AMEND SECTION 12-37-2725, RELATING TO THE TRANSFER OF THE TITLE OF A VEHICLE, SO AS TO CHANGE THE LOCATION OF THE RETURN OF THE LICENSE PLATE AND VEHICLE REGISTRATION FROM THE COUNTY AUDITOR TO THE DEPARTMENT OF MOTOR VEHICLES, AND TO DELINEATE THE PROCESS FOR OBTAINING A TAX REFUND FOR THE PORTION OF THE TAX YEAR REMAINING; TO REPEAL SECTION 12-37-2735 RELATING TO THE ESTABLISHMENT OF THE PERSONAL PROPERTY TAX RELIEF FUND; TO REPEAL SECTION 12-39-10 RELATING TO THE APPOINTMENT OF THE COUNTY AUDITOR; TO AMEND SECTION 12-39-40, RELATING TO THE APPOINTMENT OF A DEPUTY AUDITOR, SO AS TO REQUIRE THE APPOINTMENT TO BE FILED WITH THE STATE TREASURER INSTEAD OF THE COMPTROLLER GENERAL; TO AMEND SECTION 12-39-60, RELATING TO THE COUNTY AUDITOR, SO AS TO CHANGE THE DEADLINE FOR RECEIVING TAX RETURNS FROM APRIL

FIFTEENTH TO APRIL THIRTIETH AND TO REDUCE THE REQUIREMENT OF PUBLIC NOTICE FOR A LOCATION TO RECEIVE RETURNS TO A PERMISSIVE AUTHORITY FOR THE PROVIDING OF THIS NOTICE; TO AMEND SECTION 12-39-120, RELATING TO THE POWER OF THE COUNTY AUDITOR TO ENTER INTO BUILDINGS THAT ARE NOT DWELLINGS TO DETERMINE VALUE, SO AS TO CHANGE THE DETERMINATION FROM THE VALUE OF ANY BUILDING TO THE VALUE OF ANY TAXABLE PERSONAL PROPERTY; TO AMEND SECTION 12-39-160, RELATING TO SPECIAL LEVIES, SO AS TO CHANGE THE REQUIREMENT THAT THE COUNTY AUDITOR REPORT THE AMOUNT OF PROPERTIES SUBJECT TO SPECIAL LEVIES TO THE COUNTY SUPERINTENDENT, BOARDS OF EDUCATION, AND BOARDS OF TRUSTEES, TO A PERMISSIVE AUTHORITY TO PROVIDE THE INFORMATION; TO AMEND SECTION 12-39-190, RELATING TO THE REPORTING OF TAXES ON THE DUPLICATE, SO AS TO ELIMINATE THE REQUIREMENT THAT THE REPORTING BE IN A NUMBER OF COLUMNS SPECIFIED BY THE DEPARTMENT OF REVENUE; TO AMEND SECTION 12-39-200, RELATING TO FORMS FOR THE COUNTY DUPLICATE, SO AS TO ALLOW THE DEPARTMENT TO DETERMINE THE TYPES OF ACCEPTABLE FORMAT REQUIRED; TO AMEND SECTION 12-39-220, RELATING TO OMISSION OF NEW PROPERTY FROM THE COUNTY DUPLICATE, SO AS TO REQUIRE THE COUNTY AUDITOR TO IMMEDIATELY APPRAISE THE PROPERTY AND NOTIFY THE COUNTY ASSESSOR, TO DELETE THE SPECIFICATION OF A TWENTY PERCENT PENALTY FOR UNPAID TAXES AND TO REPLACE THE TWENTY PERCENT PENALTY WITH ALL APPLICABLE PENALTIES, TO ELIMINATE DUPLICATE LANGUAGE IN THE CODE AND TO PROVIDE THAT ADJUSTMENTS DETERMINED BY THE ASSESSOR MAY NOT EXTEND BACK MORE THAN THREE YEARS; TO AMEND SECTION 12-39-260, RELATING TO THE COUNTY AUDITOR'S RECORDS, SO AS TO REDUCE THE REQUIREMENT THAT AUDITORS KEEP RECORDS OF ALL SALES OR CONVEYANCES OF REAL PROPERTY TO A PERMISSIVE AUTHORITY TO KEEP THESE RECORDS; TO AMEND SECTION 12-39-270, RELATING TO THE COUNTY AUDITOR'S ABATEMENT BOOK, SO AS TO REMOVE THE PROVISION THAT

REQUIRES THE ABATEMENT ALLOWED IN ANNUAL SETTLEMENTS BETWEEN THE AUDITOR AND THE TREASURER TO BE ACCORDING TO THE RECORD IN THE ABATEMENT BOOK; TO AMEND SECTION 12-43-220, AS AMENDED, RELATING TO PROPERTY TAX ASSESSMENT RATIOS, SO AS TO REQUIRE THAT IN ORDER TO PROVE ELIGIBILITY FOR THE FOUR PERCENT HOME ASSESSMENT RATIO, THE OWNER-OCCUPANT MUST PROVIDE PROOF THAT ALL MOTOR VEHICLES REGISTERED IN HIS NAME WERE REGISTERED AT THAT SAME ADDRESS; TO REPEAL SECTION 12-45-10 RELATING TO THE APPOINTMENT OF COUNTY TREASURERS; TO AMEND SECTION 12-45-35, RELATING TO THE APPOINTMENT OF DEPUTY COUNTY TREASURERS, SO AS TO CHANGE THE REQUIREMENT OF THE FILING OF THE APPOINTMENT WITH THE DEPARTMENT OF REVENUE TO THE FILING WITH THE STATE TREASURER; TO AMEND SECTION 12-45-70, RELATING TO COLLECTION OF TAXES, SO AS TO CHANGE THE REQUIREMENT THAT THE OFFICIAL CHARGED WITH COLLECTING TAXES SHALL SEND A LIST OF TAXES PAID TO THE DEPARTMENT OF MOTOR VEHICLES INSTEAD OF THE DEPARTMENT OF PUBLIC SAFETY AND THAT THE DEPARTMENT OF MOTOR VEHICLES MAY ACCEPT THIS CERTIFICATION INSTEAD OF A TAX RECEIPT; TO AMEND SECTION 12-45-90, RELATING TO THE FORMS OF PAYMENT FOR TAXES, SO AS TO DELETE FROM THE ACCEPTABLE FORMS OF PAYMENT, JURY CERTIFICATES, CIRCUIT COURT WITNESS PER DIEMS, AND COUNTY CLAIMS; TO AMEND SECTION 12-45-120, RELATING TO DELINQUENT TAXATION, SO AS TO REPLACE THE DESIGNATION OF "CHATTEL TAX" WITH THE TERM "PERSONAL TAX"; TO AMEND SECTION 12-45-180, RELATING TO THE COLLECTION OF DELINQUENT TAXES, SO AS TO ADD THE OFFICE AUTHORIZED TO COLLECT DELINQUENT TAXES AS AN OFFICE AUTHORIZED TO WAIVE PENALTIES IN CASES OF IMPROPER MAILING OR ERROR; TO AMEND SECTION 12-45-185, RELATING TO THE WAIVER OF PENALTIES FOR DELINQUENT TAXES, SO AS TO ALLOW THE COUNTY TREASURER TO NOTIFY THE COUNTY AUDITOR OF SUCH WAIVERS; TO AMEND SECTION 12-45-260, RELATING TO THE MONTHLY FINANCIAL

REPORTS OF THE COUNTY TREASURER TO THE COUNTY SUPERVISOR, SO AS TO ELIMINATE THE REQUIREMENT THAT THE TREASURER MUST REPORT TO THE COUNTY SUPERVISOR ON THE FIFTEENTH OF EACH MONTH AND TO ALLOW THE TREASURER TO REPORT MONTHLY; TO AMEND SECTION 12-45-300, RELATING TO THE AUDITOR'S LIST OF DELINQUENT TAXES, SO AS TO DELETE THE REQUIREMENT THAT THE AUDITOR MUST MAKE MARGINAL NOTATIONS AS TO THE REASONS THE TAXES WERE NOT COLLECTABLE, AND TO ELIMINATE THE REQUIREMENT THAT THE TREASURER MUST SIGN AND SWEAR TO THE LIST BEFORE THE AUDITOR; TO AMEND SECTION 12-45-420, RELATING TO THE WAIVER OF PENALTIES DUE TO ERRORS BY THE COUNTY BY A COMMITTEE MADE UP OF THE COUNTY AUDITOR, TREASURER, AND ASSESSOR, SO AS TO REQUIRE THAT THE WAIVER MUST BE BY MAJORITY VOTE OF THE COMMITTEE; TO AMEND SECTION 12-49-10, RELATING TO LIENS AND SUITS FOR THE COLLECTION OF TAXES, SO AS TO CHANGE THE DESIGNATION OF DEBTS PAYABLE TO THE STATE TO DEBTS PAYABLE TO THE COUNTY; TO AMEND SECTION 12-49-20, RELATING TO LIENS IN THE COLLECTION OF DELINQUENT TAXES, SO AS TO MOVE THE AUTHORITY OF THE COUNTY SHERIFF TO COLLECT DELINQUENT TAXES TO THE COUNTY TAX COLLECTOR; TO AMEND SECTION 12-49-85, RELATING TO UNCOLLECTABLE PROPERTY TAX FOR DERELICT MOBILE HOMES, SO AS TO CHANGE THE AUTHORITY FROM THE COUNTY AUDITOR TO THE COUNTY ASSESSOR, TO DETERMINE THE REMOVAL AND DISPOSAL OF A MOBILE HOME, TO INCLUDE THE REQUIREMENT THAT THE ASSESSOR REMOVE THE DERELICT HOME FROM HIS RECORDS AND THE AUDITOR TO REMOVE THE DERELICT HOME FROM THE DUPLICATE LIST; TO AMEND SECTION 12-49-910, RELATING TO THE SEIZURE OF PROPERTY SUBJECT TO A TAX LIEN BY THE SHERIFF OR COUNTY TAX COLLECTOR, SO AS TO REMOVE THE AUTHORITY OF THE SHERIFF TO LEVY AND SEIZE PROPERTY OF A DEFAULTING TAXPAYER; TO AMEND SECTION 12-49-920, RELATING TO THE SEIZURE OF PROPERTY FOR TAX DEFAULT BY THE COUNTY SHERIFF OR THE COUNTY TAX COLLECTOR, SO AS TO REMOVE

THE AUTHORITY OF THE SHERIFF TO POSSESS THE SEIZED PROPERTY; TO AMEND SECTION 12-49-930, RELATING TO THE REMOVAL OR DESTRUCTION OF PERSONAL PROPERTY SUBJECT TO A TAX LIEN, SO AS TO REMOVE THE REFERENCE TO THE COUNTY SHERIFF; TO AMEND SECTION 12-49-940, RELATING TO THE DISPOSAL OF PERSONAL PROPERTY SEIZED DUE TO A TAX LIEN BY THE COUNTY SHERIFF OR TAX COLLECTOR, SO AS TO REMOVE THE AUTHORITY OF THE COUNTY SHERIFF TO ADVERTISE FOR THE SALE OF THE PROPERTY; TO AMEND SECTION 12-49-950, RELATING TO BIDDING ON PERSONAL PROPERTY SUBJECT TO A TAX LIEN BY THE FORFEITED LAND COMMISSION, SO AS TO ALLOW BIDS TO BE MADE ON BEHALF OF THE FORFEITED LAND COMMISSION; TO AMEND SECTION 12-49-960, RELATING TO THE SALE OF PROPERTY SUBJECT TO A TAX SALE, SO AS TO REMOVE REFERENCE TO THE COUNTY SHERIFF; TO AMEND SECTION 12-49-1110, RELATING TO THE RIGHTS OF REAL PROPERTY MORTGAGES, SO AS TO CHANGE THE DEFINITION OF "TAX TITLE" FROM "A DEED FOR REAL PROPERTY AND A BILL OF SALE FOR PERSONAL PROPERTY" TO "A DEED FOR REAL PROPERTY OR A BILL OF SALE FOR PERSONAL PROPERTY"; TO AMEND SECTION 12-49-1150, RELATING TO THE NOTICE TO MORTGAGEE OF A TAX SALE, SO AS TO INCLUDE THE TAX MAP NUMBER OF THE PROPERTY IN THE INFORMATION PROVIDED; TO AMEND SECTION 12-49-1220, RELATING TO THE PROCEDURES FOR PROVIDING NOTICE OF TAX SALE OF MOBILE OR MANUFACTURED HOMES, SO AS TO SPECIFY THE FORMS OF LIENHOLDERS PROVIDED TO TAX COLLECTORS FOR NOTICE TO BE THOSE PROVIDED BY THE DEPARTMENT RESPONSIBLE FOR THE REGISTRATION OF MANUFACTURED HOMES; TO AMEND SECTION 12-49-1270, RELATING TO THE RIGHTS OF THE LIENHOLDER IN A TAX SALE AND THE RIGHTS AND REMEDIES THAT ARE NOT AFFECTED BY COMPLIANCE OF THE INFORMATION PROVISIONS, SO AS TO CHANGE THE INFORMATION PROVIDED FROM THE AUDITOR TO THE ASSESSOR; TO AMEND SECTION 12-51-40, RELATING TO PROPERTY TAXES AND THE TREATMENT OF MOBILE HOMES AS PERSONAL PROPERTY, SO AS TO REMOVE THE REQUIREMENT OF WRITTEN NOTICE OF THE HOMES

ANNEXATION TO THE LAND BY THE HOMEOWNER TO THE AUDITOR AND INSTEAD REQUIRE COMPLIANCE WITH DE-TITLING PROVISIONS OF THE MANUFACTURED HOUSING LAW AND TO ALLOW A COUNTY TO CONTRACT IN THE COLLECTION OF DELINQUENT TAXES; TO AMEND SECTION 12-51-55, RELATING TO THE BID ON BEHALF OF THE FORFEITED LAND COMMISSION PROPERTY SOLD FOR AD VALOREM TAXES, SO AS TO REMOVE THE PROVISIONS FOR THE APPLICATIONS OF THE FUNDS WHEN THE PROPERTY IS NOT REDEEMED; TO AMEND SECTION 12-51-80, RELATING TO THE SETTLEMENT BY THE TREASURER, SO AS TO INCREASE THE TIME OF SETTLEMENT TO THE POLITICAL SUBDIVISIONS FROM THIRTY DAYS TO FORTY-FIVE DAYS AFTER THE TAX SALE; TO REPEAL SECTION 12-59-30 RELATING TO THE SUFFICIENCY OF DEEDS OF LANDS FORFEITED TO THE STATE COMMISSIONS IN YEAR 1939; TO AMEND SECTION 12-59-40, RELATING TO FORFEITED LAND COMMISSIONS, SO AS TO INCLUDE LANDS FORFEITED TO COUNTY TAX COLLECTORS IN LANDS AUTHORIZED FOR SALE AND TO REMOVE THE STATE AS HOLDER OF PROPERTY HELD AND SOLD BY THE FORFEITED LAND COMMISSION; TO AMEND SECTION 12-59-50, RELATING TO THE FORFEITED LAND COMMISSION, SO AS TO REMOVE THE REFERENCE TO DELINQUENT STATE TAXES SUBJECT TO THESE PROVISIONS; TO AMEND SECTION 12-59-70, RELATING TO FORFEITED LAND COMMISSION SALES, SO AS TO REMOVE REFERENCE TO THE SHERIFF SUBMITTING TITLE TO THE COMMISSION AND TO REFERENCE THE COUNTY TAX COLLECTOR SUBMITTING TITLE TO THE COMMISSION; TO AMEND SECTION 12-59-80, RELATING TO THE FORFEITED LAND COMMISSION, SO AS TO DESIGNATE A PROCEDURE FOR ACCEPTING BIDS FOR THE SALE OF FORFEITED PROPERTY; TO AMEND SECTION 12-59-90, RELATING TO FORFEITED LANDS TAX SALES, SO AS TO REMOVE THE AUTHORITY OF THE COUNTY SHERIFF TO EXECUTE DEEDS AND CONVEYANCES FOR FORFEITED LANDS AND TO AUTHORIZE THE COUNTY TAX COLLECTOR TO EXECUTE THE DEEDS AND CONVEYANCES; TO AMEND SECTION 12-59-100, RELATING TO THE TURNING OVER OF PROCEEDS OF A DELINQUENT TAX SALE BY THE FORFEITED LAND COMMISSION TO THE

COUNTY TREASURER AND THE TREASURER TO DEPOSITING THESE FUNDS INTO THE COUNTY GENERAL FUND, SO AS TO DELETE THE PROVISION THAT THE TREASURER DO SO AT THE CLOSE OF THE FISCAL YEAR AND TO DELETE REFERENCES TO THE STATE INTERESTS IN THESE PROCEEDS; TO REPEAL SECTION 12-59-110 RELATING TO FEES AND COSTS OF THE SHERIFF FOR SERVICES PROVIDED TO THE FORFEITED LAND COMMISSION IN REGARD TO DELINQUENT TAX SEIZURES; TO AMEND SECTION 12-59-120, RELATING TO THE FORFEITED LAND COMMISSION, SO AS TO REPLACE REFERENCE TO THE COUNTY SHERIFF WITH THE COUNTY TAX COLLECTOR REGARDING THE ALLOWING OF AGENTS OF THE COMMISSION ACCESS TO EXECUTIONS ISSUED FOR THE COLLECTION OF TAXES; AND TO AMEND SECTION 12-60-1760, RELATING TO ACTIONS AGAINST COUNTY OFFICIALS, SO AS TO REPLACE THE COUNTY AUDITOR WITH THE COUNTY IN REGARD TO WHO IS OBLIGATED TO RATABLY APPORTION FEES, EXPENSES, DAMAGES, AND COSTS RESULTING IN DEFENDING A COURT ACTION, AND TO REPLACE THE COUNTY AUDITOR OR TREASURER WITH THE COUNTY AS TO WHO MAY CAUSE A MUNICIPALITY TO BE MADE A PARTY TO ANY ACTION INVOLVING A MUNICIPAL LEVY.

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

Department of Revenue examination of county tax records permissive

SECTION 1. Section 12-4-520(4) of the 1976 Code is amended to read:

"(4) as often as annually, may examine the books, papers, and accounts of assessors, auditors, treasurers, and tax collectors, to protect the interests of the State, counties, and other political subdivisions and to render these officers aid or instruction. The department does not have jurisdiction over personnel or equipment purchases of political subdivisions;"

Department of Revenue prosecution of property tax violations permissive

SECTION 2. Section 12-4-530 of the 1976 Code is amended to read:

"Section 12-4-530. The department may:

(1) examine cases in which the laws of this State relating to the valuation, assessment, or taxation of property is complained of, or discovered to have been evaded or violated in any manner;

(2) require the Attorney General or circuit solicitor to assist in the commencement and prosecutions of actions and proceedings for penalties, forfeitures, removals, and punishment for violation of the laws of this State in respect to the assessment and taxation of property;

(3) direct proceedings, actions, and prosecutions to be instituted to enforce the laws relating to penalties, liabilities, and punishment of public officers and officers and agents of corporations for failure or neglect to comply with the provisions of the laws of this State governing the assessment and taxation of property and the rules of the department; and

(4) cause complaints to be made against assessors, county boards of tax appeal, or other assessing and taxing officers to the proper authority for their removal from office for official misconduct or neglect of duty."

Uniform assessment, reference change to "county"

SECTION 3. Section 12-37-30 of the 1976 Code is amended to read:

"Section 12-37-30. Taxes for township, school, municipal and all other purposes provided for or allowed by law shall be levied on the same assessment, which shall be that made for county taxes."

Proof for homestead exemption for property held in trust

SECTION 4. Section 12-37-266(A) of the 1976 Code is amended to read:

"(A) If a trustee holds legal title to a dwelling that is the legal residence of a beneficiary sixty-five years of age or older, or totally and permanently disabled, or blind, and the beneficiary uses the dwelling, the dwelling is exempt from property taxation in the amount and manner as dwellings are exempt pursuant to Section 12-37-250, if the beneficiary meets the other conditions required for the exemption. A copy of the

trust agreement must be provided to certify this exemption. The trustee may apply in person or by mail to the county auditor for the exemption on a form approved by the department. Further application is not necessary while the property for which the initial application was made continues to meet the eligibility requirements. The trustee shall notify the county auditor of a change in classification within six months of the change. If the trustee fails to notify the county auditor within six months, a penalty must be imposed equal to one hundred percent of the tax paid, plus interest on that amount at the rate of one-half of one percent a month. In no case may the penalty be less than thirty dollars or more than the current year's taxes. This penalty and any interest are considered ad valorem taxes due on the property for purposes of collection and enforcement."

Homestead exemption conforming change

SECTION 5. Section 12-37-290 of the 1976 Code is amended to read:

"Section 12-37-290. The first fifty thousand dollars of the fair market value of the dwelling place of persons shall be exempt from county, school and special assessment real estate property taxes when such persons have been residents of this State for at least one year, have each reached the age of sixty-five years on or before December thirty-first or any person who has been classified as totally and permanently disabled by a state or federal agency having the function of so classifying persons or any person who is legally blind as defined in Section 43-25-20, preceding the tax year in which the exemption herein is claimed and hold complete fee simple title or a life estate to the dwelling place. Any person claiming to be totally and permanently disabled, but who has not been so classified by one of such agencies, may apply to the Vocational Rehabilitation Department. The agency shall make an evaluation of such person using its own standards. The exemption shall include the dwelling place when jointly owned in complete fee simple or life estate by husband and wife and either has reached sixty-five years of age, or is totally and permanently disabled, on or before December thirty-first preceding the tax year in which the exemption is claimed and either has been a resident of the State for one year. The exemption shall not, however, be granted unless such persons or their agents make written application therefor on or before May first of the tax year in which the exemption is claimed and shall also pay all real property taxes due by such persons before the date prescribed by statute for the imposition thereon of a late penalty or interest charge. The

application for the exemption shall be made to the auditor of the county in which the dwelling place is located upon forms, provided by the county and approved by the department, and a failure to so apply shall constitute a waiver of the exemption for that year. The term 'dwelling place' as used herein shall mean the permanent home and legal residence of the applicant.

The term 'permanently and totally disabled' as used herein shall mean the inability to perform substantial gainful employment by reason of a medically determinable impairment, either physical or mental, which has lasted or is expected to last for a continuous period of twelve months or more or result in death.

The department shall reimburse the Vocational Rehabilitation Department for the actual expenses incurred in making decisions relative to disability from funds appropriated for homestead reimbursement.

The department shall promulgate such rules and regulations as may be necessary to carry out the provisions herein.

Nothing herein shall be construed as an intent to cause the reassessment of any person's property.

The provisions of this section shall apply to life estates created by will and also to life estates otherwise created which were in effect on or before December 31, 1971."

Business inventory exemption reimbursement distribution

SECTION 6. Section 12-37-450(A) of the 1976 Code is amended to read:

"(A) A county and municipality must be reimbursed for the revenue lost as a result of the business inventory tax exemption based on the 1987 tax year millage and 1987 tax year assessed value of inventories in the county and municipality. The reimbursement amount must be redistributed proportionately to the separate millages levied by the political subdivision within the county for the current tax year millage. There is credited annually, as provided in Section 11-11-150, to the Trust Fund for Tax Relief whatever amount is necessary to reimburse fully all counties and municipalities the required amount. The department shall make remittances of this reimbursement to a county and municipality in four equal payments."

Return of personal property required for all persons

SECTION 7. Section 12-37-710 of the 1976 Code is amended to read:

"Section 12-37-710. Every person shall annually list for taxation the following personal property, to wit:

(1) all the tangible personal property in the State owned or controlled by him;

(2) all the tangible property owned by him or by any other resident of this State and under his control which may be temporarily out of the State but is intended to be brought into the State;

(3) all tangible personal property owned or controlled by him which may have been sent out of the State for sale and not yet sold; and

(4) all the moneys, credits, investments in bonds, stocks, joint-stock companies or otherwise, owned or controlled by him, whether in or out of this State."

New vehicle may not be taxed twice in a year

SECTION 8. Section 12-37-715 of the 1976 Code is amended to read:

"Section 12-37-715. Notwithstanding any other provision of law, no personal property may be taxed for ad valorem purposes more than once in any tax year, except as provided for by the provisions of Section 56-3-210."

Requirements of auditor when returning property permissive

SECTION 9. Section 12-37-760 of the 1976 Code is amended to read:

"Section 12-37-760. If any person shall refuse or neglect to make out and deliver to the auditor a statement of personal property, as provided in this chapter, or shall refuse or neglect to make and subscribe an oath as to the truth of such statement, or any part thereof, or in case of sickness or absence of such person the auditor shall proceed to ascertain, as near as may be, and make up and return a statement of the personal property, and the value thereof, with which such person shall be charged for taxation, according to the provisions of this chapter. To enable such auditor to make up such statement, he may examine any person under oath and ascertain, from general reputation and his own knowledge of facts, the character and value of the personal property of the person thus absent or sick or refusing or neglecting to list or swear. The auditor may return the lists so made up by him endorsed 'Refused to List', 'Refused to Swear', 'Absent', or 'Sick', as the case may be, and in his return, in

tabular form, may write such words opposite the names of each of the persons so refusing or neglecting to list or swear or absent or sick."

Repeal

SECTION 10. Section 12-37-850 of the 1976 Code is repealed.

Return of personal property generic

SECTION 11. Section 12-37-890 of the 1976 Code is amended to read:

"Section 12-37-890. All property used in any business, furniture, and supplies used in hotels, restaurants and other houses of public resort, personal property used in or in connection with storehouses, manufactories, warehouses, or other places of business, all personal property and merchants' and manufacturers' stock and capital shall be returned for taxation and taxed in the county, city, and town in which it is situated. All shares of stock in incorporated banks located in this State shall be returned for taxation and taxed in the county, city, or town in which the bank is located. All property of deceased persons shall be returned for taxation and taxed in the county where administration may be legally granted, until distribution thereof and payment may be made to the parties entitled thereto. All other personal property shall be returned for taxation and taxed at the place where the owner thereof shall reside at the time of listing the same, if the owner resides in this State; if not, at the residence of the person having it in charge. And all real estate shall be taxed in the county, city, ward, or town where it is located. The owners of real property situate partly within and partly without any incorporated town or city shall list the part in the town or city separately from the part outside the incorporated limits thereof."

Requirement to return personal property, exceptions and waivers deleted

SECTION 12. Section 12-37-900 of the 1976 Code, as last amended by Act 313 of 2008, is further amended to read:

"Section 12-37-900. Every person required by law to list property shall, annually, between the first day of January and the first day of March, make out and deliver to the assessor of the county in which the property is by law to be returned for taxation a statement, verified by his

oath, of all the real estate which has been sold or transferred since the last listing of property for which he was responsible and to whom, and of all real property possessed by him, or under his control, on the thirty-first day of December next preceding, either as owner, agent, parent, spouse, guardian, executor, administrator, trustee, receiver, officer, partner, factor, or holder with the value thereof, on such thirty-first day of December, at the place of return, estimating according to the rules prescribed by law.

A manufacturer not under a fee agreement is not required to return personal property for ad valorem tax purposes if the property remains in this State at a manufacturing facility that has not been operational for one fiscal year and the personal property has not been used in operations for one fiscal year. The personal property is not required to be returned until the personal property becomes operational in a manufacturing process or until the property has not been returned for ad valorem tax purposes for four years, whichever is earlier. A manufacturer must continue to list the personal property annually and designate on the listing that the personal property is not subject to tax pursuant to this section."

Determination of value of money, bank bills, and like items deleted

SECTION 13. Section 12-37-940 of the 1976 Code is amended to read:

"Section 12-37-940. The following articles of personal property shall be valued for taxation, as follows, to wit: leasehold estates held for any definite term, at the yearly value thereof to the lessee; annuities, at the yearly value thereof to the owner at the time of listing; and leasehold estates held on perpetual lease or for a term certain renewable forever at the option of the lessee, at the full value of the land."

Assessment of property, merchants' inventory deleted

SECTION 14. The first paragraph of Section 12-37-970 of the 1976 Code is amended to read:

"The assessment for property taxation of equipment, furniture and fixtures, and manufacturers' real and tangible personal property, and the machinery, equipment, furniture, and fixtures of all other taxpayers required to file returns with the South Carolina Department of Revenue for purposes of assessment for property taxation, must be determined by

the department from property tax returns submitted by the taxpayers to the department on or before the last day of the fourth month after the close of the accounting period regularly employed by the taxpayer for income tax purposes in accordance with Chapter 7 of this title. The department by regulation shall prescribe the form of return required by this section, the information to be contained in it, and the manner in which the returns must be submitted. Every taxpayer required to make return to the department of property for assessment for property taxation must make the return to the department not less than once each calendar year. Whenever by a change of accounting period, or otherwise, more than one accounting period ends within any one calendar year, the taxpayer must make one such return within the prescribed time for filing following the end of each of the accounting periods and the department shall determine the assessment from the return setting forth the greatest value."

Deadline changed for return of airline property

SECTION 15. Section 12-37-2420 of the 1976 Code is amended to read:

"Section 12-37-2420. All airline companies operating in the State shall make an annual property tax return on or before the thirtieth day of April in each year for the preceding calendar or fiscal year of their flight equipment to the department. Each type and model of flight equipment shall be separately returned, valued and apportioned as herein provided."

Motor vehicle tax year, registration, two-year license deleted, notice to Department of Motor Vehicles

SECTION 16. Section 12-37-2610 of the 1976 Code is amended to read:

"Section 12-37-2610. The tax year for licensed motor vehicles begins with the last day of the month in which a registration required by Section 56-3-110 is issued and ends on the last day of the month in which the registration expires or is due to expire. No registration may be issued for motor vehicles until the ad valorem tax is paid for the year for which the registration is to be issued. Motor vehicles registered under the International Registration Plan may pay ad valorem property taxes on a semiannual basis. The provisions of this section do not apply to the transfer of motor vehicle registrations as specified in Section 12-37-2675

or to sales of motor vehicles by a licensed motor vehicle dealer. Notice of the sales must be furnished to the Department of Motor Vehicles by the dealer, along with other documents necessary for the registration and licensing of the vehicle concerned. The notice must be received by the Department of Motor Vehicles as a prerequisite to the registration and licensing of the vehicle and must include the name and address of the purchaser, the vehicle identification number, and the year and model of the vehicle. The notice must be an original and one copy, and the copy must be provided by the department to the auditor of the county in which the vehicle is taxable. All ad valorem taxes on a vehicle are due and payable one hundred twenty days from the date of purchase. The notice and the time in which to pay the tax applies to motor vehicles that are serviced and delivered by a licensed motor vehicle dealer for the benefit of an out-of-state dealer."

New motor vehicle must be returned within forty-five days

SECTION 17. Section 12-37-2630 of the 1976 Code is amended to read:

"Section 12-37-2630. When a motor vehicle is first taxable in a county the owner or person having control of the vehicle shall make a property tax return of it within forty-five days, as referenced in Section 56-3-210, and prior to applying for a license. The return shall be made to the auditor of the county in which the owner or person having control of the motor vehicles resides. If the motor vehicle is used in a business the return shall be made to the auditor of the county in which the motor vehicle is situated, that being the county and city of principal use of the vehicle. The return shall be signed under oath and shall set forth the county, school district, special or tax district, and municipality in which the vehicle is principally used."

Notice of vehicle registration to auditor, timing and method

SECTION 18. Section 12-37-2660 of the 1976 Code is amended to read:

"Section 12-37-2660. The Department of Motor Vehicles shall furnish to the auditor of each county a listing of license registration applications to be mailed to the owners of motor vehicles in the respective counties. The listings must be furnished to the auditor as soon as possible but not later than sixty days before the expiration of the

registration. Listings must be in the form of electronic media. The Department of Motor Vehicles shall provide notice to the respective counties each month for all vehicles that are licensed the second year of the two-year licensing period. This listing must contain an updating of the prior year's list to denote vehicles in which the license or registration is transferred or canceled."

Vehicle title cancellation to Department of Motor Vehicles

SECTION 19. Section 12-37-2725 of the 1976 Code is amended to read:

"Section 12-37-2725. When the title to a licensed vehicle is transferred, or the owner of the vehicle becomes a legal resident of another state and registers the vehicle in the new state of residence, the license plate and registration certificate may be returned for cancellation. The license plate and registration certificate must be delivered to the Department of Motor Vehicles. A request for cancellation must be made in writing to the auditor upon forms approved by the Department of Motor Vehicles. The auditor, upon receipt of the Form 5051 and the request for cancellation, shall order and the treasurer shall issue a credit or refund of property taxes paid by the transferor on the vehicle. The amount of the refund or credit is that proportion of the tax paid that is equal to that proportion of the complete months remaining in that tax year. The auditor, within five days thereafter, shall deliver the request for cancellation to the Department of Motor Vehicles. Upon receipt, the Department of Motor Vehicles shall cancel the license plate and registration certificate and may not reissue the same."

Repeal

SECTION 20. Section 12-37-2735 of the 1976 Code is repealed.

Repeal

SECTION 21. Section 12-39-10 of the 1976 Code is repealed.

Appointment of deputy auditor filed with State Treasurer

SECTION 22. Section 12-39-40(A) of the 1976 Code is amended to read:

"(A) A county auditor may appoint an employee in his office to be his deputy. The appointment must be filed with the State Treasurer and the governing body of that county. When the appointment is filed, the deputy may act for and on behalf of the county auditor when the auditor is incapacitated by reason of a physical or mental disability or during a temporary absence."

Deadline changed for return of property to auditor

SECTION 23. Section 12-39-60 of the 1976 Code is amended to read:

"Section 12-39-60. The county auditor shall receive the returns and make the assessments provided for in this chapter within the time prescribed by law and for this purpose his office must be kept open to receive the returns of taxpayers from January first to April thirtieth of each year, except as otherwise provided, and the returns must be received throughout the period without penalty. He shall, for the purpose of assessing taxes, attend at a convenient point in each township or tax district as many days as may be necessary and for the remainder of the time allowed by law he must be and receive returns at the county seat. He or his assistant may give thirty days' public notice of the days upon which he will be at the several places designated."

Auditor may enter property to determine value

SECTION 24. Section 12-39-120 of the 1976 Code is amended to read:

"Section 12-39-120. For the purpose of enabling the auditor to determine the value of any taxable personal property and other improvements, he may enter and fully examine all buildings and structures (except dwellings), of whatever kind, which are not by law expressly exempt from taxation."

Special levies, permissive reporting

SECTION 25. Section 12-39-160 of the 1976 Code is amended to read:

"Section 12-39-160. The county auditor, when there is a special levy, may, when he has completed the tax duplicates, report to the county superintendent of education, the chairman of the county board of

education, and the chairmen of the boards of trustees of the school districts, by school districts, the amount of taxable property subject to such levy."

Form requirement deleted for tax duplicate

SECTION 26. Section 12-39-190 of the 1976 Code is amended to read:

"Section 12-39-190. The county auditor shall enter the taxes on the duplicate retained in his own office. On the duplicate for the county treasurer, he shall enter the taxes against each parcel of real and personal property on one or more lines, opposite the name of the owner or owners."

Department of Revenue determines format for tax duplicate

SECTION 27. Section 12-39-200 of the 1976 Code is amended to read:

"Section 12-39-200. In all respects except as otherwise prescribed by Section 12-39-190, the department may prescribe the types of acceptable format for county duplicates as may seem most convenient for the public and county auditors."

Property omitted from duplicate, notify auditor, limitation of back taxes

SECTION 28. Section 12-39-220 of the 1976 Code is amended to read:

"Section 12-39-220. If the county assessor shall at any time discover that any real estate or new structure, addition, or improvement duly returned and appraised for taxation, has been omitted from the duplicate, he shall immediately appraise it and notify the auditor. Upon receiving notification from the assessor, the auditor shall charge it on the duplicate with the taxes of the current year and the simple taxes of each preceding year it may have escaped taxation subject to the limitations contained in this section. And if the owner of any real estate or new structure, addition, or improvement thereon, subject to taxation, has not returned or reported it for taxation, according to the requirements of this chapter, and it has not been appraised for taxation, the assessor shall, upon

discovery thereof, appraise it and, upon notification from the assessor, the auditor shall charge it upon the duplicate, with the taxes of the then current year and the taxes of each preceding year it may have escaped taxation, and all applicable penalties upon such taxes of preceding years subject to the limitations contained in this section. The adjustments determined by the assessor may not extend back more than three prior years from the year the adjustments are determined but in no event back to a prior year before the year the addition on improvement was made. The term 'improvement' for purposes of this section means a change to any real estate or structure which betters the value thereof while not constituting regular maintenance."

Requirement of auditor to record real property sales permissive

SECTION 29. Section 12-39-260(A) of the 1976 Code is amended to read:

"(A) Each county auditor may keep a record of all sales or conveyances of real property made in the county, in which he shall enter, in columns, the names of the purchaser and seller, the quantity of land conveyed and the location and price of such land, and from such record he shall correct the county duplicates annually. For the purpose of carrying out this provision, the clerk of courts or register of deeds of each county shall have the endorsement of the county auditor on each deed of conveyance for real property that the conveyance has been entered in his office before such deed can be placed on record in the recording office, and the county auditor shall be entitled to a fee of twenty-five cents, for his own use, for making such entry and endorsement."

Procedure for settlement between auditor and treasurer deleted

SECTION 30. Section 12-39-270 of the 1976 Code is amended to read:

"Section 12-39-270. The county auditor shall keep as a permanent record in his office a book to be known as the 'Abatement Book', in which the county auditor enters separately each abatement of taxes granted and allowed. The abatement book must be kept so as to show in each case, under appropriate columns, the number of the page and the number of the line of the tax duplicate on which the item abated appears, the name of the taxpayer, the amount and kind of tax charged on the duplicate and for what year, the amount abated and date of abatement, in

each case. If the tax is on property, the entry must include a description of property and the reason the abatement was applied for and allowed. After the abatement papers are entered, they must be filed in the auditor's office by consecutive numbering of each and the number on the abatement paper must be entered in the abatement book in which the paper is entered for easy reference. The abatement book must be kept by townships and summed up separately for each fiscal year, with a recapitulation showing at the end of the year the amount of state, county, school, poll, and other tax abated during the fiscal year in the whole county."

All vehicles must be registered at four percent residence to claim the four percent

SECTION 31. Section 12-43-220(c)(2)(iv)(B) of the 1976 Code is amended to read:

"(B) copies of South Carolina motor vehicle registrations for all motor vehicles registered in the name of the owner-occupant and registered at the same address of the four percent domicile;"

Repeal

SECTION 32. Section 12-45-10 of the 1976 Code is repealed.

Appointment of deputy treasurer filed with State Treasurer

SECTION 33. Section 12-45-35(A) of the 1976 Code is amended to read:

"(A) A county treasurer may appoint an employee in his office to be his deputy. The appointment must be filed with the State Treasurer and the governing body of that county. When the appointment is filed, the deputy may act for and on behalf of the county treasurer when the treasurer is incapacitated by reason of a physical or mental disability or during a temporary absence."

Notice of taxes paid to Department of Motor Vehicles

SECTION 34. Section 12-45-70(C) of the 1976 Code is amended to read:

"(C) The county official charged with the collection of taxes shall send a list of the institutions collecting the taxes to the Department of Motor Vehicles. Each institution shall certify to the Department of Motor Vehicles that the taxes have been paid, and the Department of Motor Vehicles may accept certification instead of the tax receipt given to the taxpayer if that certification contains the information required in Section 12-37-2650."

Certain forms of tax payments deleted

SECTION 35. Section 12-45-90 of the 1976 Code is amended to read:

"Section 12-45-90. Taxes are payable in the following kinds of funds and no other: silver coin, United States currency, United States postal money orders, and checks subject to collection. A third-party administrator may be used for the collection of taxes through electronic media if there is no cost borne by the county. Other media of payment may be accepted as payment for taxes upon approval of the governing body, and if costs are incurred by the county in the acceptance of a payment media, approval of the county governing body must be obtained. Electronic or other media of payment are subject to collection, and in the absence of an agreement among the taxing entities to share the costs of collection of property taxes, costs must be apportioned among the taxing entities on a pro rata basis. The county governing body may impose a uniform surcharge as a condition of acceptance of a particular medium of payment, not to exceed the cost of accepting charge cards, debit cards, or electronic forms of payment including discount or merchant fees."

Reference of "chattel" changed to "personal"

SECTION 36. Section 12-45-120 of the 1976 Code is amended to read:

"Section 12-45-120. If, after the return of any personal tax by any county treasurer as delinquent, the county treasurer shall know or be informed that the person against whom it is charged resides in some other county in this State or has property or debts due him therein, he shall make out and forward to the treasurer of such other county a certified statement of the name of the person against whom such taxes are charged, the value of the property on which such taxes were levied, the amount of the taxes and penalties assessed thereon and that they are

delinquent, and to the aggregate of such taxes and penalties he shall add twenty-five percent as collection fees. Upon the receipt of such certificate the treasurer of such other county shall collect such delinquent taxes and penalties, with the twenty-five percent collection fees as provided in this section, for which purpose he shall have all rights, powers and remedies conferred upon the treasurer of the county in which such taxes were assessed and be allowed the same fees for distraint and sale of property as if such taxes had been levied in his own county and, upon collection made, may retain one-half of such twenty-five percent collection fees, and shall transmit the balance collected by him to the treasurer of the county from whom he received such certified statement by mail. But if the treasurer to whom any such statement is sent cannot collect the amount therein named, or any part thereof, he shall return such duplicate, so endorsed, with reasons for such noncollection."

Delinquent tax collector may waive penalties upon error

SECTION 37. Section 12-45-180(A) of the 1976 Code is amended to read:

"(A) When the taxes and assessments or any portion of the taxes and assessments charged against any property or person on the duplicate for the current fiscal year are not paid before the sixteenth day of January or thirty days after the mailing of tax notices, whichever occurs later, the county auditor shall add a penalty of three percent on the county duplicate and the county treasurer shall collect the penalty. If the taxes, assessments, and penalty are not paid before the second day of the next February, an additional penalty of seven percent must be added by the county auditor on the county duplicate and collected by the county treasurer. If the taxes, assessments, and penalties are not paid before the seventeenth day of the next March, an additional penalty of five percent must be added by the county auditor on the county duplicate and collected by the county treasurer. If the taxes, assessments, and penalties are not paid before the seventeenth day of March, the county treasurer shall issue his tax execution to the officer authorized and directed to collect delinquent taxes, assessments, penalties, and costs for their collection as provided in Chapter 51 of this title and they must be collected as required by that chapter. The United States postmark is the determining date for mailed payments. If the county treasurer or the office authorized and directed to collect delinquent taxes determines by proper evidence that the mailing of a tax payment was improperly postmarked, and this error results in the imposition of a penalty provided

in this subsection, then the penalty imposed may be waived by the county treasurer or the office authorized and directed to collect delinquent taxes."

Treasurer may notify auditor of waiver of penalty

SECTION 38. Section 12-45-185 of the 1976 Code is amended to read:

"Section 12-45-185. Notwithstanding the provisions of Section 12-45-180, the county treasurer may waive the penalties imposed pursuant to that section and notify the county auditor if necessary if the taxpayer provides clear and convincing evidence to the county treasurer that the taxpayer delivered the timely payment to the United States mail or that the taxpayer otherwise timely delivered or caused to be delivered the payment. The request for waiver must be in the form of an application in writing to the county treasurer that includes documentation sufficient for the treasurer to conclude that the taxpayer made timely payment of the taxes. Waiving penalties is within the sole discretion of the county treasurer and the treasurer's denial of a waiver is not subject to appeal."

Treasurer report to chief administrative officer permissive

SECTION 39. Section 12-45-260 of the 1976 Code is amended to read:

"Section 12-45-260. The county treasurer may monthly report to the chief administrative officer of the county the amount of funds received for and on account of the county and the character of the funds."

Requirement of notations on duplicate deleted

SECTION 40. Section 12-45-300 of the 1976 Code is amended to read:

"Section 12-45-300. The auditor shall take from the duplicate previously provided to the treasurer for collection a list of all taxes, assessments, and penalties the treasurer has been unable to collect, describing the property as described on the duplicate. In making this list, the delinquencies in each taxing entity must be stated separately. After deducting the amount of taxes, assessments, and penalties returned

delinquent, the treasurer shall stand charged with the remainder of the taxes, assessments, and penalties charged on the duplicate."

Waiver of penalties upon majority vote of committee

SECTION 41. Section 12-45-420 of the 1976 Code is amended to read:

"Section 12-45-420. Notwithstanding another provision of law a committee composed of the county auditor, county treasurer, and county assessor may, by a majority vote, waive, dismiss, or reduce a penalty levied against real or personal property in the case of an error by the county."

Legal assessments deemed debt of county

SECTION 42. Section 12-49-10 of the 1976 Code is amended to read:

"Section 12-49-10. All taxes, assessments and penalties legally assessed shall be considered and held as a debt payable to the county by the person against whom they shall be charged and such taxes, assessments and penalties shall be a first lien in all cases whatsoever upon the property taxed, the lien to attach at the beginning of the fiscal year during which the tax is levied. Such taxes shall be first paid out of assets of any estate of deceased persons or held in trust as assignee or trustee or the proceeds of any property held on execution or attachment. The county treasurer may enforce such lien by execution against such property or, if it cannot be levied on, he may proceed by action at law against the person holding such property."

Removal of sheriff from tax sale collection process

SECTION 43. Section 12-49-20 of the 1976 Code is amended to read:

"Section 12-49-20. As of December thirty-first a first lien shall attach to all real and personal property for taxes to be paid during the ensuing year, and in case such property is about to be removed from the State by bankruptcy proceedings or otherwise or is about to be taken from the jurisdiction of the county before taxes are due in the county and payable for any year, the treasurer of such county shall immediately issue his execution on such property and the tax collector of the county shall proceed to collect the taxes due on such property."

Assessor to determine removal of derelict mobile home

SECTION 44. Section 12-49-85(D) of the 1976 Code is amended to read:

"(D) Upon receipt of proof satisfactory to the county assessor that a derelict mobile home, as defined in Section 6-1-150, has been removed and disposed of in accordance with Section 6-1-150, the county auditor shall remove the derelict mobile home permanently from his records and the county auditor from the current duplicate. Upon this removal, any unpaid taxes, uniform service charges, assessments, penalties, costs of collection, and any other amounts billed on the tax notice, which are due as a result of the value of the derelict mobile home, are waived. All costs of removal and disposal are the responsibility of the owner of the derelict mobile home, and may be waived only by order of the magistrates court or if a local governing body has a program that covers removal and disposal costs."

Removal of sheriff from tax sale collection process

SECTION 45. Section 12-49-910 of the 1976 Code is amended to read:

"Section 12-49-910. The tax collector may levy upon and seize the personal property of a defaulting taxpayer by serving personally upon the delinquent taxpayer and the owner of such personal property, if it has been sold or transferred subject to the tax lien, a written notice that the specific personal property of the defaulting taxpayer has been seized pursuant to the direction and provisions of the particular delinquent tax execution. A description of such personal property as entered on the return of the taxpayer shall be a sufficient description of the personal property so seized. If the delinquent taxpayer or owner of such personal property is absent from the county or cannot be found therein, then service of such notice upon the agent, tenant, servant or employee of such delinquent taxpayer or owner of such personal property or other person in the custody, possession or control of it shall be sufficient. If the delinquent taxpayer or owner of such personal property cannot be found and there is no person in the custody, possession or control of it, such service shall be made by posting such notice on the building or at the place where said personal property is located."

Removal of sheriff from tax sale collection process

SECTION 46. Section 12-49-920 of the 1976 Code is amended to read:

"Section 12-49-920. Upon such service being made, the specific personal property of the defaulting taxpayer described in such notice of levy and seizure shall be conclusively deemed and taken to be in the exclusive possession of the tax collector and the sum due on the particular delinquent tax execution shall constitute a first lien upon the specific personal property described in such notice."

Removal of sheriff from tax sale collection process

SECTION 47. Section 12-49-930 of the 1976 Code is amended to read:

"Section 12-49-930. Any person who shall remove, secrete, destroy or otherwise injure such personal property or molest, disturb or interfere with the tax collector's possession of such personal property shall be held liable as for a conversion and be guilty of disposing of property under a lien."

Removal of sheriff from tax sale collection process

SECTION 48. Section 12-49-940 of the 1976 Code is amended to read:

"Section 12-49-940. Unless the amount due on the delinquent tax execution shall be sooner paid, the tax collector shall, after having such personal property so seized under the delinquent tax execution advertised for sale for two weeks in a newspaper printed and circulated in the county, sell such personal property at public auction to the highest bidder for cash."

Bids on behalf of a county forfeited land commission

SECTION 49. Section 12-49-950 of the 1976 Code is amended to read:

"Section 12-49-950. If, on the sale of such personal property, there is no bid for as much as the tax and costs then due on the delinquent tax

execution, the personal property must be bid in on behalf of the forfeited land commission of the county for the amount equal to the amount of all unpaid property taxes, assessments, and charges billed on the property tax bill, and all costs which may be incurred by a taxing entity as a result of the tax delinquency including taxes levied for the year in which the redemption period begins. An assessment for purposes of this section includes, but is not limited to, amounts owed a special taxing district created pursuant to Section 4-9-30, and a district created pursuant to Chapter 19 of this title and amounts owed pursuant to Chapter 15, Title 6."

Removal of sheriff from tax sale process

SECTION 50. Section 12-49-960 of the 1976 Code is amended to read:

"Section 12-49-960. Upon the payment of the purchase money for such personal property, the tax collector shall deliver possession of it to the successful purchaser."

Definition

SECTION 51. Section 12-49-1110(14) of the 1976 Code is amended to read:

"(14) 'Tax title' means a deed for real property or a bill of sale for personal property."

Notice of tax map number to mortgagee

SECTION 52. Section 12-49-1150 of the 1976 Code is amended to read:

"Section 12-49-1150. To entitle a mortgagee to the notice required by Section 12-49-1120, a list of each mortgage located in the county as to which the notice is desired must be filed by the mortgagee with the tax collector of the county in which the real property covered by a mortgage lies on or before the fifteenth day of March of each year, on which must be shown the name and address of the mortgagee, the name of each mortgagor, and the book and page of the record where each mortgage listed is recorded and the tax map number."

Form of notice to lienholders

SECTION 53. Section 12-49-1220(C) of the 1976 Code is amended to read:

"(C) For liens created on or after January 1, 1995, the tax collector shall provide the notice of levy and sale to the lienholders identified on the forms provided to the county department responsible for registering manufactured housing pursuant to the licensing and moving permit procedures provided for in Chapter 17, Title 31 or official department records if the records reflect the existence of a lienholder."

Information to assessor instead of auditor

SECTION 54. Section 12-49-1270(B) of the 1976 Code is amended to read:

"(B) Except as specifically provided in this article, the rights and remedies of a lienholder of a mobile or manufactured home under the terms of the security documents or as otherwise provided in this title are not affected by whether or not a lienholder provides a collateral list to the tax collector or provides information to the assessor about where and to whom tax notices must be sent."

Mobile homes considered personal property in tax sale unless de-titled

SECTION 55. Section 12-51-40(c) and (e) of the 1976 Code is amended to read:

"(c) If the 'certified mail' notice has been returned, take exclusive physical possession of the property against which the taxes, assessments, penalties, and costs were assessed by posting a notice at one or more conspicuous places on the premises, in the case of real estate, reading: 'Seized by person officially charged with the collection of delinquent taxes of (name of political subdivision) to be sold for delinquent taxes', the posting of the notice is equivalent to levying by distress, seizing, and taking exclusive possession of it, or by taking exclusive possession of personalty. In the case of personal property, the person officially charged with the collection of delinquent taxes is not required to move the personal property from where situated at the time of seizure and further, the personal property may not be moved after seized by anyone

under penalty of conversion unless delinquent taxes, assessments, penalties, and costs have been paid. Mobile homes are considered to be personal property for the purposes of this section unless the owner has de-titled the mobile home according to Section 56-19-510.

(e) As an alternative, upon approval by the county governing body, a county may use the procedures provided in Chapter 56, Title 12 and Section 12-4-580 as the initial step in the collection of delinquent taxes on real and personal property."

Requirement that funds from sale to pay taxes during redemption period deleted

SECTION 56. Section 12-51-55 of the 1976 Code is amended to read:

"Section 12-51-55. The officer charged with the duty to sell real property and mobile or manufactured housing for nonpayment of ad valorem property taxes shall submit a bid on behalf of the forfeited land commission equal to the amount of all unpaid property taxes, penalties, assessments including, but not limited to, assessments owed to a special taxing district established pursuant to Section 4-9-30, Chapter 19, Title 4, or an assessment district established pursuant to Chapter 15, Title 6, and costs including taxes levied for the year in which the redemption period begins. The forfeited land commission is not required to bid on property known or reasonably suspected to be contaminated. If the contamination becomes known after the bid or while the commission holds the title, the title is voidable at the election of the commission."

Settlement of tax sale monies deadline extended

SECTION 57. Section 12-51-80 of the 1976 Code is amended to read:

"Section 12-51-80. The treasurer shall make full settlement of tax sale monies, within forty-five days after the sale, to the respective political subdivisions for which the taxes were levied. Proceeds of the sales in excess thereof must be retained by the treasurer as otherwise provided by law."

Repeal

SECTION 58. Section 12-59-30 of the 1976 Code is repealed.

Tax collectors may forfeit land to forfeited land commission

SECTION 59. Section 12-59-40 of the 1976 Code is amended to read:

"Section 12-59-40. The forfeited land commissions created in this article for each of the counties of the State shall effect the sale of lands forfeited and bid in for the various forfeited land commissions of the State by the county auditors or the tax collectors of the several counties of the State in pursuance of Section 12-51-55. All lands deeded to the forfeited land commission of any county shall be held by it as assets of the county and sold to the best interest of the county. It shall sell and dispose of such lands in such a manner and upon such terms and conditions as to it may appear to be for the best interest of its county, but the terms of sale shall not in any case provide for a longer term than ten years for the full payment of the purchase price of such property and shall be secured by a first real estate mortgage upon the property sold."

Reference to delinquent state taxes deleted

SECTION 60. Section 12-59-50 of the 1976 Code is amended to read:

"Section 12-59-50. The owner of any property which has been sold for delinquent county taxes and which has been bid in by the forfeited land commission may sell all or any part of such property so bid in by the forfeited land commission upon securing the approval, in writing, of the forfeited land commission, if such land has not theretofore been sold by such commission and application for such approval be made to the commission by the owner within five years from the day following the expiration of the period allowed by law to owners to redeem property sold for taxes."

Removal of sheriff from tax sale collection process

SECTION 61. Section 12-59-70 of the 1976 Code is amended to read:

"Section 12-59-70. Should the title have been made by the tax collector to the forfeited land commission and not theretofore been sold, the forfeited land commission may, if it approve the application of the owner to sell a portion of the property so bid in as provided in this article, execute and deliver to the owner or anyone whom he may designate a deed upon payment of the amount as provided in Section 12-59-60."

Procedure for accepting sealed bids for assignment

SECTION 62. Section 12-59-80 of the 1976 Code is amended to read:

"Section 12-59-80. The forfeited land commission may assign its bids at any time before title deed being made pursuant to sale, provided the consideration to be paid for such assignments shall not be less than the amount of taxes, penalties and costs for which the property was sold. The chairman or his designee may accept sealed bids for assignments of the forfeited land commission bids for a designated time period. Assignments not made during this time may then be assigned on a first come, first served basis. A list of available forfeited land commission properties is to be maintained at an assigned location as determined by the county forfeited land commission."

Removal of sheriff from tax sale collection process

SECTION 63. Section 12-59-90 of the 1976 Code is amended to read:

"Section 12-59-90. All deeds for lands sold under the authority of Section 12-59-40 shall be made by the forfeited land commission of the county holding title thereto or by a majority of the members thereof and all conveyances heretofore made to and by the several forfeited land commissions, or by a majority of the members thereof, are declared valid and of full force and effect and to have been made in accordance with the provisions of this section. The forfeited land commission of any county, or a majority of the members thereof, may require the tax collector or other officer authorized by law to execute a deed to any land which may be bid in by the county auditor to convey such land to any purchaser to whom it may be sold by such forfeited land commission, or a majority of the members thereof, after such land has been bid in by the county auditor and before it has been conveyed to the forfeited land commission, and all conveyances of real property heretofore made by the tax collector or other officer authorized by law to execute such conveyances pursuant to authority and direction of any forfeited land commission, or a majority of the members thereof, are declared valid and effectual to convey title according to their respective terms, notwithstanding that they may have been made by the tax collector or other officer pursuant to authority or direction of only a majority of the members of any such commission."

Deposit of funds from sale of forfeited land commission

SECTION 64. Section 12-59-100 of the 1976 Code is amended to read:

"Section 12-59-100. The proceeds of any such sales shall be turned over by such forfeited land commission to the county treasurer. And the county treasurer shall deposit such funds, after deducting the expense warrants as drawn on him by the forfeited land commission of his county into the general county fund. If any tract of land is sold for less than the taxes and penalties due thereon, the proceeds of such sale shall be divided between the county and taxing entities in the proportion of the amount of taxes and penalties due each of them."

Repeal

SECTION 65. Section 12-59-110 of the 1976 Code is repealed.

Removal of sheriff from tax sale collection process

SECTION 66. Section 12-59-120 of the 1976 Code is amended to read:

"Section 12-59-120. Any agent of the forfeited land commission of the respective counties shall be allowed free access by the auditors, the treasurers and tax collectors to all executions issued for the collection of taxes by the county treasurer and returned 'nulla bona' for any reason or 'double entry', or which are not collected for any reason, to the tax books, and to all records in their respective offices relating to tax matters."

Duties of county in actions against county officials

SECTION 67. Section 12-60-1760 of the 1976 Code is amended to read:

"Section 12-60-1760. (A) The county shall pay the reasonable attorney's fees, expenses, damages, and costs resulting from defending an action brought against a county officer for performing or attempting to perform a duty imposed on him by this title if the plaintiff prevails in the action and it affects the interest of the county. The county may

ratably apportion the fees, expenses, damages, and costs among all parties, except the State, interested in the revenue involved in the action.

(B) If an action involves only a municipal levy, the municipality shall pay the attorney's fees, expenses, damages, and costs which may be awarded in the action. In such an action, the county may cause a municipality interested in the revenue involved in an action to be made a party to the action. The Administrative Law Judge or the court in which the action is pending shall join the municipality as a party."

Time effective

SECTION 68. This act takes effect upon approval by the Governor.

Ratified the 8th day of June, 2015.

Approved the 11th day of June, 2015.

No. 88

(R126, H3525)

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

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

Transportation Network Company Act

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

"Article 16

Transportation Network Company Act

Section 58-23-1610. For purposes of this article:

(1) 'Transportation Network Company' or 'TNC' means a person, corporation, partnership, sole proprietorship, or other entity operating in this State that uses a digital network, platform, or Internet-enabled application to connect a passenger to a transportation network driver for the purpose of providing transportation for compensation using a vehicle. A transportation network company does not include transportation services provided pursuant to Articles 1 through 15, Chapter 23, Title 58, or arranging nonemergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the State or a managed care organization.

(2) '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.

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

(4) 'Transportation Network Company driver' or 'TNC driver' means a person who uses a vehicle to provide transportation service for passengers matched through a transportation network company's digital network.

(5) 'Transportation Network Company insurance' or 'TNC insurance' means an insurance policy that specifically covers a driver's use of a vehicle in connection with a transportation network company's digital network, platform, or Internet-enabled application.

(6) 'Transportation Network Company passenger' or 'TNC passenger' means a person for whom transportation is provided through a transportation network company's digital network. This includes a person for whom arrangements for transportation services using the

transportation network company's digital network was arranged by someone other than the passenger.

(7) 'Transportation Network Company service' or 'TNC service' means a period of time when a transportation network company driver accepts a request arranged through the transportation network company's digital network and proceeds to the passenger location, continues while the transportation network company driver transports a requesting passenger in the transportation network company vehicle, and ends when the last requesting passenger exits the transportation network company vehicle.

(8) 'Transportation Network Company vehicle' or 'TNC vehicle' means a vehicle that is used by a TNC driver that has met the requirements of this article and has been approved by the TNC to provide transportation service arranged through a transportation network company digital platform. It must not have a manufacturer's rated seating capacity of more than eight passengers, including the driver.

(9) '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 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 county or city. A prearranged ride does not include services provided pursuant to Articles 1 through 15, Chapter 23, Title 58 or arranging nonemergency medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the State or a managed care organization.

(10) '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.

Section 58-23-1620. (A) Before a person, corporation, partnership, sole proprietorship, or other entity that uses a digital network, platform, or Internet-enabled application to provide transportation for compensation using a personal vehicle commences to advertise or operate in South Carolina as a TNC, that entity shall comply with the

requirements set forth within this article and hold a valid TNC permit issued by the Office of Regulatory Staff.

(B) That entity shall submit an application to the Office of Regulatory Staff and provide information that the Office of Regulatory Staff requires.

(C) In performing its responsibilities under this article, the Office of Regulatory Staff must balance the interest of the State in promoting innovative, safe, and cost-effective transportation services with an appropriate level of safety protections for TNC passengers and the general public.

(D) An application must be accompanied by information required by the Office of Regulatory Staff, which may condition its approval on terms that it determines to be just and reasonable to advance the goals of this article.

(E) Upon review of the application and a finding that the applicant is fit, willing, and able to conduct business pursuant to the provisions of this article, the Office of Regulatory Staff shall approve the application and issue the entity a TNC permit. 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.

(F) An aggrieved person with standing may file a request for a contested case of a decision of the Office of Regulatory Staff with the Public Service Commission within thirty days of the decision.

Section 58-23-1625. (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 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 may be considered to preclude an automobile insurer from providing coverage for the TNC driver's personal vehicle, if it chooses to do so by contract or endorsement.

(C) Automobile insurers that exclude coverage as permitted in subsections (A) and (B) have no duty to defend or indemnify any claim expressly excluded by those subsections. Nothing in this article may be considered 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) has a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements of Section 58-23-1630 at the time of loss.

(D) In a claims coverage investigation, TNC's and any automobile insurer potentially providing coverage under Section 58-23-1630 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 58-23-1630.

Section 58-23-1630. (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 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, at least one hundred thousand dollars for death and bodily injury per incident, and at least fifty thousand dollars for property damage;

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

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

(C) The following automobile insurance requirements 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; and

(3) the coverage requirements of this subsection may be satisfied by automobile insurance maintained by the TNC driver, 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 must provide the coverage required by this section beginning with the first dollar of a claim and has the duty to defend such claim.

(E) Coverage under an automobile insurance policy maintained by the TNC may not be dependent upon a personal automobile insurer first denying a claim nor may 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 may be considered 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 pays 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 58-23-1635. (A) 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 has a duty to 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. The driver must disclose to the lender all insurance coverage information provided to the driver by the TNC pursuant to this section. The TNC must provide a standardized form for TNC drivers to use for such notice to the lienholder. The form may be provided to the driver by the TNC in a digital format. The TNC driver must maintain evidence that notice has been sent to the lien holder as well as wait seven days prior to commencing driving in connection with a TNC.

(B) Nothing in this chapter limits the right of a lender or secured party on a driver's vehicle to require a driver to maintain comprehensive and collision damage coverage for a driver's vehicle or to show evidence of that coverage to the lender or secured party that would cover the period when the driver is logged on to the transportation network carrier's digital network regardless of whether the driver is engaged in a prearranged ride. If the driver fails to maintain the required comprehensive and collision coverage or to show evidence to the lender or secured party of the coverage upon reasonable request by the lender or secured party, the lender or secured party may fully enforce all provisions contained in the loan agreement with the borrower.

Section 58-23-1640. (A) The TNC driver shall have a certified mechanic licensed in South Carolina conduct a safety inspection of a TNC vehicle within thirty days of the vehicle first providing TNC services.

(B) The TNC shall not permit a TNC driver to provide TNC services if the TNC vehicle does not pass a certified mechanics inspection as identified in this article.

(C) The TNC driver shall have periodic safety inspections of the TNC vehicle performed at intervals of at least once each year.

(D) The TNC shall maintain documentation of a TNC vehicle inspection for a period of three years.

(E) The vehicle inspection shall include an inspection of:

(1) foot brakes;
(2) emergency brakes;
(3) steering mechanism;
(4) windshield;
(5) rear window and other glass;
(6) windshield wipers;
(7) headlights;
(8) tail lights;
(9) turn indicator lights;
(10) stop lights;
(11) front seat adjustment mechanism;
(12) door capability to open, close, lock, and unlock;
(13) horn;
(14) speedometer;
(15) bumpers;
(16) muffler and exhaust system;
(17) tire condition including tread depth;
(18) interior and exterior rearview mirrors; and
(19) safety belts.

(F) A TNC vehicle must display a consistent and distinctive signage or emblem, which must be known as a trade dress, at all times when the TNC driver is active on the TNC digital platform or providing TNC service. The trade dress used by the TNC must be approved by the Office of Regulatory Staff before its use and:

(1) must be readable during daylight hours at a distance of fifty feet;

(2) must be reflective, illuminated, or otherwise patently visible so as to be seen in darkness; and

(3) may be magnetic or removable in nature.

(H) The Office of Regulatory Staff may conduct inspections of TNC vehicles.

(I) The vehicle inspection records must be provided to the Office of Regulatory Staff by the TNC upon request.

Section 58-23-1650. (A) The TNC shall obtain certain background and qualification information from a TNC driver before the TNC driver is approved by the TNC to provide TNC services.

(B) The TNC driver qualification information shall include:

(1) a valid driver's license issued by the South Carolina Department of Motor Vehicles or the current state of residence for the driver;

(2) verification that the driver is twenty-one years of age or older;

(3) a certified copy of the driver's ten year driving record issued by the South Carolina Department of Motor Vehicles and a record from the department of motor vehicles or equivalent agency of the state where the driver has been domiciled for that period;

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

(a) a multistate and multijurisdictional criminal records locator or other similar commercial nationwide database with validation (primary source search); and

(b) national sex offender registry database search; and

(5) proof of automobile liability insurance in the name of the TNC driver which meets the requirements of Section 38-77-140.

(C) The TNC shall verify the TNC driver meets all of the driver qualification requirements in this section at intervals of at least one each year.

(D) The TNC shall maintain documentation of initial and annual verification of TNC driver qualifications for a period of three years.

(E) The Office of Regulatory Staff may conduct inspections of TNC driver qualification records.

(F) The TNC shall not permit a TNC driver to provide TNC services who:

(1) does not meet the TNC driver qualifications listed in subsections (B) and (C);

(2) is registered or required to be registered as a sex offender with the South Carolina Law Enforcement Division or the National Sex Offender Registry;

(3) 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; or

(4) is under the influence of drugs or alcohol. Nothing in this section may be construed to require drug testing by a TNC of a TNC driver.

(G) Before a TNC driver is allowed to provide a TNC service, the TNC must disclose to the TNC driver that the:

(1) automobile liability insurance that the TNC provides while the TNC driver is engaged in TNC service or logged into the TNC digital network;

(2) TNC driver's automobile liability insurance may not provide coverage while the TNC driver is engaged in TNC service or logged into the TNC digital network;

(3) provision of TNC services may violate the terms of a contract or financing agreement with a lienholder; and

(4) provision of TNC services may have financial consequences related to personal income tax and personal property tax liabilities.

Section 58-23-1660. (A) A TNC operating in this State shall comply with the following standards:

(1) A TNC driver shall not provide TNC services or otherwise operate as a passenger vehicle for hire unless a TNC has matched the TNC driver to the TNC passenger through the digital network. A TNC driver shall not solicit or accept passenger rides on-demand or through a 'street hail'. All payment for TNC services must be made through the digital network and the TNC driver shall not accept cash payments.

(2) A TNC shall make available to prospective TNC passengers and TNC drivers the method by which the TNC calculates fares or the applicable rates being charged and an option to receive an estimated fare. If the rates vary from those identified in the application to the Office of Regulatory Staff, the TNC must provide the revised rates to the passenger on the digital network.

(3) A TNC shall provide the TNC passenger with an electronic receipt upon completion of the TNC service. The receipt must document the:

(a) point of origin;

(b) point of destination;

(c) total duration and distance;

(d) total fare/rate paid, including base fare and additional charges incurred for distance or duration; and

(e) TNC driver's first name.

(4) A TNC driver shall display an identification badge including his photograph, first name, personal vehicle make and model, and personal vehicle license plate number. This information may be displayed to the TNC passenger through the TNC digital network.

(5) A TNC driver shall at all times carry in the TNC vehicle proof of the automobile liability insurance required of this article.

(6) A TNC shall provide customer support on its digital network, website, or both, for TNC passenger inquiries or complaints and shall respond promptly to all TNC passenger inquiries or complaints.

(7) A TNC shall not discriminate against TNC passengers on the basis of destination, race, color, national origin, religious belief or affiliation, sex, disability, or age.

(8) A TNC shall provide TNC services in compliance with all applicable laws for providing services to persons with physical and mental disabilities. Service animals and mobility equipment must be permitted to accompany a TNC passenger.

(9) A TNC shall provide TNC passengers 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 TNC passenger to an alternate provider of wheelchair-accessible service, if available.

(10) A TNC driver shall take the most direct route to the destination unless the TNC passenger has consented to an alternate route.

(11) A TNC driver may refuse to transport a TNC passenger if the TNC passenger is acting in an unlawful, disorderly or endangering manner.

Section 58-23-1670. (A) A TNC shall maintain a record of all TNC services provided in South Carolina for a period of three years from the date of the TNC service. The records shall include:

(1) the time at which a TNC driver logs into the digital network;

(2) the time and place of commencement of TNC service;

(3) the address of delivery of the TNC passenger;

(4) the amount of fare charged to the TNC passengers; and

(5) any inquiry or complaint of the TNC passenger, the date of the inquiry or complaint, and the resolution of the inquiry or complaint.

(B) A TNC shall maintain documentation of each TNC vehicle inspection for a period of three years.

(C) The TNC shall maintain documentation of initial and annual verification of TNC driver qualifications for a period of three years.

(D) The TNC shall provide, upon the request of the Office of Regulatory Staff, any factual information regarding TNC drivers, TNC passengers, and TNC services so as to investigate complaints arising under this article. This information must be provided to the Office of Regulatory Staff within a reasonable time period.

(E) A TNC shall not disclose a TNC driver or passenger's personally identifiable information to a third party unless the:

(1) TNC driver or TNC passenger consents;

(2) disclosure is required by legal obligation; or

(3) disclosure is required to investigate violations of the TNC driver or TNC passenger terms of use.

Section 58-23-1680. (A) A certified South Carolina law enforcement officer is authorized to enforce the requirements of this article.

(B) An officer, agent, or employee of a TNC or TNC driver who fails to comply with any requirement contained in this article must be assessed a civil penalty of not less than one hundred dollars for a first violation, not less than five hundred dollars for a second violation, and not less than one thousand dollars for a third violation and subsequent violations. Seventy-five percent of the penalties collected under this section must be remitted to the Office of Regulatory Staff to be used for enforcement operations. Magistrates have jurisdiction over contested violations of this section and are prohibited from suspending or reducing the penalties.

(C) The Office of Regulatory Staff may revoke a TNC permit if the TNC has made misrepresentation of a material fact in obtaining the TNC permit or, in the opinion of the Office of Regulatory Staff, has failed to comply with the requirements in this article.

(D) An aggrieved person with standing may file a request for a contested case of a decision of the Office of Regulatory Staff with the Public Service Commission of South Carolina within thirty days of the decision.

(E) Concerning potential violations of this article, TNC's and their officers, agents, employees, or customers are subject to the investigatory powers provided in Sections 58-4-50 and 58-4-55 to the Office of Regulatory Staff.

(F) The Office of Regulatory Staff is authorized to require regular updating of information required from a TNC under this article.

Section 58-23-1690. (A) The Office of Regulatory Staff may assess each TNC an annual fee in an amount necessary to permit the Office of Regulatory Staff to carry out the requirements of this article.

(B) The annual assessment of fees will be pursuant to Section 58-4-60(B).

Section 58-23-1700. (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.

(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;

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

(E) The funds collected pursuant to this section are not general fund revenue of the State and must be kept by the State Treasurer in a distinct and separate unbudgeted Trust & Agency 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 TNC's; 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

county must be proportionate to the 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 item (1), the Office of Regulatory Staff shall notify the Municipal Association of South Carolina (MASC) or its successor organization of its intent to conduct an inspection and the date of the planned inspection.

(3) MASC may request that a TNC that is subject to inspection under item (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, 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 must 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 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 MASC's written request. The audit report must disclose the amount of any underpayments or overpayments to municipalities and counties.

(c) A person employed by or formerly employed by MASC who discloses to a third party any information that the TNC marked in the audit report as confidential must be assessed civil penalties as contained in Section 58-23-1680 unless the individual obtained the TNC's written consent prior to disclosure. Nothing in this section must be construed to restrict MASC from disclosing any overpayment or underpayment with the impacted municipalities or counties.

(4) In the event that a TNC submits a report to the ORS that is subsequently determined to be inaccurate, thereby leading to an

underpayment or overpayment of a municipality's 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 must 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, must 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 may 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 must 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.

(K) This section takes effect ninety days after the effective date of this article.

Section 58-23-1710. (A) Except as otherwise provided in this chapter, TNC's 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 a TNC, a TNC driver, or a vehicle used by a TNC driver, including a business license tax, where the 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 58-23-1700 or a business license tax.

(C) In order for a TNC and a TNC driver 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 fees to operate at the airport, agreed to by the TNC and each individual airport, not based on a per-passenger, per-driver, or per-vehicle basis; and

(2) designating locations for staging, pick-ups, drop-offs, and other similar locations.

Section 58-23-1720. The provisions contained in this article do not preempt any federal regulation relating to the provision of transportation services at any facility regulated by the United States Federal Aviation Administration."

Office of Regulatory Staff, Transportation Department expenses

SECTION 2. Section 58-4-60(B) of the 1976 Code, as added by Act 175 of 2004, is amended to read:

"(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 the Transportation Network Companies pursuant to Sections 58-23-1690 and 58-23-1700, 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 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 , 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."

Conforming change to existing exemption

SECTION 3. Section 58-23-50 of the 1976 Code, as last amended by Act 425 of 1996, is further amended by adding a subsection at the end to read:

"(C) Articles 1 to 11 of this chapter also do not apply to Transportation Network Companies and Transportation Network Company Drivers."

Time effective

SECTION 4. Except as provided in Section 58-23-1700(K), as contained in Section 1, the provisions of this act take effect upon approval by the Governor.

Ratified the 23rd day of June, 2015.

Approved the 24th day of June, 2015.

No. 89

(R119, H3670)

AN ACT TO AMEND SECTION 4-23-1005, CODE OF LAWS OF SOUTH CAROLINA, 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; AND TO PROVIDE FOR THE DURATION OF THE PROVISIONS OF THIS ACT.

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

Original boundaries clarified

SECTION 1. Section 4-23-1005 of the 1976 Code, as added by Act 183 of 2014, is amended to read:

"Section 4-23-1005. There is created in Florence and Darlington counties the West Florence Fire District (district). It consists of areas of Florence and Darlington counties as follows:

(1) the unincorporated areas of the West Florence Rural Fire District as it existed on May 7, 2014, the introduction date of H.5225 of 2014 (Act 183 of 2014). The General Assembly declares that it intended the original Florence County portion of the West Florence Fire District created by this article to be the unincorporated area of the former West Florence Rural Fire District from which the new district drew its name and from which commissioners were properly elected in 2014 after this article took effect, as provided in Section 4-23-1010, and that it has therefore amended the description of the Florence County portion of the West Florence Fire District created by this article without changing the original boundaries of the district at its creation to remove any ambiguity as to the Florence County portion of this new district or to any citations thereto;

(2) the area of Darlington County reflected in the rights of way for Interstate 95 beginning at the boundary line of Florence County and Darlington County and extending northward into Darlington County for approximately three miles to Exit 169. Additionally, areas described by the following Tax Map Sheet numbers in Darlington County also are included in the area of the district:

(a) TMS 218-14-01-013;
(b) TMS 219-03-01-001; and
(c) TMS 219-03-01-002."

New areas of district

SECTION 2. Article 10, Chapter 23, Title 4 of the 1976 Code is amended by adding:

"Section 4-23-1006. In addition to the area of the West Florence Fire District in Florence and Darlington counties as enumerated in Section 4-23-1005, there is added to the area of the district that area bounded by the following: beginning at the intersection of Hoffmeyer Road and the Florence-Darlington County line running in a westerly direction including all parcels on both sides of the road until the intersection of

Hoffmeyer Road and Winburn Drive, turning down Winburn Drive running in a southerly direction until the intersection of Winburn Drive and the Florence-Darlington County line and being bounded on the east by the Florence-Darlington County line."

Referendum provisions applicable

SECTION 3. Section 4-23-1015(C) of the 1976 Code, as added by Act 183 of 2014, is amended to read:

"(C) Notwithstanding the provisions of Section 6-1-320, the commission is authorized to impose a millage levy after 2014 it considers appropriate and necessary for the operation of the district above that permitted by Section 6-1-320 upon a favorable vote of the registered electors of the district in a referendum called for this purpose by the commission held pursuant to the provisions and requirements of Sections 6-11-271 and 6-11-273."

Controlling provisions, transfer of property

SECTION 4. Section 4-23-1025 of the 1976 Code, as added by Act 183 of 2014, is amended to read:

"Section 4-23-1025. (A) So long as the district is indebted to any person on any bonds, notes, or other obligations issued pursuant to the authority of this article, the provisions of this article and the powers granted to the district and the commission may not be in any way diminished or restricted, and the provisions of this article are considered a part of the contract between the district and the holders of these obligations. However, the provisions of Section 5-3-310 supersede any provisions of this section to the contrary and upon annexation of any real property in the area of this district by a municipality, the provisions of Section 5-3-310 shall control.

(B) The real and personal property of the former West Florence Rural Fire District shall be transferred to the new West Florence Fire District created by this article. However, the district must assume any current indebtedness attributed to the West Florence Rural Fire District, if any, to be determined by agreement of the West Florence Fire District Commission, and the governing body of Florence County. The real property on Hoffmeyer Road in the county which the governing body of Florence County has acquired to construct a new fire station also must be transferred to the new district established by this article."

If the last act shown on the opposite page is not complete, it will be continued in the next Advance Sheet.

JAMES H. HARRISON
Code Commissioner
P. O. Box 11489
Columbia, S.C. 29211