Advance Sheet No. 01 | April 30, 2026 | Pages 1202-1324 Acts 95-119

2026 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.

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ACTS

AND

JOINT RESOLUTIONS

OF THE

General Assembly

OF THE

State of South Carolina

HENRY D. MCMASTER, Governor; PAMELA S. EVETTE, Lieutenant Governor; THOMAS C. ALEXANDER, President of the Senate; G. MURRELL SMITH, JR. , Speaker of the House of Representatives; THOMAS "TOMMY" POPE, Speaker Pro Tempore of the House of Representatives; JEFFREY S. GOSSETT, Clerk of the Senate; CHARLES F. REID, Clerk of the House of Representatives.

PART I

GENERAL AND PERMANENT LAWS

No. 95

(R98, S336)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-90, RELATING TO JUDICIAL ELECTIONS BY THE GENERAL ASSEMBLY IN JOINT SESSION, SO AS TO SET THE FIRST WEDNESDAY OF MARCH FOR THE ELECTIONS OF JUDGES BY THE GENERAL ASSEMBLY; AND BY AMENDING SECTION 2-19-80, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION AND NOMINATION OF CANDIDATES, SO AS TO REVISE THE TIME FRAME FOR THE RELEASE OF THE COMMISSION'S FORMAL REPORT AS TO QUALIFICATIONS OF ITS NOMINEES.

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

Judicial elections, time set

SECTION 1. Section 2-19-90 of the S.C. Code is amended to read:

Section 2-19-90. The General Assembly shall meet in joint session for the election of judges on the first Wednesday of March at noon in the House of Representatives. The Chairman of the Judicial Merit Selection Commission shall announce the commission's nominees for each judicial race, and no further nominating or seconding speeches shall be allowed by members of the General Assembly. In order to be elected, a candidate must receive a majority of the vote of the members of the General Assembly voting in joint session.

Judicial Merit Selection Commission, formal report release

SECTION 2. Section 2-19-80(E) of the S.C. Code is amended to read:

(E) The commission must formally release its report as to the qualifications of its nominees to the General Assembly not less than twenty-three days before the date the General Assembly conducts the election for these judgeships.

Time effective

SECTION 3. This act takes effect on July 1, 2025.

Ratified the 3rd day of February, 2026

Approved the 5th day of February, 2026

No. 96

(R100, H3431)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 80 TO TITLE 39 SO AS TO PROVIDE THAT A COVERED ONLINE SERVICE SHALL EXERCISE REASONABLE CARE IN THE USE OF MINORS' PERSONAL DATA, TO PROVIDE FOR CERTAIN REQUIREMENTS FOR COVERED ONLINE SERVICES, TO RESTRICT THE AMOUNT OF PERSONAL DATA OF A MINOR THAT MAY BE COLLECTED, TO PROVIDE FOR PARENTAL CONTROLS, TO PROVIDE FOR AN ANNUAL REPORT, AND TO PROVIDE FOR ENFORCEMENT.

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

Age-Appropriate Code Design

SECTION 1. Title 39 of the S.C. Code is amended by adding:

CHAPTER 80

Age-Appropriate Code Design

Section 39-80-10. As used in this chapter:

(1) "Compulsive usage" means the persistent and repetitive use of a covered online service that substantially limits one or more of a user's major life activities including, but not limited to, sleeping, eating, learning, reading, concentrating, communicating, or working.

(2) "Connected account" means an account on a covered online service that is directly connected to:

(a) the user's account; or

(b) an account that is directly connected to the user's account.

(3) "Covered design feature" means any feature or component of a covered online service that will encourage or increase a minor's frequency, time spent, or activity on a covered online service including, but not limited to:

(a) infinite scroll or any design feature that automatically loads and displays content other than what the user prompted, requested, or searched for;

(b) auto-playing videos or any design feature in which videos automatically begin playing when a user navigates to or scrolls through a set of videos;

(c) gamification or any design feature that emulates gameplay including, but not limited to, streaks, badges, or rewards, that motivate or cause more frequent or more extensive use of a covered online service;

(d) quantification of engagement including, but not limited to, providing a visible count of how many likes, comments, clicks, views, or reactions any user-generated item has received;

(e) notifications and push alerts;

(f) in-game purchases or any design feature in which digital items or tokens are purchased with virtual currency or other forms of payment, including where the purchased digital item can be shared with another user; or

(g) appearance-altering filters.

(4)(a) "Covered online service" means a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity that owns, operates, controls, or provides an online service that conducts business in this State, is reasonably likely to be accessed by minors, determines the purposes and means of the processing of consumer's personal data alone, or jointly with its affiliates, subsidiaries, or parent company and either:

(i) has annual gross revenues in excess of twenty-five million dollars, adjusted every odd-numbered year to reflect changes in the Consumer Price Index;

(ii) annually buys, receives, sells, or shares the personal data of fifty thousand or more consumers, households, or devices alone or in combination with its affiliates, subsidiaries, or parent company; or

(iii) derives at least fifty percent of its annual revenue from the sale or sharing of consumers' personal data; and

(b) "Covered online services" include:

(i) an entity that controls or is controlled by a business that shares a name, service mark, or trademark that would cause a reasonable consumer to understand that two or more entities are commonly owned; and

(ii) a joint venture or partnership composed of businesses in which each business has at least a forty percent interest in the joint venture or partnership.

(5) "Dark pattern" means a user interface designed or manipulated with the substantial effect of subverting or impairing user autonomy, decision making, or choice.

(6)(a) "Expressed preferences" means a freely given, considered, specific, and unambiguous indication of a user's preferences regarding the user's engagement with a covered online service.

(b) Expressed preferences cannot be based on the user's time spent engaging on the covered online service, nor on the usage of features that do not indicate explicit preference, such as comments made, posts reshared, or similar actions that are commonly taken on disliked media.

(7) "Known to be a minor" means the covered online service has actual knowledge that a particular consumer is a minor. For purposes of this act, actual knowledge includes all information and inferences known to the covered online service relating to the age of the individual including, but not limited to, self-identified age, and including any age the covered online service has attributed or associated with the individual for any purpose including, but not limited to, marketing, advertising, or product development purposes.

(8) "Minor" means a consumer who is less than eighteen years of age.

(9) "Online service" means any service, product, or feature that is accessible to the public on the internet including, but not limited to, a website or application. An online service may include any service, product, or feature that is based in part or in whole on artificial intelligence. "Online service" does not mean any of the following:

(a) a telecommunications service, as defined in 47 U.S.C. Section 153;

(b) a broadband internet access service as defined in 47 C.F.R. Section 54.400; or

(c) the sale, delivery, or use of a physical product.

(10) "Parent" has the same meaning as defined in the Children's Online Privacy Protection Act, 15 U.S.C. Sections 6501-6506 and the Federal Trade Commission rules implementing that act.

(11)(a) "Personal data" means any information, including derived data and unique identifiers, that is linked or reasonably linkable, alone or in combination with other information, to an identified or identifiable individual or to a device that identifies, is linked to, or is reasonably linkable to one or more identified or identifiable individuals in a household.

(b) "Personal data" does not include publicly available data.

(12) "Personalized recommendation system" means a fully or partially automated system used to suggest, promote, or rank content, including other users, hashtags, or material from others based on the personal data of users.

(13)(a) "Precise geolocation information" means any data that identifies a user's present or past location within a radius of one thousand one hundred eighty feet, the present or past location of a device that links or is linkable to a user, or any data that is derived from a device that is used or intended to be used to locate a user within a radius of one thousand one hundred eighty feet by means of technology that includes a global positioning system that provides latitude and longitude coordinates.

(b) "Precise geolocation information" does not include the content of communications or any data generated or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

(14) "Process" means the performance of an operation, or a set of operations, by manual or automated means on personal data including, but not limited to, collecting, using, storing, disclosing, analyzing, deleting, sharing, or modifying personal data.

(15) "Profile" means any form of automated processing of personal data to evaluate, analyze, or predict certain aspects relating to a user including, but not limited to, a user's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

(16)(a) "Publicly available data" means data that is lawfully made available from federal, state, or local government records, or data that a business has a reasonable basis to believe is lawfully made available to the general public by the individual or from widely distributed media or data made available by a person to whom the individual has disclosed the data if the individual has not restricted the data to a specific audience.

(b) "Publicly available data" does not mean biometric data collected by a covered online service about a minor without the minor's knowledge.

(17)(a) "Reasonably likely to be accessed by a minor" means it is

reasonable to expect that the covered online service would be accessed by an individual minor or by minors based on the covered online service meeting either of the following criteria:

(i) the individual is known to the covered online service to be a minor as defined in Section 39-80-10(7); or

(ii) the covered online service is directed to children as defined by the Children's Online Privacy Protection Act, 15 U.S.C. Sections 6501-6506 and the Federal Trade Commission rules implementing that act.

(b) Where subitem (a)(i) is met, the covered online service must treat the particular individual as a minor. Where subitem (a)(ii) is met, the covered online service must treat all individuals using or visiting the covered online service as minors, except where the covered online service has actual knowledge that the individual is not a minor.

(18) "Sensitive personal data" means personal data that reveals:

(a) an individual's social security number, driver's license, state identification card, or passport number;

(b) an individual's account log-in, financial account, debit card, or credit card number in combination with any required security or access code, password, or credentials allowing access to an account;

(c) an individual's precise geolocation information;

(d) an individual's racial or ethnic origin, citizenship or immigration status, religious or philosophical beliefs, or union membership;

(e) the contents of an individual's mail, email, text messages, or other forms of communications that perform similar functions, including shared images and videos, unless the business is the intended recipient of the communication;

(f) an individual's genetic data;

(g) biometric data for the purpose of uniquely identifying an individual; or

(h) personal data concerning an individual's health.

(19)(a) "Targeted advertising" means displaying advertisements to an individual where the advertisement is selected based on personal data obtained or inferred from that individual's activities over time and across nonaffiliated websites or online applications to predict the individual's preferences or interest.

(b) "Targeted advertising" does not include:

(i) advertisements based on activities within a covered online service's own internet websites or online applications;

(ii) advertisements based on the context of an individual's current search query, visit to an internet website, or use of an online

application;

(iii) advertisements directed to an individual in response to the individual's request for information or feedback; or

(iv) processing personal data solely to measure or report advertising frequency, performance, or reach.

(20) "User" means with respect to a covered online service an individual who uses the covered online service and who is located in South Carolina.

Section 39-80-20. (A) A covered online service shall exercise reasonable care in the use of a minor's personal data and the design and operation of the covered online service including, but not limited to, covered design features, to prevent the following harm to minors:

(1) compulsive usage of the covered online service;

(2) severe psychological harm including, but not limited to, anxiety, depression, self-harm or suicidal ideations;

(3) severe emotional distress;

(4) highly offensive intrusions on the minor's reasonable privacy expectations;

(5) identity theft;

(6) discrimination against the minor on the basis of race, ethnicity, sex, disability, or national origin; and

(7) material financial or physical injury.

(B) "Harm" defined in this section is limited to those for which liability is permitted under 47 U.S.C Section 230, including as that provision is amended or repealed in the future.

(C) Nothing in this section may be construed to require a covered online service to prevent or preclude any user from deliberately and independently searching for or specifically requesting content, or accessing resources and information regarding the prevention or mitigation of the harm described in this section.

(D) The provisions contained in this chapter do not apply to:

(1) a federal, state, tribal, or local government entity in the ordinary course of its operations;

(2) personal data that is controlled by a covered online service that is:

(a) required to comply with:

(i) Title V of the federal Gramm-Leach-Bliley Act;

(ii) the federal Health Information Technology for Economic and Clinical Health Act; or

(iii) regulations promulgated pursuant to Section 264(C) of the Health Insurance Portability and Accountability Act of 1996;

(b) in compliance with the information security requirements of the statutes or regulations identified in subitem (a);

(3) information including, but not limited to, personal data collected as part of a clinical trial subject to the federal policy for the protection of human subjects pursuant to human subject protection requirements of the U.S. Food and Drug Administration;

(4) the requirements of this chapter are in addition to and may not limit or restrict in any way the application of other laws including, but not limited to, statutes, regulations, and common law of South Carolina. In the event of a conflict between this chapter and one or more other laws, the law that affords the greatest protection to minors shall control.

Section 39-80-30. (A) A covered online service must provide a user or visitor to the service with easily accessible and easy-to-use tools to:

(1) disable design features including, but not limited to, all covered design features, that are not necessary to provide the covered online service by allowing users to opt out of the use of all such design features or any combination of such design features;

(2) limit the amount of time the user spends on the covered online service;

(3) limit, at the level of the user's choosing, the financial value of purchases and transactions on the covered online service if such purchases and transactions have not been disabled;

(4) block, disable, and render nonvisible messaging, requests, reactions, likes, comments, or other contact from account holders that are not already among the minor's existing connected accounts;

(5) restrict the visibility of the minor's account and information posted by the minor to only users with connected accounts;

(6) block, disable, and render nonvisible quantification of engagement including, but not limited to, providing a visible count of how many likes, comments, clicks, views, or reactions regarding any item generated by the user;

(7) disable search engine indexing of a user's account profile such that the account only shows within searches initiated by a user with a connected account;

(8) prohibit any other individual from viewing the user's connections to other users, regardless of the nature of the connection; and

(9) restrict the visibility of the user's location information to only those with whom the user specifically shares such information and provide notice when the minor's precise geolocation information is being tracked or shared.

(B) A covered online service must provide to a user the option to opt out of personalized recommendation systems, except for optimizations based on the user's expressed preferences. A covered online service must establish this option as a default setting for any individual the covered online service knows to be a minor.

(C) A covered online service must establish, implement, and maintain as default settings for any individual the covered online service knows to be a minor the safeguards described in subsection (A).

Section 39-80-40. (A) Covered online services shall only collect, use, or share the minimum amount of a minor's personal data necessary to provide the specific elements of the covered online service with which a minor has knowingly engaged. Such personal data may not be used for reasons other than those for which it was collected. Minors' personal data collected for age verification or estimation cannot be used for other purposes and must be deleted after use.

(B) A covered online service shall only retain a minor's personal data as long as necessary to provide the specific elements of an online service with which a minor has knowingly engaged.

(C) Covered online services may not facilitate targeted advertising to minors.

(D) Precise geolocation information of minors cannot be collected by default unless necessary to the provision of the covered online service. An obvious notice to the minor must be provided when precise geolocation information is being collected or used.

(E) A covered online service must provide users with accessible and easy-to-use tools to prevent notifications and push alerts to an individual during specified times. To comply with this requirement, a covered online service must offer the user the option to prevent notifications and push alerts to an individual the covered online service knows is a minor between the hours of ten p.m. and six a.m. seven days a week year round and between the months of August and May between the hours of eight a.m. and three p.m. Monday through Friday in the minor's local time zone.

(F) A covered online service shall not profile an individual the covered online service knows is a minor, unless profiling is necessary to providing the covered online service with which a minor has knowingly requested and is limited to only the aspects of the covered online service with which a minor is actively and knowingly engaged.

(G) Settings for the protections required under this section must be set at the highest level of protection by default.

(H) If a covered online service allows parental monitoring or is

required to provide parental monitoring by law, then it must provide obvious notice to the minor when they are being monitored.

Section 39-80-50. (A) Covered online services must provide parents with accessible and easy-to-use tools to help parents protect and support minors using the covered online services and these shall be on by default for any individual the covered online service knows to be a minor.

(B) The parental tools provided by the covered online services shall provide to the parents the ability to:

(1) manage the minor's account settings and change and control the minor's privacy and account settings; and

(2) restrict a minor's purchases and other financial transactions.

(C) Among the parental tools provided by covered online services shall be one to enable parents to view the total time spent on a covered online service by a user the covered online service knows is a minor and allow the parent to place limits on the minor's use of the covered online service. The parental tools provided by covered online services must also offer parents the ability to restrict a minor's use of the covered online service during times of day specified by the parents, including during school hours and at night.

(D) Covered online services must notify a minor when any of the tools described in this section are in effect and what settings have been applied.

Section 39-80-60. (A) Covered online services shall establish mechanisms for parents, minors, and schools to report harm to minors on covered online services, especially those harms that pose an imminent threat to a minor.

(B) Covered online services are prohibited from facilitating ads directed to minors for products prohibited for minors including, but not limited to, narcotic drugs, tobacco products, gambling, and alcohol to users the covered online services know are minors.

(C) Covered online services are prohibited from using dark patterns.

(1) Use of dark patterns by a covered online service shall constitute an unlawful trade practice under Section 39-5-20 of the South Carolina Unfair Trade Practices Act.

(2) A covered online service that violates the provisions of this section are subject to the provisions, penalties, and damages of the South Carolina Unfair Trade Practices Act.

(D) Each covered online service that utilizes personalized recommendation systems is required to describe in its terms and conditions, in a clear, conspicuous, and easy-to-understand manner, how

the systems are used to provide information to minors and information regarding how minors or their parents can opt out of or control the systems.

(E) Covered online services are required to provide comprehensive, clear, conspicuous, and easy-to-understand information in a prominent location describing the design safety for minors, the privacy protections for minors, and the parental tools that the covered online service has adopted pursuant to this chapter. Such disclosure must also include a clear, conspicuous, and easy-to-understand explanation of how minors and parents may utilize those design safety measures, privacy protections, and tools.

Section 39-80-70. (A) Annually, on or before July first, the covered online service must issue a public report prepared by an independent third-party auditor that contains a detailed description of the covered online service as it pertains to minors, including its covered design features, its use of personal data, and its business practices as they pertain to minors. The public report must be submitted to the Attorney General who shall post it in a prominent place on his internet website. Each report must include:

(1) the purpose of the covered online service;

(2) the extent to which the covered online service is likely to be accessed by minors;

(3) an accounting of the total number and types of reports generated pursuant to Section 39-80-60(A) and assessment of how those reports were handled, if known;

(4) whether, how, and for what purpose the covered online service collects or processes minors' personal data and sensitive personal data;

(5) the design safety for minors, the privacy protections for minors, and the parental tools that the covered online entity has adopted;

(6) whether and how the covered online service uses covered designed features;

(7) the covered online service's process for handling data access, deletion, and correction requests for a minor's data;

(8) age verification or estimation methods used; and

(9) description of algorithms used by the covered online service.

(B) Independent auditors that prepare reports required under this section are required to follow inspection and consultation practices designed to ensure that reports are comprehensive and accurate, and that the reports are prepared in consultation with experts on minors' use of covered online services.

(C) Covered online services are required to provide independent

auditors that prepare reports required under this section full and complete cooperation and access to information and operations required to ensure that the report is comprehensive and accurate.

Section 39-80-80. (A) The Attorney General shall enforce the provisions contained in this chapter.

(B) A covered online service shall be liable for treble the financial damages incurred as a result of a violation of this chapter.

(C) The officers and employees of a covered online service may be held personally liable for wilful and wanton violations of this chapter.

Conflict

SECTION 2. The requirements of this act are in addition to and shall not limit or restrict in any way the application of other laws including, but not limited to, statutes, regulations, and common law of this State. In the event of a conflict between this act and one or more other laws, the law that affords the greatest protection to minors shall control.

Severability

SECTION 3. 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 4. This act takes effect upon approval by the Governor.

Ratified the 3rd day of February, 2026

Approved the 5th day of February, 2026

No. 97

(R101, S287)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-95-65 SO AS TO PROVIDE REGULATIONS FOR THE SALE OF ELECTRONIC NICOTINE DELIVERY SYSTEMS, TO PROVIDE PENALTIES FOR VIOLATIONS OF THE SECTION, AND TO PROVIDE CERTAIN TIMELINES AND EFFECTIVE DATES; AND BY AMENDING SECTION 16-17-501, RELATING TO TERMS DEFINED IN THE "YOUTH ACCESS TO TOBACCO PREVENTION ACT," SO AS TO CHANGE THE DEFINITION OF "ELECTRONIC SMOKING DEVICE".

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

ENDS products

SECTION 1. Chapter 95, Title 44 of the S.C. Code is amended by adding:

Section 44-95-65. (A) As used in this section:

(1) "Advertise" means the publication or dissemination of an advertisement.

(2) "Advertisement" includes any written or verbal statement, illustration, or depiction which is calculated to induce sales of ENDS products, including any written, printed, graphic, or other material, billboard sign, or other outdoor display, public transit card, other periodical literature, publication, material in a radio or television broadcast, or material in any other media.

(3) "ENDS product" means an electronic nicotine delivery system intended for eventual retail sale in this State that is a noncombustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size to produce vapor from nicotine in a solution. ENDS product includes a consumable nicotine liquid solution suitable for use in an electronic nicotine delivery system, whether sold with the ENDS product or separately, but does not include any product regulated as a drug or

device under Chapter V of the federal Food, Drug, and Cosmetic Act.

(4) "FDA" means the United States Food and Drug Administration.

(5) "Marketing" means any act or process of promoting or selling of ENDS products including, but not limited to, sponsorship of sporting events and promotion of products specifically designed to appeal to certain demographics.

(6) "Minor" means an individual under the age of eighteen years of age.

(7) "Packaging" means any receptacle that uses reasonable, commercially available technology that reduces the ability of a minor to access the contents of the receptacle, prevents tampering or contamination, and contains an ENDS product.

(B) Every manufacturer of ENDS products that are sold in this State, whether directly or through a distributor, retailer, or similar intermediary, shall annually execute and deliver under penalty of perjury to the Attorney General on a form prescribed by the Attorney General a certification verifying either:

(1) the ENDS product was on the market in the United States as of August 8, 2016, and the manufacturer has applied for a marketing order pursuant to 21 U.S.C. Section 387j for the ENDS product by submitting a premarket tobacco product application on or before September 9, 2020, to the FDA and either the premarket tobacco product application for the product remains under review by the FDA or the FDA has issued a marketing denial order for the product from the FDA but the agency or a federal court has issued a stay order or injunction; or

(2) the manufacturer has received a marketing granted order pursuant to 21 U.S.C. Section 387j for the product from the FDA.

(C) In addition to the requirements in subsection (B) of this section, each manufacturer shall provide a copy of the acceptance letter issued by the FDA pursuant to 21 U.S.C. Section 387j for a timely filed premarket tobacco application, a copy of the marketing granted order issued pursuant to 21 U.S.C. Section 387j, or a document issued by the FDA or by a court confirming that the premarket tobacco product application received a denial order that has been and remains stayed by the FDA or court order, rescinded by the FDA, or vacated by a court.

(D) The certification form shall prescribe such information as the Attorney General determines, but shall, at a minimum, separately list each brand name, category, product name, and flavor, and both the name of any foreign company or companies physically manufacturing each ENDS product and/or component and the full address of the foreign company or companies at which the ENDS product or component thereof is physically manufactured for each ENDS product that is sold

in South Carolina.

(E) The information submitted by the manufacturer pursuant to subsections (C) and (D) is exempt from disclosure under Chapter 30, Title 4, the Freedom of Information Act. The Attorney General shall not disclose such information except as required or authorized by law.

(F) Any manufacturer submitting a certification pursuant to subsection (B) shall notify the Attorney General within thirty days of any material change to the certification, including a change to the name, brand style, packaging, or location of the manufacturing facilities of a certified ENDS product covered under subsection (B)(1) or (2), or the issuance by the FDA of:

(1) a marketing granted order pursuant to 21 U.S.C. Section 387j;

(2) an order revoking a marketing authorization or other order with respect to a manufacturer or an ENDS product; or

(3) any notice of action taken by the FDA affecting the ability of the ENDS product to be introduced or delivered into interstate commerce for commercial distribution.

(G) The Attorney General shall develop and maintain a directory listing all manufacturers of ENDS products that have provided certifications, including all information provided in the certification form as required by subsection (D), that comply with this section and all ENDS products that are listed in those certifications.

(H) The Attorney General shall:

(1) make the directory available for public inspection on its website;

(2) update the directory as necessary to correct mistakes and to add or remove manufacturers of ENDS products manufactured by those manufacturers on a monthly basis; and

(3) send monthly notifications to each wholesaler, retailer, or manufacturer of ENDS products that have registered with the Attorney General by electronic communication containing a list of all changes that have been made to the directory in the previous month. In lieu of sending monthly notifications, the Attorney General may make the information available in a prominent place on the Attorney General's public website.

(I) The Attorney General shall provide manufacturers of ENDS products notice and an opportunity to cure deficiencies before removing manufacturers or ENDS products from the directory.

(1) The Attorney General may not remove the manufacturer or its ENDS products from the directory until at least fourteen days after the manufacturer has been given notice of an intended action. Notice shall be sufficient and be deemed immediately received by a manufacturer if the notice is sent electronically to an electronic mail address provided by the manufacturer in its most recent certification filed under subsection

(B).

(2) The manufacturer of an ENDS product shall have fourteen business days from the date of service of the notice of the Attorney General's intended action to establish that the manufacturer or its ENDS products should be included in the directory.

(3) A determination by the Attorney General to not include or to remove from the directory a manufacturer or a manufacturer's ENDS product shall be subject to review in the manner provided by Article 3, Chapter 23 of Title 1.

(J) A nonrefundable fee of one hundred dollars for each ENDS product shall be paid the first time a manufacturer submits a certification form to offset the costs incurred by the Attorney General for processing the certifications and operating the directory. The Attorney General shall thereafter collect an annual renewal fee of fifty dollars for each ENDS product to offset the costs associated with maintaining the directory and satisfying the requirements of this section. The fees received under this subsection by the Attorney General shall be deposited into the general fund of the State.

(K) A manufacturer of an ENDS product who offers an ENDS product not listed on the directory for sale is subject to a one-thousand-dollar-daily fine for each product offered for sale in violation of this section until the offending ENDS product is removed from the market or until the offending ENDS product is properly listed on the directory.

(L) If there is a material change to the status of an ENDS product requiring it to be removed from the directory, then each distributor shall have twenty-one days, and each retailer shall have forty-two days from the day the ENDS product is removed from the directory, to remove the ENDS product from its inventory and return the ENDS product to the ENDS product's manufacturer for disposal.

(M) The Attorney General, the South Carolina Law Enforcement Division (SLED), or the South Carolina Department of Revenue or any state or local law enforcement agency shall have the power to enforce the provisions of this section and to seize and destroy any ENDS products that are not listed on the directory, at the end of the grace periods provided herein, and which are in the possession of a distributor or retailer. The cost of seizure and destruction shall be borne by the distributor or retailer from whom the ENDS products are seized.

(N)(1) Except as provided in items (2) and (3) of this subsection, beginning February 1, 2027, or on the date that the Attorney General first makes the directory available for public inspection on its official website, whichever is later, ENDS products not included in the directory,

may not be sold for retail sale in South Carolina, either directly or through an importer, distributor, wholesaler, retailer, or similar intermediary or intermediaries.

(2) Each retailer shall have sixty calendar days from the date that the Attorney General first makes the directory available for inspection on its public website to sell ENDS products that were in its inventory and not included in the directory or remove those ENDS products from inventory.

(3) Each distributor or wholesaler shall have sixty calendar days from the date that the Attorney General first makes the directory available for inspection on its public website to remove those ENDS products intended for sale in the State from its inventory.

(4) After sixty calendar days following publication of the directory, ENDS products not listed in the directory and intended for retail sale in South Carolina are subject to seizure, forfeiture, and destruction, and may not be purchased or sold for retail sale in South Carolina. The cost of such seizure, forfeiture, and destruction shall be borne by the distributor or retailer from whom the ENDS products are confiscated, except that no ENDS products may be seized from a consumer who has made a bona fide purchase of such ENDS product. SLED or local law enforcement may store and dispose of the seized ENDS products as appropriate, in accordance with federal, state, and local laws pertaining to storage and disposal of such ENDS products.

(O) A retailer shall not sell ENDS products without holding a valid South Carolina Retail License and disclosing the sale of tobacco or ENDS products on the Business Tax Application filed with the South Carolina Department of Revenue. Failure to comply with the provisions of this subsection constitutes a violation subject to all fines and penalties imposed by the South Carolina Department of Revenue.

(P)(1) A manufacturer not registered to do business in the State shall, as a condition precedent to having its name or its ENDS products listed and retained in the directory, appoint and continually engage without interruption a registered agent in this State for service of process on whom all process and any action or proceeding arising out of the enforcement of this section may be served. The manufacturer shall provide to the Attorney General the name, address, and telephone number of its agent for service of process and shall provide any other information relating to its agent as may be requested by the Attorney General.

(2) A manufacturer located outside of the United States shall, as an additional condition precedent to having its ENDS products listed or retained in the directory, cause each of its importers of any of its ENDS

products to be sold in South Carolina to appoint and continually engage without interruption the services of an agent in the State in accordance with the provisions of this section. All obligations of a manufacturer imposed by this section with respect to appointment of its agent shall also apply to the importers with respect to appointment of their agents.

(3) A manufacturer shall provide written notice to the Attorney General thirty calendar days prior to the termination of the authority of an agent appointed pursuant to items (1) and (2) of this subsection. No less than five calendar days prior to the termination of an existing agent appointment, a manufacturer shall provide to the Attorney General the name, address, and telephone number of its newly appointed agent for service of process and shall provide any other information relating to the new appointment as may be requested by the Attorney General. In the event an agent terminates an agency appointment, the manufacturer shall notify the Attorney General of the termination within five calendar days and shall include proof to the satisfaction of the Attorney General of the appointment of a new agent.

(Q) No importer, retailer, wholesaler, or distributor of ENDS products may sell, offer for sale, or otherwise distribute an ENDS product not listed on the directory.

(R)(1) If an importer, retailer, wholesaler, or distributor violates subsection (Q), (X), or (Y), then the importer, retailer, wholesaler, or distributor is subject to a civil penalty of:

(a) not more than five hundred dollars for a first violation;

(b) at least seven hundred fifty dollars but not more than one thousand dollars for a second violation within a thirty-six-month period;

(c) at least one thousand dollars but not more than one thousand five hundred dollars for a third violation within a thirty-six-month period; or

(d) at least one thousand five hundred dollars but not more than three thousand dollars for a fourth or any subsequent violation within a thirty-six-month period.

(2) Fines or penalties resulting from violations of this act shall be retained by the state or local agency bringing the action.

(S) Any manufacturer of ENDS products that falsely represents any of the information required by subsection (B) or (C) shall be guilty of a misdemeanor for each false representation.

(T) Any other violation of this section shall result in a fine of five hundred dollars per offense.

(U) In any action brought by the Attorney General to enforce this section, the Attorney General shall be entitled to recover the costs of investigation, expert witness fees, costs of the action, and reasonable

attorney's fees.

(V) A person who violates the provisions of subsection (Q) engages in an unfair and deceptive trade practice in violation of Title 39, Chapter 5.

(W) Each retailer, wholesaler, and distributor may be subject to unannounced compliance checks for purposes of enforcing this section. Unannounced follow-up compliance checks of all noncompliant retailers, wholesalers, and distributors are required within sixty days after any violation of this section. The results of all compliance checks and enforcement actions shall be reported to the Attorney General. The Attorney General shall make the results of all compliance checks available to the public on request.

(X) No manufacturer, distributor, or retailer of ENDS products may sell, offer for sale, advertise, or otherwise distribute ENDS products that:

(1) use, in the labeling of the product, its packaging, its advertisement, or in its marketing materials:

(a) the terms "candy," "candies," or variants in spelling;

(b) the terms "bubble gum," "cotton candy," "gummy bear," "lollipop," or other variants of these words;

(c) the terms "cake," "cupcake," "pie," or any other variation of these words; or

(d) the terms "ice cream," "sherbert," "popsicle," "bomb pop," or any other variation of these words;

(2) use, in the labeling or design of the product, its packaging, its advertisement, or in its marketing materials, images of or references to children's toys, cartoons, cartoon characters, superheroes, television shows, video games and movies, or other similar characters or references, that have been commonly used to market products to minors;

(3) use, in the labeling or design of the product, its packaging, its advertisement, or in its marketing materials, trade dress, trademarks, or other related imagery that imitate or replicate trade dress, trademarks, or other imagery of food brands or products that have been commonly marketed to minors; and

(4) use, in the labeling or design of the product, or its packaging, or its marketing materials, trade dress, trademarks, or other related imagery that imitate or replicate trade dress, trademarks, or other imagery of school supplies.

(Y) A manufacturer, distributor, or retailer of ENDS products shall not advertise or market any ENDS except in the following manner:

(1) any advertisement placed in or on broadcast or cable television, radio, off-premises print, and digital communications, shall only be made where at least eighty-five percent of the intended audience is

reasonably expected to be eighteen years of age or older, as determined by reliable, up-to-date audience composition demographic data or event organizer restrictions;

(2) advertisements may not be materially false or untrue and any statement contained therein must be consistent with the ENDS product's labeling; and

(3) advertisements may not contain any health or therapeutic claims.

(Z) To the extent that 21 U.S.C Section 387j is amended, or subsequent regulations or other official federal guidance is issued, changing compliance requirements or standards for an ENDS product to become federally compliant, each manufacturer of an ENDS product that is sold for retail in South Carolina must submit documentation to the Attorney General substantiating compliance with such new federal requirements or standards within thirty days of when compliance with requirement or standard is mandated. Verified compliance with new federal requirements or standards shall be grounds for adding a manufacturer and their ENDS products to the directory established pursuant to subsection (G).

(AA) It is unlawful to sell an ENDS product to an individual who does not present, upon demand, proper proof of age. Failure to demand identification to verify an individual's age is not a defense to an action initiated pursuant to this subsection. Proof that is demanded, is shown, and reasonably is relied upon for the individual's proof of age is a defense to an action initiated pursuant to this subsection.

(BB) The Attorney General may promulgate regulations for the implementation and enforcement of this section.

Timelines

SECTION 2. (A) The first certification required pursuant to Section 44-95-65(B) shall be required by January 1, 2027.

(B) The directory established pursuant to Section 44-95-65(G) shall be operational by February 1, 2027, or on the date that the Attorney General first makes the directory available, whichever is later. The Attorney General shall notify retailers, wholesalers, and distributors of ENDS products when the directory is operational.

(C) The provisions contained in Section 44-95-65(K) and (Q) shall be effective on the date that the directory established pursuant to Section 44-95-65(G) is operational.

Definition

SECTION 3. Section 16-17-501(3) of the S.C. Code is amended to read:

(3) "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance, including e-liquid, to the person inhaling from the device including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic smoking device" includes any component, part, or accessory of the device, and also includes any substance intended to be aerosolized or vaporized during the use of the device whether or not the substance includes nicotine. "Electronic smoking device" also includes any ENDS product, as defined by Section 44-95-65. "Electronic smoking device" does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

Time effective

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

Ratified the 25th day of February, 2026

Approved the 27th day of February, 2026

No. 98

(R102, S383)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "PROTHONOTARY WARBLER RECOGNITION ACT" BY ADDING SECTION 1-1-613 SO AS TO DESIGNATE THE PROTHONOTARY WARBLER (PROTONOTARIA CITREA) AS THE OFFICIAL STATE MIGRATORY BIRD OF SOUTH CAROLINA.

Whereas, the Prothonotary Warbler (Protonotaria citrea) is a strikingly beautiful, golden-yellow songbird that migrates annually between South Carolina and its wintering grounds in Central and South America; and

Whereas, South Carolina provides critical breeding, stopover, and foraging habitat for the Prothonotary Warbler during its annual lifecycle, particularly in the state's bottomland hardwood forests, swamps, and wetlands, such as Audubon's 18,000 acre Francis Beidler Forest in Four Holes Swamp, providing tree cavities for nesting and an abundant supply of insects for food, which are essential for nesting, feeding, and resting as the species travels thousands of miles between continents; and

Whereas, the warbler is an indicator species, meaning its presence reflects the health of South Carolina's wetland ecosystems, and protecting its habitat benefits not only the Prothonotary Warbler but also a diverse array of wildlife, including other migratory birds, amphibians, fish, and invertebrates that rely on these environments; and

Whereas, South Carolina's natural resources, including its rivers, forests, and wetlands, are vital to the state's economy, culture, and biodiversity, and recognizing the Prothonotary Warbler as the official state migratory bird will underscore South Carolina's commitment to conservation, ecotourism, and the protection of its natural heritage; and

Whereas, promoting awareness of the Prothonotary Warbler and its habitat needs will help encourage responsible land and water management, ensuring that South Carolina's rich environmental legacy is preserved for future generations. Now, therefore,

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

Citation

SECTION 1. This act may be cited as the "Prothonotary Warbler Recognition Act."

Official state migratory bird

SECTION 2. Article 9, Chapter 1, Title 1 of the S.C. Code is amended by adding:

Section 1-1-613. The Prothonotary Warbler (Protonotaria citrea) is the official state migratory bird of South Carolina.

Time effective

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

Ratified the 25th day of February, 2026

Approved the 27th day of February, 2026

No. 99

(R103, S415)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-20, RELATING TO CHILDREN'S CODE DEFINITIONS, SO AS TO ADD THE TERM "LICENSED"; BY AMENDING SECTION 63-9-1110, RELATING TO ADOPTION BY A STEPPARENT OR RELATIVE, SO AS TO APPLY TO CHILDREN PLACED WITH RELATIVES OR FICTIVE KIN FOR THE PURPOSE OF ADOPTION; BY AMENDING SECTION 63-7-2320, RELATING TO THE KINSHIP FOSTER CARE PROGRAM, SO AS TO LOWER THE MINIMUM AGE OF A KINSHIP FOSTER PARENT FROM TWENTY-ONE TO EIGHTEEN AND TO ALLOW THE DEPARTMENT TO USE DIFFERENT STANDARDS WHEN LICENSING RELATIVES AND FICTIVE

KIN; BY AMENDING SECTION 63-7-2350, RELATING TO RESTRICTIONS ON FOSTER CARE, ADOPTION, OR LEGAL GUARDIAN PLACEMENTS, SO AS TO MAKE CONFORMING CHANGES; AND BY AMENDING SECTION 63-7-2400, RELATING TO THE NUMBER OF FOSTER CHILDREN WHO MAY BE PLACED IN A FOSTER HOME, SO AS TO REMOVE THERAPEUTIC FOSTER CARE PLACEMENT LIMITATIONS FROM KINSHIP FOSTER CARE PLACEMENTS.

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

Definitions

SECTION 1. Section 63-7-20 of the S.C. Code is amended to read:

Section 63-7-20. When used in this chapter or Chapter 9 or 11 and unless the specific context indicates otherwise:

(1) "Abandonment of a child" means a parent or guardian wilfully deserts a child or wilfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.

(2) "Affirmative determination" means a finding by a preponderance of evidence that the child was abused or neglected by the person who is alleged or determined to have abused or neglected the child and who is mentioned by name in a report or finding. This finding may be made only by:

(a) the court;

(b) the Department of Social Services upon a final agency decision in its appeals process; or

(c) waiver by the subject of the report of his right to appeal. If an affirmative determination is made by the court after an affirmative determination is made by the Department of Social Services, the court's finding must be the affirmative determination.

(3) "Age or developmentally appropriate" means:

(a) activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group;

(b) in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities

of the child; and

(c) activities that include, but are not be limited to, the following:

(i) sports;

(ii) field trips;

(iii) extracurricular activities;

(iv) social activities;

(v) after school programs or functions;

(vi) vacations with caregiver lasting up to two weeks;

(vii) overnight activities away from caregiver lasting up to one week;

(viii) employment opportunities; and

(ix) in-state or out-of-state travel, excluding overseas travel;

(d) activities that do not conflict with any pending matters before the court, an existing court order, or the child's scheduled appointments for evaluations or treatment.

(4) "Caregiver" means a foster parent, kinship foster parent, or employee of a group home who is designated to make decisions regarding age or developmentally appropriate activities or experiences on behalf of a child in the custody of the department.

(5) "Child" means a person under the age of eighteen.

(6) "Child abuse or neglect" or "harm" occurs when:

(a) the parent, guardian, or other person responsible for the child's welfare:

(i) inflicts or allows to be inflicted upon the child physical or mental injury or engages in acts or omissions which present a substantial risk of physical or mental injury to the child, including injuries sustained as a result of excessive corporal punishment, but excluding corporal punishment or physical discipline which:

(A) is administered by a parent or person in loco parentis;

(B) is perpetrated for the sole purpose of restraining or correcting the child;

(C) is reasonable in manner and moderate in degree;

(D) has not brought about permanent or lasting damage to the child; and

(E) is not reckless or grossly negligent behavior by the parents;

(ii) commits or allows to be committed against the child a sexual offense as defined by the laws of this State or engages in acts or omissions that present a substantial risk that a sexual offense as defined in the laws of this State would be committed against the child;

(iii) fails to supply the child with adequate food, clothing, shelter, or education as required under Article 1 of Chapter 65 of Title 59, supervision appropriate to the child's age and development, or

healthcare though financially able to do so or offered financial or other reasonable means to do so and the failure to do so has caused or presents a substantial risk of causing physical or mental injury. However, a child's absences from school may not be considered abuse or neglect unless the school has made efforts to bring about the child's attendance, and those efforts were unsuccessful because of the parents' refusal to cooperate. For the purpose of this chapter "adequate healthcare" includes any medical or nonmedical remedial healthcare permitted or authorized under state law;

(iv) abandons the child;

(v) encourages, condones, or approves the commission of delinquent acts by the child including, but not limited to, sexual trafficking or exploitation, and the commission of the acts are shown to be the result of the encouragement, condonation, or approval;

(vi) commits or allows to be committed against the child female genital mutilation as defined in Section 16-3-2210 or engages in acts or omissions that present a substantial risk that the crime of female genital mutilation would be committed against the child; or

(vii) has committed abuse or neglect as described in subsubitems (i) through (vi) such that a child who subsequently becomes part of the person's household is at substantial risk of one of those forms of abuse or neglect; or

(b) a child is a victim of trafficking in persons as defined in Section 16-3-2010, including sex trafficking, regardless of whether the perpetrator is a parent, guardian, or other person responsible for the child's welfare. Identifying a child as a victim of trafficking in persons does not create a presumption that the parent, guardian, or other individual responsible for the child's welfare abused, neglected, or harmed the child.

(7) "Childcare institution" means a private childcare institution, or a public childcare institution which accommodates no more than twenty-five children, that is licensed by the department. "Childcare institution" does not include wilderness camps or training schools, nor does it include any facility that exists primarily for the detention or correction of children.

(8) "Child protective investigation" means an inquiry conducted by the department in response to a report of child abuse or neglect made pursuant to this chapter.

(9) "Child protective services" means assistance provided by the department as a result of indicated reports or affirmative determinations of child abuse or neglect, including assistance ordered by the family court or consented to by the family. The objectives of child protective

services are to:

(a) protect the child's safety and welfare; and

(b) maintain the child within the family unless the safety of the child requires placement outside the home.

(10) "Court" means the family court.

(11) "Department" means the Department of Social Services.

(12)(a) "Emergency protective custody" means the right to physical custody of a child for a temporary period of no more than twenty-four hours to protect the child from imminent danger.

(b) Emergency protective custody may be taken only by a law enforcement officer pursuant to this chapter.

(13) "Legal guardianship" means:

(a) a judicially established relationship between a child and caretaker that is intended to be permanent and self-sustaining and transfers to the caretaker the following parental rights and responsibilities with respect to the child:

(i) the duty to provide protection, support, food, clothing, shelter, supervision, education, and care;

(ii) physical custody of the child;

(iii) legal custody when family court has not awarded legal custody to another person, agency, or institution;

(iv) the right to consent to marriage, enlistment in the armed forces, and medical and surgical treatment;

(v) the duty and authority to represent the child in legal actions and to make decisions of substantial legal significance affecting the child;

(vi) the right to determine the nature and extent of the child's contact with other persons; and

(vii) the right to manage the child's income and assets.

(b) Unless the court so orders, legal guardianship does not terminate the parent-child relationship, including the right of the child to inherit from his parent, the parent's right to consent to the child's adoption, and the parent's obligation to provide financial, medical, or other support for the child as the court may order.

(14) "Indicated report" means a report of child abuse or neglect supported by facts which warrant a finding by a preponderance of evidence that abuse or neglect is more likely than not to have occurred.

(15) "Institutional child abuse and neglect" means situations of known or suspected child abuse or neglect where the person responsible for the child's welfare is the employee of a public or private residential home, institution, or agency.

(16) "Legal custody" means the right to the physical custody, care,

and control of a child; the right to determine where the child shall live; the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency to authorize surgery or other extraordinary care. The court may in its order place other rights and duties with the legal custodian. Unless otherwise provided by court order, the parent or guardian retains the right to make decisions of substantial legal significance affecting the child, including consent to a marriage, enlistment in the armed forces, and major nonemergency medical and surgical treatment, the obligation to provide financial support or other funds for the care of the child, and other residual rights or obligations as may be provided by order of the court.

(17) "Licensed" means the department has approved, certified, or verified the suitability of a person, home, institution, facility, or agency to provide placement, care, supervision, or services for children in the care, custody, or guardianship of the department.

(18) "Mental injury" means an injury to the intellectual, emotional, or psychological capacity or functioning of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

(19) "Party in interest" includes the child, the child's attorney and guardian ad litem, the natural parent, an individual with physical or legal custody of the child, the foster parent, and the local foster care review board.

(20) "Person responsible for a child's welfare" includes the child's parent, guardian, foster parent, an operator, employee, or caregiver, as defined by Section 63-13-20, of a public or private residential home, institution, agency, or childcare facility or an adult who has assumed the role or responsibility of a parent or guardian for the child, but who does not necessarily have legal custody of the child. A person whose only role is as a caregiver and whose contact is only incidental with a child, such as a babysitter or a person who has only incidental contact but may not be a caretaker, has not assumed the role or responsibility of a parent or guardian. An investigation pursuant to Section 63-7-920 must be initiated when the information contained in a report otherwise sufficient under this section does not establish whether the person has assumed the role or responsibility of a parent or guardian for the child.

(21) "Physical custody" means the lawful, actual possession and control of a child.

(22) "Physical injury" means death or permanent or temporary disfigurement or impairment of any bodily organ or function.

(23) "Preponderance of evidence" means evidence which, when fairly considered, is more convincing as to its truth than the evidence in opposition.

(24) "Probable cause" means facts and circumstances based upon accurate and reliable information, including hearsay, that would justify a reasonable person to believe that a child subject to a report under this chapter is abused or neglected.

(25) "Protective services unit" means the unit established within the Department of Social Services which has prime responsibility for state efforts to strengthen and improve the prevention, identification, and treatment of child abuse and neglect.

(26) "Qualified individual" means a trained professional or licensed clinician. A "qualified individual" may be an employee of the department or affiliated with the placement setting, but the individual must maintain objectivity in determining the appropriate placement for the child.

(27) "Qualified residential treatment program" means a childcare institution that:

(a) has a trauma-informed treatment model that is designed to address the needs, including clinical needs as appropriate, of children with serious emotional or behavioral disorders or disturbances and, with respect to a child, is able to implement the treatment identified for the child by the assessment of the child required pursuant to Section 63-7-1730;

(b) has registered or licensed nursing staff and other licensed clinical staff who:

(i) provide care within the scope of their practice as defined by state law;

(ii) are on-site according to the treatment model referred to in subitem (a); and

(iii) are available twenty-four hours a day and seven days a week;

(c) to the extent appropriate, and in accordance with the child's best interests, facilitates participation of family members in the child's treatment program;

(d) facilitates outreach to the family members of the child, including siblings; documents how the outreach is made, including contact information; and maintains contact information for any known biological family and fictive kin of the child;

(e) documents how family members are integrated into the treatment process for the child, including postdischarge, and how sibling connections are maintained;

(f) provides discharge planning and family-based aftercare support

for at least six months postdischarge; and

(g) is licensed by the department and is accredited by any of the following independent, not-for-profit organizations:

(i) Commission on Accreditation of Rehabilitation Facilities (CARF);

(ii) Joint Commission on Accreditation of Health Care Organizations (JCAHO);

(iii) Council on Accreditation (COA);

(iv) Teaching Family Association;

(v) Educational Assessment Guidelines Leading Toward Excellence (EAGLE); or

(vi) another organization approved by the department.

(28) "Reasonable and prudent parent standard" means the standard of care characterized by careful and sensible parental decisions that maintain the health, safety, and best interest of a child while at the same time encouraging the growth and development of the child, that a caregiver shall use when determining whether to allow a child in foster care to participate in age or developmentally appropriate activities.

(29) "Subject of the report" means a person who is alleged or determined to have abused or neglected the child, who is mentioned by name in a report or finding.

(30) "Suspected report" means all initial reports of child abuse or neglect received pursuant to this chapter.

(31) "Unfounded report" means a report made pursuant to this chapter for which there is not a preponderance of evidence to believe that the child is abused or neglected. For the purposes of this chapter, it is presumed that all reports are unfounded unless the department determines otherwise.

(32) "Near fatality" means an act of abuse or neglect that, as certified by a physician, places a child in serious or critical condition.

(33) "Legal guardian" means a person appointed by the court through the judicial establishment of a legal guardianship to become the caretaker of a child.

Relative adoptions

SECTION 2. Section 63-9-1110 of the S.C. Code is amended to read:

Section 63-9-1110. (A) Any person may adopt his spouse's child, and any person may adopt a child to whom he is related by blood or marriage. In the adoption of these children:

(1) no investigation or report required under the provisions of

Section 63-9-520 is required unless otherwise directed by the court;

(2) no accounting by the petitioner of all disbursements required under the provisions of Section 63-9-740 is required unless the accounting is ordered by the court;

(3) upon good cause shown, the court may waive the requirement, pursuant to Section 63-9-750, that the final hearing must not be held before ninety days after the filing of the adoption petition;

(4) upon good cause shown, the court may waive the requirement, pursuant to Section 63-9-320(A)(2), of the appointment of independent counsel for an indigent parent; and

(5) upon good cause shown, the court may waive the requirement, pursuant to Section 63-9-60(B)(3), that the adoption proceeding must be finalized in this State.

(B) Subsection (A) is applicable to children in the custody and guardianship of the department who are placed with relatives or fictive kin for the purpose of adoption.

Kinship foster caregivers

SECTION 3. Section 63-7-2320(D), (E), and (F) of the S.C. Code is amended to read:

(D) The department shall establish, in accordance with this section and the rules and regulations promulgated hereunder, eligibility standards for becoming a kinship foster parent and no other rules, regulations, or standards shall apply.

(1) A person may be eligible for licensure as a kinship foster parent if he is:

(a) a relative within the first, second, or third degree to the parent or stepparent of a child who may be related through blood, marriage, or adoption; or

(b) a person who has been identified by the department as fictive kin.

(2) The kinship foster parent must be eighteen years or older.

(3)(a) A person may become a kinship foster parent only upon the completion of a full kinship foster care licensing study performed in accordance with rules and regulations promulgated pursuant to this section. Residents of the household who are eighteen years of age or older must undergo the state and federal fingerprint review procedures as provided for in Section 63-7-2340. The department shall apply the screening criteria in Section 63-7-2350 to the results of the fingerprint reviews and the licensing study.

(b) The department shall maintain the confidentiality of the results of fingerprint reviews as provided for in state and federal regulations.

(c) In accordance with the federal Multiethnic Placement Act (MEPA), the Department of Social Services must not deny to any individual the opportunity to become a foster or adoptive parent based on the race, color, or national origin of the individual, or of the child. MEPA also provides that this law shall not be construed to adversely affect the application of the Indian Child Welfare Act, which contains preferences for the placement of eligible American Indian and Alaska Native Children in foster care, guardianship, or adoptive homes. Also, the department must not discriminate regarding the application or licensure of a kinship foster family or kinship adoptive family on the basis of age, disability, religion, or marital status.

(4) The department may license relatives and fictive kin using standards that differ from standards applied to unrelated applicants and the department may waive, on a case-by-case basis, for relative or fictive kin applicants nonsafety elements as the department deems appropriate. Safety elements, such as criminal and child abuse and neglect background checks required by Title IV-E of the Social Security Act, 42 U.S.C. Section 671(a)(20)(A), may not be waived. The department may not license a relative or fictive kin as a kinship foster parent or place the child with the relative or fictive kin if the placement would violate any provision of Section 63-7-2350. The department shall note on the standard license if there was a waiver of a nonsafety element and identify the element being waived.

(5) The department shall determine, after a thorough review of information obtained in the kinship foster care licensing process, whether the person is able to care effectively for the foster child. The review must take into consideration the parental preference and the preference for placement with a relative or fictive kin who is known to the child and who has a constructive and caring relationship with the child, as provided in Section 63-7-1680(E)(1). The review also must take into consideration the preference for the placement with a relative or fictive kin who, but for the removal of the child at birth, would have had a constructive and caring relationship with the child, based on the relative's or fictive kin's fitness and ability to care for the child.

(E)(1) The department shall involve the kinship foster parents in development of the child's permanent plan pursuant to Section 63-7-1700 and other plans for services to the child and the kinship foster home. The department shall give notice of proceedings and information to the kinship foster parent as provided for elsewhere in this chapter for

other foster parents. If planning for the child includes the use of childcare, the department shall pay for childcare arrangements, according to established criteria for payment of these services for foster children. If the permanent plan for the child involves requesting the court to grant custody or guardianship of the child to the kinship foster parent, the department must ensure that it has informed the kinship foster parent about adoption and legal guardianship with supplemental benefits, including services and financial benefits that might be available.

(2) The kinship foster parent shall cooperate with any activities specified in the case plan for the foster child, such as counseling, therapy or court sessions, or visits with the foster child's parents or other family members. Kinship foster parents and placements made in kinship foster care homes are subject to the requirements of Section 63-7-2310.

(F)(1) If a relative or fictive kin is not licensed as a kinship foster parent, then the department may still place the child with the relative or fictive kin notwithstanding the licensure requirement contained in this section if placement would serve the child's best interests.

(2) During the licensure process, a relative or fictive kin with whom a child has been placed pursuant to item (1) and who has begun the kinship licensure process shall have the same legal status and access to services as a licensed kinship foster care provider including, but not limited to, the availability of payments and other services.

Foster caregiver restrictions

SECTION 4. Section 63-7-2350(F) of the S.C. Code is amended to read:

(F) Notwithstanding the provisions in this section, in the discretion of the department when it is in a child's best interest, a child may be placed in the home of a kin or fictive kin caregiver who has been convicted of or has plead guilty or nolo contendere to a criminal offense enumerated in subsection (A) if more than five years have elapsed since the conviction, guilty plea, or nolo contendere plea and that criminal offense was not a violent crime as defined in Section 16-1-60 or a felony involving violence including, but not limited to, child abuse and neglect, domestic violence, or any crime against a child.

Foster home capacity

SECTION 5. Section 63-7-2400(B) of the S.C. Code is amended to read:

(B) No more than two of the five foster children referenced in subsection (A) may be classified as therapeutic foster care placements unless one of the exceptions in subsection (A) applies. If one of the exceptions applies, no more than three of the five foster children may be classified as therapeutic foster care placements. The limitations on therapeutic foster care placements do not apply to kinship foster care placements.

Time effective

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

Ratified the 25th day of February, 2026

Approved the 27th day of February, 2026

No. 100

(R105, H4257)

AN ACT TO AMEND SECTION 59-1-462 OF THE SOUTH CAROLINA CODE OF LAWS, RELATING TO EXCUSED SCHOOL ABSENCES FOR CAREER AND TECHNICAL STUDENT ORGANIZATION EXPERIENCES, SO AS TO PROVIDE THAT STUDENTS PARTICIPATING IN ANY INTERSCHOLASTIC ACTIVITY AUTHORIZED BY THE SCHOOL DISTRICT ARE ELIGIBLE FOR EXCUSED ABSENCES, REGARDLESS OF WHETHER THE ACTIVITY IS SANCTIONED BY THE SOUTH CAROLINA HIGH SCHOOL LEAGUE OR ANY OTHER GOVERNING ENTITY, AND TO REQUIRE THAT STUDENTS BE IN ACADEMIC GOOD STANDING TO QUALIFY FOR SUCH EXCUSED ABSENCES.

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

Excused school absences, interscholastic activities, good standing requirement

SECTION 1. Section 59-1-462 of the S.C. Code is amended to read:

Section 59-1-462. Each school district, within ninety days after the effective date of this section, shall adopt a policy, to include language to ensure that participants are academically in good standing, that authorizes a student to be excused from school absences, not to exceed ten school days per school year, to participate in a Career and Technical Student Organization experience in which student participation and learning outcomes are directed by a certified teacher for assessment of competencies or participation in any interscholastic activity authorized for student participation by the school or school district, regardless of whether the activity is sanctioned by the South Carolina High School League or other entity that governs, sanctions, or operates interscholastic athletic and intramural activities and competitions. Participation in such Career and Technical Student Organization experience may include, but is not limited to, scheduled events of state-level Future Farmers of America (FFA) organizations, the national FFA organization, and 4-H programs as part of organized competitions or exhibitions. The student and his parent or legal guardian are responsible for obtaining and completing assignments missed while the student participates in any such Career and Technical Student Organization experiences or interscholastic activity authorized for student participation by the school or school district.

Time effective

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

Ratified the 25th day of February, 2026

Approved the 27th day of February, 2026

No. 101

(R106, S405)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-3-85, RELATING TO HOMICIDE BY CHILD ABUSE, SO AS TO INCREASE THE AGE OF A CHILD UNDER THIS SECTION FROM UNDER THE AGE OF ELEVEN TO UNDER THE AGE OF EIGHTEEN.

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

Homicide by Child Abuse, age of child increased

SECTION 1. Section 16-3-85 of the S.C. Code is amended to read:

Section 16-3-85. (A) A person is guilty of homicide by child abuse if the person:

(1) causes the death of a child under the age of eighteen while committing child abuse or neglect, and the death occurs under circumstances manifesting an extreme indifference to human life; or

(2) knowingly aids and abets another person to commit child abuse or neglect, and the child abuse or neglect results in the death of a child under the age of eighteen.

(B) As used in this section:

(1) "Child abuse or neglect" means an act or omission by any person which causes harm to the child's physical health or welfare.

(2) "Harm" to a child's health or welfare occurs when a person:

(a) inflicts or allows to be inflicted upon the child physical injury, including injuries sustained as a result of excessive corporal punishment;

(b) fails to supply the child with adequate food, clothing, shelter, or healthcare, and the failure to do so causes a physical injury or condition resulting in death; or

(c) abandons the child resulting in the child's death.

(C) Homicide by child abuse is a felony and a person who is convicted of or pleads guilty to homicide by child abuse:

(1) under subsection (A)(1) may be imprisoned for life but not less than a term of twenty years; or

(2) under subsection (A)(2) must be imprisoned for a term not exceeding twenty years nor less than ten years.

(D) In sentencing a person under this section, the judge must consider any aggravating circumstances including, but not limited to, a

defendant's past pattern of child abuse or neglect of a child under the age of eighteen, and any mitigating circumstances; however, a child's crying does not constitute provocation so as to be considered a mitigating circumstance.

Time effective

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

Ratified the 5th day of March, 2026

Approved the 9th day of March, 2026

No. 102

(R107, H3223)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO CHAPTER 69, TITLE 40 SO AS TO PROVIDE DEFINITIONS AND REQUIREMENTS CONCERNING THE USE OF TELEHEALTH FOR VETERINARY SERVICES; AND BY AMENDING SECTION 40-69-20, RELATING TO DEFINITIONS CONCERNING THE BOARD OF VETERINARY MEDICAL EXAMINERS, SO AS TO REMOVE AN OBSOLETE DEFINITION AND TO DEFINE "VETERINARIAN-CLIENT-PATIENT RELATIONSHIP."

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

Telehealth for Veterinary Services

SECTION 1. Chapter 69, Title 40 of the S.C. Code is amended by adding:

Article 5

Telehealth for Veterinary Services

Section 40-69-510. As used in this article:

(1) "Telehealth" means the overarching term that encompasses all uses of technology to virtually deliver medical and health information or education. Telehealth is not a specific service, but a collection of tools that allows for enhanced veterinary care and client education.

(2) "Telemedicine" means the remote practice of veterinary medicine through the use of telecommunications technology that allows a licensed veterinarian with an established veterinarian-client-patient relationship to evaluate and treat a patient virtually.

Section 40-69-520. (A) Only a veterinarian licensed by the board may establish a veterinarian-client-patient relationship in this State.

(B) A veterinarian-client-patient relationship only may be established by an in-person, physical examination of the animal or timely visits to the premises where the animal is kept.

(C) An established veterinarian-client-patient relationship may be maintained through examinations that occur using telecommunications technology in between appropriate in-person, physical examinations or visits to the premises where the patient is kept.

Section 40-69-530. (A)(1) A person must be licensed to practice veterinary medicine in this State in order to practice telemedicine in this State.

(2) A person who is not a licensed veterinarian in this State and who uses telemedicine to provide veterinary services to animals and individuals responsible for the animals engages in the unauthorized practice of veterinary medicine. Such person is subject to penalties for the unauthorized practice of veterinary medicine provided in this chapter.

(B) A licensed veterinarian shall employ sound, professional judgment when determining whether to provide veterinary services to a patient through telemedicine and shall use telemedicine only when such use is medically appropriate based on the patient's condition.

(C) A veterinary professional shall ensure that the technology used when providing veterinary services through telehealth is of appropriate quality to ensure:

(1) accuracy of the remote assessment of the patient's condition or behavior;

(2) clear communication with clients; and

(3) compliance with all relevant privacy and confidentiality requirements.

(D)(1) A veterinary professional shall obtain consent from the client before providing veterinary services through telehealth and shall record the client's consent in the patient's medical record.

(2) A veterinary professional using telehealth to provide veterinary services shall inform the client, or the client's authorized representative, of:

(a) the veterinary professional's name, location, and, if applicable, license number and licensure status;

(b) whether, in the veterinarian's professional opinion, the patient's condition can be accurately treated using telemedicine; and

(c) the treatment options for the patient.

Section 40-69-540. (A) A licensed veterinarian using telemedicine to provide veterinary services shall conduct all necessary patient evaluations and treatment using the applicable standard of care for those evaluations and treatments.

(B) A licensed veterinarian shall not recommend treatment or care for an animal based solely on a client's responses to an online questionnaire.

Section 40-69-550. (A)(1) Except as provided in subsection (B), only a licensed veterinarian with an established veterinarian-client-patient relationship may prescribe medication through telemedicine.

(2) A licensed veterinarian shall use professional judgment when determining if it is appropriate to prescribe medication through telemedicine.

(B) A licensed veterinarian who prescribes medication through telemedicine is subject to the limitations on prescriptions provided in this chapter.

Section 40-69-560. A licensed veterinarian shall ensure that a client's privacy and confidentiality are protected when the veterinarian is providing veterinary services using telehealth pursuant to the veterinarian's professional and legal obligations.

Definitions

SECTION 2. Section 40-69-20 of the S.C. Code is amended to read:

Section 40-69-20. As used in this chapter, unless the context clearly

indicates otherwise:

(1) "Animal" means an animal that is not a human and includes fowl, birds, reptiles, and fish which are wild or domestic, living or dead.

(2) "Board" means the South Carolina State Board of Veterinary Medical Examiners.

(3) "Direct supervision" means that a veterinarian currently licensed to practice veterinary medicine in this State is available on the premises and within immediate vocal communication of the supervisee.

(4) "Emergency clinic" means a facility having as its primary function the receiving, treatment, and monitoring of emergency patients during its specified hours of operation.

(5) "Emergency hospital" means a facility whose primary function is the receiving, treatment, and monitoring of emergency patients during its specified hours of operation and includes the confinement of emergency patients.

(6) "Immediate supervision" means that a licensed veterinarian is within direct eyesight and hearing range.

(7) "Indirect supervision" means the supervising licensed veterinarian is available for immediate voice contact by telephone, radio, or other means, and shall provide consultation and review of cases at the veterinary facility.

(8) "Investigative Review Committee" (IRC) means an investigative review panel appointed by the board chairman, in consultation with the other members of the board. The IRC must be comprised of four members who are former board members or other experienced licensed veterinarians. The board chairman must appoint the Chairman of the IRC. Veterinarian members of the IRC must have a current license issued pursuant to this chapter to be eligible to serve. The IRC shall review any complaint against a licensed veterinarian or veterinary technician and make a recommendation as to whether the board should proceed with formal action. The board must consider the recommendation of the IRC, but the final determination whether to proceed with formal action must be made by the board.

(9) "License" means any permit, approval, registration, or certificate issued by the board.

(10) "Licensed veterinarian" means a person who is licensed pursuant to this chapter to practice veterinary medicine in this State.

(11) "Licensed veterinary technician" means a person who has received a degree in animal health technology from an American Veterinary Medical Association accredited school offering a program in animal health technology and who has been licensed to practice in this State. This person must be knowledgeable in the care and handling of

animals, in the basic principles of normal and abnormal life processes, and in routine laboratory and clinical procedures. The performance of the licensed veterinary technician must be under the supervision of a veterinarian licensed to practice in this State.

(12) "Mobile facility" means a vehicle with special medical or surgical facilities or a vehicle suitable only for making house or farm calls.

(13) "Practice of veterinary medicine" means to:

(a) diagnose, prescribe, or administer a drug, medicine, biologic, appliance, or application or treatment of whatever nature for the cure, prevention, or relief of a wound, fracture, or bodily injury or disease of an animal;

(b) perform a surgical operation, including cosmetic surgery, upon an animal;

(c) perform a manual procedure for the diagnosis or treatment for sterility or infertility of an animal, including embryo transplants;

(d) offer, undertake, represent, or hold oneself out as being qualified to diagnose, treat, operate, or prescribe for an animal disease, pain, injury, deformity, or physical condition;

(e) use words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine.

(14) "School of veterinary medicine" means a veterinary school or college that offers the D.V.M. or equivalent degree and whose course of study conforms to the standards required for accreditation by the American Veterinary Medical Association and approved by the board.

(15) "Temporary license" means temporary permission to practice veterinary medicine or animal technology issued pursuant to this chapter.

(16) "Therapeutic options or alternate therapies" means, but is not limited to, the veterinary practice of acupuncture, manipulation and adjustment, magnetic field therapy, holistic medicine, homeopathy, herbology/naturopathy, massage, and physical therapy.

(17) "Veterinarian" means a person who has received a doctor's degree or equivalent in veterinary medicine.

(18) "Veterinary aide" means a nurse, attendant, intern, technician, or other employee of a veterinarian, other than a licensed veterinary technician.

(19) "Veterinarian-client-patient relationship" means:

(a) The veterinarian has recently seen and is personally acquainted with the keeping and care of the animal through an in-person, physical examination of or visit to the premises where the animal is kept.

(b) The veterinarian has assumed the responsibility for making

clinical judgments regarding the health of the animal and the need for medical treatment.

(c) The veterinarian has sufficient knowledge of the animal to initiate a general or preliminary diagnosis of the medical condition of the animal.

(d) The veterinarian is available or has arranged for emergency coverage for follow-up and evaluation.

(e) The client has agreed to follow the veterinarian's instructions.

(f) The veterinarian-client-patient relationship lapses when the licensee has not seen the animal within one year.

(g) The veterinarian-client-patient relationship may extend to other licensed veterinarians working out of the same physical practice location as the veterinarian who established the veterinarian-client-patient relationship if the other licensed veterinarians have access to and have reviewed the patient's medical records and the condition is related to a prior medical condition.

(20) "Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, and all other branches or specialties of veterinary medicine.

(21) "Veterinary student preceptee" means a person who is a student enrolled and in good standing in a recognized college of veterinary medicine. The student's presence in a practice may be as part of a normal preceptorship program of the college or as an informal arrangement between the student and a veterinarian licensed by the board.

Time effective

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

Ratified the 5th day of March, 2026

Approved the 9th day of March, 2026

No. 103

(R108, H3254)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-47-32, RELATING TO SPECIAL EXAMINATIONS AND RELATED CRITERIA REQUIRED OF APPLICANTS FOR PERMANENT MEDICAL LICENSURE BY THE BOARD OF MEDICAL EXAMINERS, SO AS TO PROVIDE THE BOARD MAY WAIVE CERTAIN EXAMINATION REQUIREMENTS FOR APPLICANTS FOUND TO POSSESS THE GENERAL MEDICAL KNOWLEDGE REQUIRED TO COMPETENTLY PRACTICE MEDICINE.

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

Special examinations, waivers

SECTION 1. Section 40-47-32(E) of the S.C. Code is amended to read:

(E)(1) The additional examination required pursuant to subsection (D) must be waived if the applicant is to practice in a position within the South Carolina Department of Corrections, the South Carolina Department of Health and Environmental Control, the South Carolina Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation. A license issued pursuant to this waiver is immediately invalid if the individual leaves that position or acts outside the scope of employment within the department. A change in agency may be approved upon presentation to the board of a copy of a contract in which the individual has been offered a position within the South Carolina Department of Corrections, the South Carolina Department of Health and Environmental Control, the South Carolina Department of Mental Health, the South Carolina Department of Disabilities and Special Needs, or the Disability Determination Services Unit of the State Agency of Vocational Rehabilitation.

(2) The additional examination required pursuant to subsection (D) may be waived if the board determines the applicant possesses the requisite general medical knowledge to competently practice medicine. In making this determination, the board shall make findings of fact concerning the education and experience of the applicant.

Time effective

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

Ratified the 5th day of March, 2026

Approved the 9th day of March, 2026

No. 104

(R109, H3798)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 25-1-180 SO AS TO PROVIDE CERTAIN CRITERIA FOR MILITARY CHAPLAINS, AND TO PROVIDE THAT MILITARY CHAPLAINS HAVE THE PRIVILEGE TO REFUSE TO DISCLOSE CERTAIN CONFIDENTIAL COMMUNICATIONS.

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

Military chaplains

SECTION 1. Article 1, Chapter 1, Title 25 of the S.C. Code is amended by adding:

Section 25-1-180. (A) Military chaplains serving in any of the militia classes, National Guard, State Guard, organized militia not in National Guard Service, and the unorganized militia, shall:

(1) be properly ordained and endorsed for militia service by the Department of Defense or an approved Department of Defense affiliate, the Adjutant General or his designee, or the Commander of the South Carolina State Guard or his designee, as well as any specific qualifications required by any of the militia classes;

(2) wear uniforms properly identifying their status as chaplains appropriate to their militia status and as defined by their militia class; and

(3) possess privileged communication with all militia members,

authorized dependents, and authorized personnel as defined by each militia class. The privilege also may be claimed on behalf of the person by the chaplain who received the communication.

(B) Confidential communication is any communication made to a chaplain by an individual possessing the privilege if the communication is made either as a formal act of religion or as a matter of conscience. A communication is also confidential if it is made to a chaplain in his official capacity as a spiritual advisor.

(C) A person has the privilege to refuse to disclose and to prevent others from disclosing a confidential communication by the person who made the communication to a chaplain if the communication is made either as a formal act of religion or as a matter of conscience.

(D) Chaplains may not disclose a confidential communication revealed in the course of their duties without the informed consent of a person who made the communication. This consent must be given freely and not be compelled and must be specific regarding the information to be disclosed by the chaplain.

(E) Neither a commander nor a court may require a chaplain or individual to disclose a confidential communication when a privilege exists. However, if a military judge or other presiding official decides that no privilege exists, a chaplain may have an obligation to testify.

(F) The State shall recognize the clergy-penitent privilege for all militia classes, as well as for any active duty or reserve chaplain, whether in status or not, as long as the communication is with a member who would normally be covered under the clergy-penitent privilege and as long as that communication is made as a formal act of religion or as a matter of conscience.

Time effective

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

Ratified the 5th day of March, 2026

Approved the 9th day of March, 2026

No. 105

(R110, H4342)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-15-175, RELATING TO RESTRICTED INSTRUCTORS' LICENSES ISSUED BY THE BOARD OF DENTISTRY, SO AS TO PROVIDE WAIVERS FROM CERTAIN LICENSURE REQUIREMENTS FOR CERTAIN DENTAL SCHOOL FACULTY; AND BY ADDING SECTION 40-69-245 SO AS TO AUTHORIZE THE BOARD OF VETERINARY MEDICAL EXAMINERS TO ISSUE RESTRICTED LICENSES TO VETERINARY SCHOOL FACULTY, TO PROVIDE REQUIREMENTS FOR THESE LICENSES, AND TO PROVIDE WAIVERS FROM CERTAIN LICENSURE REQUIREMENTS FOR CERTAIN VETERINARY SCHOOL FACULTY.

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

Restricted dental school faculty licenses, exemption

SECTION 1. Section 40-15-175 of the S.C. Code is amended to read:

Section 40-15-175. (A) The State Board of Dentistry may issue a restricted instructor's license to a dentist who:

(1) holds a valid license to practice dentistry in another state, country, or territory;

(2) has met or been approved under the credentialing standards of the Medical University of South Carolina College of Dental Medicine or at a board-recognized, hospital-based residency program which must be situated in this State and with which the person is to be affiliated;

(3) has successfully completed:

(a) the final two years of a program leading to the doctor of dental surgery degree (D.D.S.) or doctor of dental medicine degree (D.M.D.) at an accredited dental school approved by the board;

(b) at least a two-year Commission on Dental Accreditation (CODA) approved advanced education program in a dental specialty recognized by the American Dental Association; or

(c) has successfully completed at least a two-year CODA-approved advanced education program in general dentistry;

(4) has not been refused a license or had a license revoked in this

State or another state, country, or territory;

(5) passes an examination on jurisprudence as prescribed by the board; and

(6) is teaching dental medicine in South Carolina full-time at the Medical University of South Carolina College of Dental Medicine or at a board-recognized, hospital-based residency program situated in this State.

(B) The board may waive the requirements found in subsection (A)(3) if the applicant has a full-time academic faculty appointment at the rank of assistant professor or greater in a dental school in this State accredited by CODA.

(C) A dentist with a restricted instructor's license is authorized to practice at or on behalf of the Medical University of South Carolina College of Dental Medicine or at a board-recognized, hospital-based residency program situated in this State. The holder of a restricted instructor's license may practice general dentistry or in his area of specialty, but only in a clinic or office affiliated with the dental school or with a hospital-based residency program. A restricted instructor's license issued to a faculty member under this section terminates immediately and automatically, without any further action by the board, if the holder ceases to be a faculty member at the dental school or at a board-recognized, hospital-based residency program in this State.

(D) A restricted instructor's license must be renewed biennially in accordance with procedures and fees as established by the board in regulation.

(E) A dentist holding a restricted instructor's license issued pursuant to this section is subject to the provisions of this chapter and regulations promulgated under this chapter unless otherwise provided for in this section. The board may revoke a restricted instructor's license for a violation of this chapter or regulations promulgated under this chapter or if the holder fails to supply the board, within ten days of its request, with information as to his or her current status and activities in the teaching program.

Restricted veterinary medicine school faculty licenses

SECTION 2. Chapter 69, Title 40 of the S.C. Code is amended by adding:

Section 40-69-245. (A) The South Carolina State Board of Veterinary Medical Examiners may issue a restricted faculty license to practice veterinary medicine to an applicant who is a member of the faculty at a

school of veterinary medicine in this State accredited by the American Veterinary Medical Association if the applicant has satisfied one of the following:

(1) is licensed as a veterinarian in another state or territory of the United States; or

(2) is a graduate of a school or college of veterinary medicine accredited by the American Veterinary Medical Association or holds a certificate issued by the Education Commission of Foreign Veterinary Graduates or credentials issued by a credentialing entity approved by the board or a related doctoral degree has been granted a Doctor of Veterinary Medicine or equivalent degree from a veterinary college or university.

(B) The board may waive the requirements found in subsection (A) if the applicant has a full-time academic faculty appointment at the rank of assistant professor or greater at a veterinarian college or university in this State accredited by the American Veterinary Medical Association.

(C) A faculty license entitles the holder to practice veterinary medicine while engaged in the performance of his or her official duties as a faculty member only and is confined to clinical, hospital, or field services units, of the school of veterinary medicine where employed.

(D) The board may not license an applicant who has been refused a license or has a revoked license, has relinquished a license, or is currently under suspension or probation in this State or another state, country, or territory. Nothing prevents the board from denying an applicant a restricted faculty license for grounds set forth in South Carolina Code Section 40-1-110.

(E) The license issued pursuant to this section shall be cancelled by the board upon receipt of information that the holder of the license has left or has otherwise been discontinued from faculty employment at a college or school of veterinary medicine in South Carolina.

(F) An applicant must file an application, including any other required documentation and pay a license fee. The initial license fee is equivalent to the initial application fee required of veterinary applicants. The license fee is subject to change in regulation in accordance with the provisions of Section 40-1-50, as added to the S.C. Code by this act. The department may establish and adjust application fees, license renewal fees, late fees, reinstatement fees, and other related fees in regulation. The department shall only establish fees at levels which are adequate to ensure the continued operation of the regulatory program established in this act and may not set or maintain fees that substantially exceed this need.

(G) The license issued pursuant to this section is subject to requirements as set forth in South Carolina Code Sections 40-69-250 and

40-69-255.

Time effective

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

Ratified the 5th day of March, 2026

Approved the 9th day of March, 2026

No. 106

(R111, H4343)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-33-31 SO AS TO REQUIRE CERTAIN HUMAN TRAFFICKING AWARENESS AND PREVENTION TRAINING FOR LICENSED PRACTICAL NURSES, REGISTERED NURSES, AND ADVANCED PRACTICE REGISTERED NURSES; BY ADDING SECTION 40-47-39 SO AS TO REQUIRE CERTAIN HUMAN TRAFFICKING AWARENESS AND PREVENTION TRAINING FOR PHYSICIANS WHO PRACTICE IN CERTAIN FIELDS AND CERTAIN SETTINGS; AND BY ADDING SECTION 40-47-953 SO AS TO REQUIRE CERTAIN HUMAN TRAFFICKING AWARENESS AND PREVENTION TRAINING FOR PHYSICIAN ASSISTANTS.

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

Nursing training requirements

SECTION 1. Article 1, Chapter 33, Title 40 of the S.C. Code is amended by adding:

Section 40-33-31. (A)(1) In addition to other requirements of this chapter, successful completion of a one-hour human trafficking awareness and prevention course that meets the requirements of

subsection (B) is a continuing education requirement for licensure renewal, reinstatement, or reactivation as a licensed practical nurse, registered nurse, or advanced practice registered nurse. All licensees shall complete this course requirement before:

(a) January 1, 2028, and every six years thereafter, for persons licensed before January 1, 2026; or

(b) two years after initial licensure and every six years thereafter, for persons initially licensed on or after January 1, 2026.

(2) The requirements of this subsection are in addition to any other continuing education requirements and licensure requirements in this chapter.

(B) A human trafficking awareness and prevention course required by this section:

(1) only may be provided by a continuing education provider approved by the State Board of Nursing; and

(2) must include instruction on:

(a) identifying suspected trafficking victims;

(b) laws for reporting suspected trafficking victims; and

(c) providing care and support to potential trafficking victims.

(C) The State Board of Nursing shall adopt rules to implement this section in collaboration with the Director of the South Carolina Human Trafficking Task Force and the State Task Force Healthcare Subcommittee.

Physician training requirements

SECTION 2. Article 1, Chapter 47, Title 40 of the S.C. Code is amended by adding:

Section 40-47-39. (A)(1) In addition to other requirements of this article, successful completion of a one-hour human trafficking awareness and prevention course meeting the requirements of subsection (B) is a continuing education requirement for renewal of a physician license pursuant to Section 40-47-40 or the reinstatement or reactivation of a physician license pursuant to Section 40-47-30 for licensees practicing emergency medicine, primary care, internal medicine, family medicine, pediatrics, obstetrics, gynecology, or as a hospitalist, and those licensees working in public health clinics, emergency departments, urgent care centers, and community-based centers. All licensees subject to this section shall complete this course requirement before:

(a) January 1, 2028, and every six years thereafter, for persons licensed before January 1, 2026; or

(b) two years after initial licensure and every six years thereafter, for persons initially licensed on or after January 1, 2026.

(2) The requirements of this subsection are to be counted as part of required continuing education requirements and in addition to any other requirements for any initial licensure, license renewal, and license reinstatement or reactivation in this article.

(B) A human trafficking awareness and prevention course required by this section must contain information reviewed by the South Carolina Human Trafficking Task Force and the State Task Force Healthcare Subcommittee:

(1) and only may be provided by:

(a) a statewide organization recognized by the Accreditation Council for Continuing Medical Education (ACCME) to recognize and accredit organizations in South Carolina offering continuing medical education;

(b) a statewide organization approved to provide continuing medical education by its national organization which is accredited by the Accreditation Council for Continuing Medical Education; or

(c) from an organization approved by the State Board of Medical Examiners; and

(2) must include instruction on:

(a) identifying suspected trafficking victims;

(b) laws for reporting suspected trafficking victims; and

(c) providing care and support to potential trafficking victims.

(C) The State Board of Medical Examiners shall adopt rules to implement this section in collaboration with the Director of the South Carolina Human Trafficking Task Force and the State Task Force Healthcare Subcommittee.

Physician assistant training requirements

SECTION 3. Article 7, Chapter 47, Title 40 of the S.C. Code is amended by adding:

Section 40-47-953. (A)(1) In addition to other requirements of this article, evidence of successful completion of a one-hour human trafficking awareness and prevention course provided in subsection (B) is a continuing education requirement for the renewal of a physician assistant license. All licensees shall complete this course requirement before:

(a) January 1, 2028, and every six years thereafter, for persons licensed before January 1, 2026; or

(b) two years after initial licensure and every six years thereafter, for persons initially licensed on or after January 1, 2026.

(2) The requirements of this subsection are in addition to any other continuing education requirements and other requirements for any initial licensure, license renewal, and license reinstatement or reactivation for physician assistants in this article.

(B) A human trafficking awareness and prevention course required by this section:

(1) only may be provided by a continuing education provider approved by the State Board of Medical Examiners; and

(2) must include instruction on:

(a) identifying suspected trafficking victims;

(b) laws for reporting suspected trafficking victims; and

(c) providing care and support to potential trafficking victims.

(C) The State Board of Medical Examiners shall adopt rules to implement this section.

Time effective

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

Ratified the 5th day of March, 2026

Approved the 9th day of March, 2026

No. 107

(R114, H3629)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 48-23-120, RELATING TO FORESTRY COMMISSION ACQUISITIONS, SO AS TO PERMIT ACQUISITION OF TIMBERLANDS AND AGRICULTURAL LANDS, TO PROVIDE FOR USES OF THOSE LANDS AND PROHIBIT ACQUISITION OF LAND AT A PRICE EXCEEDING ITS FAIR MARKET VALUE; BY AMENDING SECTION 48-23-132, RELATING TO REVENUES FROM SPECIFIED SOURCES, SO AS TO OUTLINE WHAT THE

FUNDS MAY BE USED FOR; BY AMENDING SECTION 48-33-60, RELATING TO DUTIES AND POWERS OF COUNTY FORESTRY BOARDS AND EMPLOYEES, SO AS TO SPECIFY DUTIES; BY AMENDING SECTION 48-33-70, RELATING TO FOREST FIRE PROTECTION ACTIVITIES, SO AS TO UPDATE PLAN REQUIREMENTS; BY AMENDING SECTION 48-33-80, RELATING TO ACCESS TO PROPERTY, SO AS TO DESIGNATE WHO MAY ACCESS LAND FOR THE PURPOSE OF PREVENTING OR CONTROLLING FIRES; BY REPEALING SECTION 48-23-270 RELATING TO USE OF REVENUE FOR SCRUB OAK ERADICATION, REFORESTATION, TIMBER STAND IMPROVEMENT, AND HARVEST CUTTING IN STATE PARKS; AND BY REPEALING SECTION 48-23-280 RELATING TO USE OF REVENUE FOR SCRUB OAK ERADICATION AND REFORESTATION IN MANCHESTER AND SANDHILLS STATE FORESTS.

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

Acquisition of real estate

SECTION 1. Section 48-23-120 of the S.C. Code is amended to read:

Section 48-23-120. The State Commission of Forestry may acquire, by purchase, gift, or otherwise, timberlands and agricultural lands, and use such lands for timber production, demonstration in forestry practice, erosion and flood prevention, game sanctuaries, public shooting grounds, public hunting, and places of general recreation. The State Commission of Forestry must not acquire land by purchase at a price exceeding its fair market value.

Purposes for which revenues may be used

SECTION 2. Section 48-23-132 of the S.C. Code is amended to read:

Section 48-23-132. Revenue received from hunting privileges, rentals, fuel wood sales, the marketing of pine straw, merchantable timber, forest tree seed, and miscellaneous products on commission lands must be retained by the commission to be used for reforestation of state forests, the development and operation of state forests and forest tree seed orchards, the maintenance of wildlife habitat, and the administration and operation of various programs on commission

holdings. The commission may carry forward unexpended funds under this section to be used for those purposes.

County forestry boards

SECTION 3. Section 48-33-60 of the S.C. Code is amended to read:

Section 48-33-60. The county boards shall assist in the efficient performance of the requirements of this chapter and the general conduct of the forestry program in the county.

Forest fire protection updates

SECTION 4. Section 48-33-70 of the S.C. Code is amended to read:

Section 48-33-70. The State Commission of Forestry shall present an update on forest fire protection activities at the annual meeting of the board. It shall have power to make and enforce all rules and regulations necessary for the administration of forest fire protection.

Access to property

SECTION 5. Section 48-33-80 of the S.C. Code is amended to read:

Section 48-33-80. The State Commission of Forestry and any of its authorized agents may, at any or all times, go upon any land for the purpose of preventing or controlling forest fires, as defined herein, without making themselves liable for trespassing.

Repeal

SECTION 6.A. Section 48-23-270 of the S.C. Code is repealed.

B. Section 48-23-280 of the S.C. Code is repealed.

Effective date

SECTION 7. This act takes effect upon approval by the Governor.

Ratified the 25th day of March, 2026

Approved the 30th day of March, 2026

No. 108

(R115, H3831)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SMART HEART ACT" BY ADDING SECTION 59-17-165 SO AS TO PROVIDE DEFINITIONS AND TO PROVIDE FOR THE DEVELOPMENT AND IMPLEMENTATION OF A CARDIAC EMERGENCY RESPONSE PLAN IN EACH PUBLIC SCHOOL; AND BY AMENDING SECTION 59-17-155, RELATING TO THE AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM IN HIGH SCHOOLS, SO AS TO PROVIDE EACH PUBLIC SCHOOL SHALL ENSURE THE PRESENCE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR ONSITE AND WITHIN CERTAIN PROXIMITY OF SCHOOL ATHLETIC VENUES, AND TO PROVIDE RELATED TESTING, MAINTENANCE, AND PERSONNEL TRAINING REQUIREMENTS.

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

Citation

SECTION 1. This act may be cited as the "Smart Heart Act."

Cardiac emergency response plans in public schools

SECTION 2. Chapter 17, Title 59 of the S.C. Code is amended by adding:

Section 59-17-165. (A) As used in this section:

(1) "Cardiac Emergency Response Plan" or "CERP" means a written document that establishes the specific steps to reduce death from cardiac arrest in a school, workplace, sports facility, or any other school setting.

(2) "Automated External Defibrillator" or "AED" has the same meaning as found in Section 44-76-20.

(3) "Sudden Cardiac Arrest" means the occurrence of when the heart malfunctions and stops beating unexpectedly.

(B) Each public school district or charter school board of trustees shall develop a cardiac emergency response plan that addresses the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while on school grounds.

(C) Each public school district or charter school with an athletic department or organized athletic program that competes in interscholastic activities shall address in their CERP the appropriate use of school personnel to respond to incidents involving an individual experiencing sudden cardiac arrest or a similar life-threatening emergency while attending or participating in a school-sponsored athletic practice or event.

(D)(1) The State Board of Education shall develop standards, practices, and procedures that must be adopted by public school districts and charter school boards of trustees when developing a CERP and utilizing training in accordance with nationally recognized, evidence-based standards. Each CERP shall contain at the minimum, the following elements:

(a) establishment of a school-level cardiac emergency response team;

(b) activation of the team in response to a sudden cardiac arrest;

(c) implementation of AED placement and routine maintenance within each school campus;

(d) maintaining ongoing designated staff training in cardiopulmonary resuscitation and AED use;

(e) periodic practice of CERP function which may include drills involving individuals identified by the school-level cardiac emergency response team;

(f) integration of local medical resources into the plan; and

(g) ongoing and annual review and evaluation of the plan.

(2) If a school's athletics department has a policy, procedure, or plan that addresses catastrophic injury situations within sports, including cardiac emergencies, that meets or exceeds the elements of a CERP required in item (1), then the school's policy, procedure, or plan satisfies the requirements of item (1).

(3) District officials and charter schools shall work with local emergency service providers to integrate the community's emergency management system (EMS) protocols in its CERP.

(E) Appropriate AED placement must comply with the CERP in accordance with evidence-based, emergency cardiovascular care guidelines.

(F) A private school, as defined in Section 59-1-110, or a private institution sponsoring an athletic team or sport in which its students or teams compete against a traditional or charter public school must also comply with this section for the applicable team or sport.

(G) Subject to funding by the General Assembly or South Carolina Department of Education, appropriate school staff must be trained in first aid, CPR, and AED that meet standards adopted by the State Board. Designation of staff to be trained pursuant to this subsection must be determined by the CERP which may include, but may not be limited to, athletic coaches, school nurses, and athletic trainers.

(H)(1) A public school, public school district, public school district governing authority, charter school, charter school governing board, charter school authorizing authority, the South Carolina Department of Education, and employees, volunteers, and other agents of all of those entities including, but not limited to, a school nurse and other designated school personnel, who undertake an act under this section, are not subject to civil or criminal liability for damages caused by injuries to a student or another person resulting from action taken pursuant to this section.

(2) The immunity granted pursuant to item (1) also applies to individuals and entities who:

(a) develop or implement, or participate in the development or implementation of, a plan, pursuant to subsection (B) or (C) including, but not limited to, providing training to school nurses and other designated school personnel;

(b) make publicly available a plan, pursuant to subsection (B) or (C);

(c) provide first aid, CPR, or use an AED pursuant to the activation of the cardiac emergency response plan.

(3) The immunity granted pursuant to this subsection:

(a) does not apply to acts or omissions constituting gross negligence or wilful, wanton, or reckless conduct; and

(b) is in addition to, and not in lieu of, immunity provided pursuant to Sections 15-1-310, 15-78-10, and any other provisions of law.

(4) First aid, CPR, and AED administration pursuant to this section is not the practice of medicine or nursing.

Automated external defibrillator programs in public high schools, athletic venues, training

SECTION 3. Section 59-17-155 of the S.C. Code is amended to read:

Section 59-17-155. (A) Subject to funding by the General Assembly or the South Carolina Department of Education, each school district and the board of each charter school shall develop and implement an automated external defibrillator (AED) program meeting the requirements of Chapter 76, Title 44 for each high school in the district. The program must include provisions that:

(1) require an operational AED on the grounds of the school;

(2) require all persons who are reasonably expected to use the device to obtain appropriate training, including completion of a course in cardiopulmonary resuscitation or a basic first aid course that includes cardiopulmonary resuscitation training and demonstrated proficiency in the use of an AED. The school district superintendent, or the superintendent's designee, and the charter school board of trustees, or charter school board of trustees' designee, shall determine who is reasonably expected to use the device;

(3) establish guidelines for periodic inspections and maintenance of the defibrillators; and

(4) define the purpose of the program and the manner in which the program will operate.

(B) Subject to funding by the General Assembly or South Carolina Department of Education and notwithstanding another provision of law, rule, or regulation to the contrary, each public school, including charter schools, shall ensure that:

(1) an AED, as defined in Section 44-76-20, must be accessible from each on-campus school athletic venue and made available in an unlocked location with appropriate signage on school property as identified in the district cardiac emergency response plan. The AED must be accessible during the school day and any other time in which a school-sponsored athletic event or a team practice in which students are

participating. The presence of an emergency medical services provider, athletic trainer, school nurse, or athletic coach equipped with an AED at a school athletic venue satisfies this requirement;

(2) an AED, as defined in Section 44-76-20, must be made accessible by the host team at each off-site athletic event as specified in the district cardiac emergency response plan. If the host team is unable to provide an AED, the entity sanctioning the event must ensure that an AED is present. The presence of an emergency medical services provider, athletic trainer, school nurse, or athletic coach equipped with an AED at a school athletic event satisfies this requirement;

(3) each defibrillator must be tested and maintained according to the operational guidelines of the manufacturer and notification must be provided to the appropriate first aid, ambulance, rescue squad, or other appropriate emergency medical services provider regarding the type of defibrillator available and its location; and

(4) all athletics coaches shall obtain and maintain training in cardiopulmonary resuscitation, first aid, and the use of the AED. This training in cardiopulmonary resuscitation and AED use must be consistent with evidence-based, emergency cardiovascular care guidelines.

(C)(1) Any person or entity acting in good faith and gratuitously shall be immune from civil liability for the use of an AED unless the person was grossly negligent in the use.

(2) Any designated AED user meeting the requirements of Section 44-76-30(1) and acting according to the required training shall be immune from civil liability for the application of an AED unless the application was grossly negligent.

(3) A person or entity acquiring an AED and meeting the requirements of Section 44-76-30 or an AED liaison meeting the requirements of Section 44-76-30 shall be immune from civil liability for the use of an AED by any person or entity described in items (1) or (2) of this subsection.

(4) A prescribing physician shall be immune from civil liability for authorizing the purchase of an AED, unless the authorization was grossly negligent.

(D) Any person or entity, acting in good faith and gratuitously, that teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of an AED is immune from civil liability for providing this training for use if the:

(1) person or entity has provided the training in accordance with the guidelines and policies of a national training organization, as defined in Section 44-76-30(1);

(2) person providing the training is authorized to deliver that course or curriculum; and

(3) training delivery was not grossly negligent.

(E) The State Fiscal Accountability Authority may establish a state contract for the purchase of AEDs.

(F) The State Department of Education shall pursue both public and private sources for funding to support the implementation of this section at the local level and assist districts and charter schools in applying for federal funds that are, or may be allocated, for items associated with this section.

Regulations

SECTION 4. The South Carolina Department of Education shall adopt rules and promulgate regulations as necessary to implement the provisions of this act.

Time effective

SECTION 5. The provisions of this act take effect July 1, 2026, and are applicable beginning with the 2027-2028 School Year.

Ratified the 25th day of March, 2026

Approved the 30th day of March, 2026

No. 109

(R116, H3858)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 1 OF CHAPTER 23, TITLE 50, SECTION 50-23-345, AND SECTION 50-23-375, ALL RELATING TO THE TITLING OF WATERCRAFT AND OUTBOARD MOTORS, SO AS TO PROVIDE FOR REGULATIONS ON WATERCRAFT AND OUTBOARD MOTORS; BY AMENDING SECTION 12-37-3210, RELATING TO TAX NOTICES FOR BOATS AND BOAT MOTORS, SO AS TO MAKE A

CONFORMING CHANGE; BY AMENDING SECTION 50-23-370, RELATING TO WATERCRAFT CERTIFICATES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO PROVIDE A PROPERTY TAX EXEMPTION FOR 42.8571 PERCENT OF THE FAIR MARKET VALUE OF WATERCRAFT; TO AMEND SECTION 50-23-425, RELATING TO THE DENIAL OF RENEWAL OF REGISTRATION, SO AS TO INCLUDE OUTBOARD MOTORS; BY ADDING SECTIONS 50-23-430, 50-23-440, 50-23-450, 50-23-460, 50-23-470, AND 50-23-480 ALL SO AS TO PROVIDE FOR REGISTRATION OF OUTBOARD MOTORS; BY REPEALING SECTIONS 50-23-350 AND 50-23-380 RELATING TO THE ISSUANCE OF CERTIFICATES OF NUMBER BY AGENTS AND THE TRANSFER OF REGISTRATION UPON CHANGE OF OWNERSHIP, RESPECTIVELY; BY AMENDING SECTION 50-23-320, RELATING TO THE NUMBERING OF VESSEL EXCEPTIONS, SO AS TO PROVIDE AN EXCEPTION FOR A VESSEL COVERED BY A FEDERALLY APPROVED NUMBERING SYSTEM OF ANOTHER STATE; BY AMENDING SECTION 50-21-10, RELATING TO WATERCRAFT DEFINITIONS, SO AS TO AMEND THE DEFINITION OF "OUTBOARD MOTOR"; BY AMENDING SECTION 12-37-220, RELATING TO WATERCRAFT AND MOTORS PROPERTY TAX EXEMPTIONS, SO AS TO REMOVE MOTORS FROM THE EXEMPTION; BY AMENDING SECTION 12-37-714, RELATING TO BOATS WITH SITUS IN THIS STATE, SO AS TO REMOVE REFERENCES TO BOAT MOTORS; BY AMENDING SECTION 12-37-3200, RELATING TO THE TAX YEAR FOR BOATS, SO AS TO REMOVE REFERENCES TO BOAT MOTORS; BY AMENDING SECTION 12-37-3220, RELATING TO PROPERTY TAX RETURNS FOR BOATS, SO AS TO PROVIDE FOR CERTAIN PROPERTY TAX RETURNS; BY AMENDING SECTION 12-37-3230, RELATING TO THE ASSESSED VALUE OF BOATS, SO AS TO PROVIDE FOR THE ASSESSMENT OF BOATS AND WATERCRAFT AND ANY AFFIXED OUTBOARD MOTORS AS A SINGLE UNIT; AND BY AMENDING SECTION 12-37-3240, RELATING TO EXEMPTIONS FROM BOAT AND WATERCRAFT TAX, SO AS TO REMOVE A REFERENCE TO BOAT MOTORS.

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

Titling of watercraft

SECTION 1. Article 1, Chapter 23, Title 50 of the S.C. Code is amended to read:

Article 1

Titling of Watercraft

Section 50-23-5. For purposes of this article, as it relates to the taxing authority of county officials, "watercraft" means anything used or capable of being used as a means of transportation on the water, including any affixed outboard motor, but does not include: a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or anything that does not meet construction or operational requirements of the state or federal government for watercraft.

Section 50-23-10. Each entity desiring to be a marine dealer shall apply for a permit each year. A permit is valid from January first to December thirty-first. The permit cost is ten dollars. Applications for renewals must be received by December fifteenth each year. A marine dealer shall have an established place of business with a street address separate from a residence. A marine dealer shall have a valid business license and permit for each separate facility. A facility is separate if it is not within the same compound or has a separate street address. Marine dealers who sell new or used watercraft shall sell a minimum of ten watercraft or outboard motors a year in order to renew the permit. A dealer who fails to meet minimum requirements each year may request in writing a review of the permit and sales. After review of the dealer's records and after good cause has been shown by the dealer for not meeting the minimum requirements, the department may renew the permit for the calendar year. Permitted marine dealers may apply for demonstration numbers. Marine dealers permitted under this article consent to inspections of the business and its records during regular business hours by department personnel and other law enforcement officers. A dealer who fails to cooperate with department inspections forfeits his permit. A marine dealer permit is invalid when a change is made to one or more of the following:

(1) location address;

(2) federal employer identification number;
(3) South Carolina tax number;
(4) ownership; or
(5) business name.

Section 50-23-11. (A) Dealer demonstration numbers are limited to watercraft that are:

(1) held for sale by the dealership or assigned to the dealership, including customer watercraft in for service and watercraft being ferried by the dealership;

(2) being operated for limited demonstration rides by prospective buyers;

(3) being operated for purposes of buyer demonstration by owners, employees, or corporate officers of the dealership;

(4) being tested for service by the dealership;

(5) being temporarily operated by an established customer whose boat is being repaired; and

(6) valid from the date of issue until December thirty-first inclusive of each year.

(B) The demonstration numbers must not be permanently attached to the vessel but must be on board at all times. Marine dealers who sell watercraft are allowed nine demonstration numbers. Marine dealers who only service watercraft or outboard motors are allowed one demonstration number.

If a dealer allows the operation of a watercraft with demonstration numbers, the dealer shall execute a form identifying the date and time, the specific watercraft, the dealer's permit number, the demonstration number, the purpose for which the watercraft is being operated and if for a prospective sale, the form must include the name of the prospective buyer, the date, the specific watercraft, the dealer's permit number, and the demonstration number. The form and the dealer demonstration number must be on board during operation but need not be attached. Operations with dealer demonstration numbers are limited to seventy-two consecutive hours. This form is not required of owners, employees, or corporate officers who carry dealer identification and who are authorized to use demonstration numbers as provided herein.

(C) All owners, employees, or corporate officers authorized to demonstrate dealer watercraft using demonstration numbers must be listed on the dealer permit application form. The list must be updated as employees are added or deleted within thirty days of a change. Owners, employees, or officers not listed may not use demonstration numbers.

(D) It is unlawful to misuse dealer demonstration numbers or allow

dealer demonstration numbers to be misused. A person convicted of misusing or allowing the misuse of dealer demonstration numbers is guilty of a misdemeanor and, upon conviction, for a first offense must be fined not more than five hundred dollars. For a second offense within three years of the first conviction, the offender must be fined at least two hundred dollars but not more than five hundred dollars. The dealer demonstration numbers are suspended for one year and must be surrendered to the department.

(E) The fee for a dealer demonstration number is thirty dollars and the fee must accompany the application for each demonstration number. Demonstration numbers expire on December thirty-first of each year or on the same date the marine dealer permit under which they were issued is voided, surrendered, or revoked. All revenue from each demonstration number must be used to support the Marine Investigations section of the department.

(F) Manufacturer demonstration numbers are limited to watercraft or outboard motors that are being operated for the purpose of testing. Manufacturer demonstration numbers are valid from the date of issue until December thirty-first inclusive of each year.

(G) A person does not violate the provisions of Section 50-23-190 relating to possessing or operating a watercraft without a proof of title if the person possesses appropriate demonstration numbers for the watercraft.

Section 50-23-12. A permitted marine dealer that accepts any watercraft or outboard motor as a trade-in must obtain from the owner a completed change in status form indicating the trade-in. The dealer must submit the form to the department within thirty days in the manner prescribed.

Section 50-23-20. Any watercraft held or principally used in this State must be titled by the department. An owner of a watercraft titled in this State must notify the department within thirty days if ownership is transferred to another person, entity, or transferred out of state or otherwise disposed.

Section 50-23-24. Neither the owner of a boat livery nor his agent or employees may permit any of his vessels to depart from his premises unless it is registered properly, numbered, and titled.

Section 50-23-30. The following are not required to be titled:

(1) watercraft documented by the United States Coast Guard or its

predecessor or successor agency;

(2) outboard motors for watercraft;

(3) watercraft propelled exclusively by human power; and

(4) water skis, aquaplanes, surfboards, windsurfers, and similar devices.

Section 50-23-35. (A) No title for a watercraft may be issued by the department if currently titled in this State or titled or registered in another state unless it is accompanied by a receipt from the applicant's appropriate county official stating payment of ad valorem taxes due for the tax year in which the ownership was initiated has been paid. Applications submitted more than one year after ownership was initiated must be accompanied by paid tax receipts for all subsequent years up to the date the application was accepted by the department.

(B) A title for a watercraft sold by a permitted marine dealer is exempt from the requirement for a paid tax receipt and may be titled by the department without the receipt indicating ad valorem taxes have been paid. The department must transmit daily a list of the titles and certificates of registration issued under this exemption to the respective county official for collection of ad valorem taxes.

(C) No receipt is required for a watercraft designated as exempt from ad valorem taxes by the appropriate county official, provided that each county makes such a determination when a watercraft is titled in their respective county.

Section 50-23-55. (A) A certificate of title to a watercraft is prima facie evidence of ownership of a watercraft. All watercraft subject to the titling requirements of this chapter must be titled.

(B) No person may acquire a watercraft, subject to the titling requirements of this chapter, without obtaining a certificate of title or in the case of a new watercraft a manufacturer's or importer's statement of origin reflecting the person acquiring the watercraft as the original purchaser as provided in this chapter. In the case of watercraft from other jurisdictions that do not require titling, a bill of sale and proof of registration may be substituted for the title.

(C) No person may dispose of a watercraft subject to the titling provisions of this chapter without transferring to the person acquiring the watercraft a certificate of title reflecting the transfer of the watercraft. In the case of new watercraft, a manufacturer's statement of origin must be delivered to the purchaser. In the case of watercraft from other states or foreign jurisdictions, which do not title such watercraft, a bill of sale and proof of registration may be substituted.

Section 50-23-60. (A) Every person who acquires a watercraft required to be titled under this chapter shall apply to the department within thirty days of the date of acquisition for a certificate of title for the watercraft accompanied by the required fee and on forms required by the department. The application must be signed by the person who acquires the watercraft and shall contain:

(1) the applicant's name, domiciled address, including the county, date of birth, and the county where the watercraft is principally located, state-issued identification number, and state of issue;

(2) a description of the watercraft, including its make, model, model year, length, the principal material used in construction, hull number, and the manufacturer's engine serial number if an inboard;

(3) the date of acquisition by the applicant, the name and address of the person from whom the watercraft was acquired, and the names and addresses of persons having a security interest in the order of their priority;

(4) a bill of sale;

(5) further information reasonably required by the department to enable it to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the watercraft;

(6) when a Transfer on Death (TOD) beneficiary is designated, each TOD beneficiary's name, domiciled address, including the county, date of birth, state-issued identification number, and state of issue; and

(7) in the case of one or more TOD beneficiaries receiving the title and registration to a watercraft, a bill of sale shall not be required for the department to issue a title, but such TOD beneficiaries shall establish the death of all owners of the watercraft.

(B) Every dealer selling or exchanging a watercraft subject to titling under this chapter shall complete the application for a new title in the name of the purchaser before delivering the watercraft to the purchaser. The application shall contain the name and address of a lienholder and the date of the security agreement. It must be signed by the dealer showing the assigned dealer permit number, as well as by the owner, and the dealer shall submit the application to the department within thirty days of the sale. However, permitted marine dealers are not required to obtain titles for new vessels held in their inventory for sale until they are sold or exchanged as long as a proper manufacturer's or importer's statement of origin is held by the dealer. The fees for title and registration may not exceed those required by this article and if requested must be itemized on the bill of sale to the new owner. This does not prohibit a dealer from charging an administrative fee for processing title and

registration.

(C) If a dealer buys or acquires a used watercraft for resale and the watercraft is already covered by a certificate of title which is surrendered to him by the owner or lienholder at the time of delivery of the watercraft, the dealer need not send the certificate to the department at that time. Upon transferring the watercraft to another person, other than by creation of a security interest, within thirty days of sale he shall execute the assignment and warranty of title by a dealer, showing the name and address of the transferee and a lienholder and the date of his security agreement, in the spaces provided, on the certificate to the department with the transferee's application for a new certificate.

(D) If application for certificate of title is made for a watercraft last owned in another state or foreign country, the application shall contain or be accompanied by:

(1) the certificate of title issued by the other state or foreign country if any;

(2) other information or documents the department reasonably requires to establish the ownership of the watercraft and the existence or nonexistence of security interests in it; or

(3) if the state or foreign country in which the watercraft was last owned does not issue certificates of title, a bill of sale or sworn statement of ownership or evidence of ownership required by the law of the state or foreign country from which the watercraft was brought into this State, and proof of registration plus other information or documents the department reasonably requires to establish the ownership of the watercraft and the existence or nonexistence of security interests in it.

(E) An application except those from permitted marine dealers presented after thirty days is subject to a late penalty of fifteen dollars.

(F) An application presented after sixty days is subject to a late penalty of thirty dollars.

Section 50-23-70. (A) The fee for a certificate of title for a watercraft is ten dollars.

(B) If a certificate of number or decals are lost, destroyed, or become illegible, the department may issue a duplicate.

(C) The fee for providing a duplicate document or decal is five dollars.

(D) The provisions of this section requiring a fee do not apply to the watercraft owned by volunteer rescue squads used exclusively for the purpose of the squads.

(E) The department must not issue a duplicate document for a certificate of number decal, certificate of number card, outboard motor registration decal, or watercraft title decal if the department has notice

that ad valorem taxes are due.

(F) The fee to establish, modify, or revoke a Transfer on Death designation upon a certificate of title for watercraft is ten dollars.

Section 50-23-80. (A) The department shall file each application for certificate of title which is received by it, provided it is accompanied by the required fee and complies in all other respects with this chapter. When satisfied that the application is in proper form, that the applicant is the owner of the watercraft, and that there is no security interest in the watercraft not disclosed in the application, the department shall issue a certificate of title to the watercraft.

(B) The department shall maintain a record of all certificates of title issued by it:

(1) under a distinctive title number assigned to a watercraft;

(2) under the identification number awarded to a watercraft in accordance with the registration and numbering act of the state in which it is registered;

(3) alphabetically, under the name of the owner; and

(4) in the discretion of the department, in any other method it determines.

(C) All records of the department relating to the titling of watercraft shall be public records.

(D) If the department is not satisfied that the applicant for a certificate of title to a watercraft is the bona fide owner of such watercraft and that there is no security interest in it not disclosed in the application, the department shall withhold the issuance of a certificate of title until the applicant reasonably satisfies the department that the applicant is the owner of the watercraft and that there are no undisclosed security interests in it.

Section 50-23-90. (A) Each certificate of title issued by the department shall contain:

(1) the date issued;

(2) the name and address of the owner;

(3) the names and addresses of any lienholders, in the order of priority as shown on the application or, if the application is based on a certificate of title, as shown on the certificate;

(4) the title number assigned to the watercraft;

(5) a description of the watercraft, including its make, model, model year, or year of manufacture, registration number, and manufacturer's serial number or, hull number assigned to the watercraft by the department, length, and the principal material used in construction;

(6) on the reverse side of the certificate, spaces for assignment of title by the owner or by the dealer and for a warranty that the signer is the owner and that there are no mortgages, liens, or encumbrances on the watercraft except as are noted on the face of the certificate of title;

(7) information of whether Transfer on Death beneficiary designations have been filed with the department; and

(8) any other data the department prescribes.

(B) A certificate of title issued by the department is prima facie evidence of the facts appearing on it.

Section 50-23-110. (A) No dealer shall acquire a new watercraft or outboard motor without obtaining from the seller a manufacturer's or importer's statement of origin.

(B) No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new watercraft or outboard motor to a dealer without delivering to the dealer a manufacturer's or importer's statement of origin.

(C) The manufacturer's or importer's statement of origin must be a uniform or standardized form prescribed by the department and must contain:

(1) for a watercraft, the description of watercraft including its make, year of manufacture, or model year, and manufacturer's hull identification number, length, and construction, for an outboard motor the description including its make, model, year of manufacture, or model year, manufacturer's serial number, and horsepower;

(2) certification of date of transfer of watercraft or outboard motor, and name and address of transferee;

(3) certification that this was a transfer of watercraft or outboard motor in ordinary trade and commerce;

(4) the signature and address of a representative of the transferor;

(5) on the reverse side of each manufacturer's or importer's statement of origin an assignment form, including the name and address of the transferee, a certification that the watercraft is new, and a warranty that the title at the time of delivery is subject only to liens and encumbrances set forth and described in full in the assignment; and

(6) on the reverse side of each manufacturer's or importer's statement of origin an assignment form including the name and address of the transferee and a certification that the outboard motor is new.

Section 50-23-120. (A) The owner at the time of delivery of the watercraft shall execute the assignment and warranty of title to the transferee in the space provided on the back of the certificate of title. If

the title is voided, due to a change, cancellation of an assignment on a title due to error, or failure of a purchase to materialize the owner, shall make application for a duplicate title within thirty days.

(B) The transferee or purchaser shall obtain a new certificate of title by application to the department accompanied by the required fee and upon the form or forms prescribed and furnished by the department. This application for certificate of title must be filed within thirty days after the delivery to him of the watercraft.

Section 50-23-125. (A) In lieu of paper documents, the department is authorized to transmit and receive the following information through secure electronic means for a certificate of title:

(1) the title for a watercraft with any liens or security interests;

(2) to the first lienholder on the title, the addition of subsequent liens; and

(3) the discharge of a security interest or lien from a lienholder on the title.

The certificate of title record must contain the same information noted on a paper certificate of title. Upon receipt of the discharge of the final lien, a clear title must be printed and conveyed to the owner at the address on file with the department. The provisions of this section do not alter the priority of lienholders and encumbrances against a certificate of title. A duly certified copy of the department's electronic record of the lien is admissible in a civil, criminal, or administrative proceeding as evidence of existence of the lien.

(B) The department is authorized to collect an electronic transaction fee not to exceed five dollars for each transaction from commercial parties who transmit or retrieve data from the department pursuant to this section. The fee collected by the department is an official fee and must be used to defray the expenses of the electronic lien program.

(C) Notwithstanding Sections 37-2-202 and 37-3-202, commercial entities and lenders who transmit or receive data from the department pursuant to the provisions of this section may collect an electronic transfer fee not to exceed five dollars for each transaction from the owners of watercraft. A fee charged by the department related to a titled watercraft for the purposes of transmittal or retrieval of this data is deemed an official fee as referenced in Sections 37-2-202 and 37-3-202.

(D) All businesses and commercial lenders who are regularly engaged in the business or practice of selling watercraft as a licensed dealer pursuant to this chapter or in the business or practice of financing watercraft shall utilize the electronic lien system to transmit and retrieve electronic lien information. The department shall maintain contact

information on its website for service providers utilizing an electronic interface between the department, lienholders, and sellers of watercraft. The department must establish procedures to ensure compliance with the use of the electronic lien system and provide for valid exceptions as determined by the department.

Section 50-23-130. (A) If the ownership of a watercraft or outboard motor is transferred by operation of law, such as by inheritance, Transfer on Death, devise or bequest, order in bankruptcy, insolvency, replevin, or execution sale, or satisfaction of mechanic's lien, or repossession upon default in performance of the terms of a security agreement, the transferee shall, except as provided in subsection (B), promptly mail or deliver to the department:

(1) his application for a new certificate of title, or outboard motor registration, as applicable, upon the appropriate form prescribed and furnished by the department and accompanied by the required fee; and

(2) the last certificate of title, the manufacturer's or importer's statement of origin, last outboard motor registration, or other satisfactory proof of the transfer of ownership.

(B) If the ownership of a watercraft is terminated in accordance with the terms of a security agreement by a lienholder named in the certificate of title, the transferee shall promptly mail or deliver to the department the last certificate of title, his application for a new title accompanied by the required fee and upon the form or forms prescribed and furnished by the department, and an affidavit by the lienholder or his authorized representative, setting forth the facts entitling him to possession and ownership of the watercraft, together with a copy of the journal entry, court order or instrument upon which such claim of possession and ownership is founded. If the lienholder cannot produce such proof of ownership, he may submit such evidence as he has with his application to the department, and the department may, if it finds the evidence to be satisfactory proof of ownership, issue a new certificate of title.

(C) If a lienholder succeeds to the interest of an owner in a watercraft by operation of law and holds such watercraft for resale, he need not secure a new certificate of title thereto but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and such other documents as the department may require.

Section 50-23-140. (A) If a lien or encumbrance is first created at the time of transfer, the certificate of title must be retained by or delivered to the lienholder or retained electronically or delivered to the lienholder

electronically. All liens, mortgages, and encumbrances noted upon a certificate of title take priority according to the order of time in which they are noted on it by the department. All such liens, mortgages, and encumbrances must be valid as against the creditors of the owner of a watercraft, whether armed with process or not, and against subsequent purchasers of any such watercraft, or against holders of subsequent liens, mortgages, or encumbrances upon the watercraft.

(B) When a lien is discharged, the holder shall note that fact on the face of the certificate of title or discharge the lien electronically through the system prescribed by the department. If the lienholder holds a paper certificate of title, within thirty days of discharging the lien, the holder shall present it to the department.

(C) A security interest is perfected by the delivery to the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the lienholder and the date of the security agreement, and the required fee. It is perfected as of the time of its creation if the delivery is completed within thirty days of its creation, otherwise, as of the time of the delivery.

(D) If the person acquires a watercraft and the title shows an outstanding lien and neither the department nor the transferee can verify the existence of the lien, the transferee may provide proof of an attempt to notify the lienholder of record of the transfer and the attempt to verify the existence of the lien by certified mail and if the lienholder of record does not respond within thirty days of the attempted notice, the lien is unenforceable and the department shall issue a title clear of the lien.

(E) If an owner of a watercraft attempts to verify the existence of a lien and neither the owner nor the department can verify the existence, the owner may provide proof of an attempt to notify the lienholder of record to verify the existence of the lien by certified mail and if the lienholder of record does not respond within thirty days of the attempted notice, the lien is unenforceable and the department shall issue a title clear of the lien.

Section 50-23-150. (A) If a certificate of title is lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, may obtain a duplicate by application to the department, furnishing such information concerning the original certificate and the circumstances of its loss, mutilation or destruction as may be required by the department.

(B) An application for and issuance of a duplicate certificate of title is complete when the department invalidates the current certificate of title

number and issues a new certificate of title number for the watercraft. It shall be mailed to the first lienholder named in it or, if none, to the owner. Issuing a duplicate title number does not modify the status of ad valorem taxes noticed to the department by county officials under the previous title number.

(C) In case an original certificate of title is mutilated or rendered illegible, such mutilated or illegible certificate shall be returned to the department with the application for a duplicate.

(D) In the event a lost or stolen original certificate of title for which a duplicate has been issued is recovered, it shall be surrendered promptly to the department for cancellation.

Section 50-23-170. (A) If a watercraft contains a permanent identification number placed on it by the manufacturer, the manufacturer's serial number must be used as the builder's hull number. If there is no manufacturer's serial number, if the manufacturer's serial number has been removed or obliterated, or if the watercraft is homemade, the department, upon application, shall assign a permanent identification number which must be used as the builder's hull number for the watercraft. This assigned number must be affixed permanently to or imprinted by the applicant at the place and in the manner designated by the department upon the watercraft for which the builder's hull number is assigned. "Homemade watercraft or outboard motor" means a watercraft or outboard motor which is built by an individual for personal use from raw materials which does not require the assignment of a federal hull identification number or serial number by a manufacturer pursuant to federal law. An individual may build or furnish raw materials to a builder under a contract to build a homemade watercraft or outboard motor to desired specifications. A copy of the contract, specifications, and bill of sale for raw materials must accompany registration and title application. The person furnishing materials under a contract may be considered the builder. A rebuilt or reconstituted watercraft or outboard motor must not be construed to be homemade. Every homemade watercraft must be certified as meeting safety standards of the United States Coast Guard before it can be sold by the builder. Certification must be furnished to the purchaser and a copy accompany applications for transfer to the department.

(B) Every outboard motor must have a permanent identification number placed on it in at least two locations by the manufacturer. This number must be used as the serial number. If there is no manufacturer's serial number or if the manufacturer's serial number has been removed for a valid reason or obliterated, the department, upon a prescribed

application, may assign a serial number for the outboard motor. This assigned serial number must be affixed permanently to or imprinted by the applicant at the place and in the manner designated by the department upon the outboard motor for which the serial number is assigned.

(C) No newly manufactured watercraft or outboard motor may be sold or offered for sale by a person in this State unless the watercraft or outboard motor has a hull identification number or serial number permanently affixed, and the number also must be affixed permanently in a hidden place.

(D) Manufacturer's serial numbers or hull identification numbers for watercraft must be imprinted clearly in the stern transom knee or other essential hull member near the stern by stamping, impressing, or marking with pressure or for an inboard watercraft on the main inside beam. In lieu of imprinting, the manufacturer's serial number or hull identification number may be displayed on a plate in a permanent manner. In addition to being permanent the number must be accessible. Hull identification or serial numbers must be installed according to United States Coast Guard regulations. If the serial number or hull identification number is displayed in a location other than on or near the stern transom, the department must be notified by the manufacturer as to the location.

(E) No person may destroy, remove, alter, cover, or deface the manufacturer's serial number or hull identification number or part of it, or plate bearing the number, or a serial number or hull identification number or part of it assigned by the department or be in possession of an affected watercraft or outboard motor unless authorized in writing by the department and the Commandant of the United States Coast Guard.

Section 50-23-180. (A) Every law enforcement agency, peace officer, owner, or insurer in the State, having knowledge of a stolen or converted watercraft or outboard motor, immediately shall furnish the department with full information concerning the theft or conversion.

(B) The department, whenever it receives a report of the theft or conversion of a watercraft or outboard motor, shall make a record of it, including the make of the stolen or converted watercraft or outboard motor and its hull number or serial number, and shall file the same in the numerical order of the hull number or serial number with the index records of the watercraft or outboard motors of such make. The department shall prepare a report listing watercraft or outboard motors stolen and recovered as disclosed by the reports submitted to it, to be distributed as it deems advisable.

(C) In the event of the recovery of a stolen or converted watercraft or

outboard motor, the owner or insurer immediately shall notify the department in writing.

(D) Law enforcement agencies shall notify the department of recovery of any stolen watercraft or outboard motor immediately.

Section 50-23-185. Any law enforcement officer may inspect a junkyard, scrap metal processing facility, salvage yard, marina, repair shop, boat yard, dry dock, licensed business buying, selling, displaying, trading watercraft or outboard motors, new and used or parts of watercraft and outboard motors, or both, parking lots, and public garages or any other person dealing with salvaged watercraft or outboard motors or parts of them.

The physical inspection must be conducted while an employee or owner is present and must be for the purpose of locating stolen watercraft or outboard motors, investigating the titling or registration of watercraft or outboard motors wrecked or dismantled.

Section 50-23-190. No person may:

(1) be in possession of or operate on the waters of this State a watercraft for which a certificate of title is required unless a certificate of title has been issued to the owner;

(2) be in possession of or operate on the waters of this State a watercraft for which a certificate of title is required upon which the certificate of title has been canceled;

(3) be in possession of or operate on the waters of this State a sailboat required to be titled without properly displaying the title decal;

(4) sell, transfer, or otherwise dispose of a watercraft or an outboard motor without delivering to the purchaser or transferee a certificate of title, bill of sale, or a manufacturer's or importer's statement of origin assigned to the purchaser or transferee as required by this chapter;

(5) fail to surrender to the department a certificate of title upon cancellation of the title by the department for a valid reason set forth in this chapter or regulations adopted pursuant to it; or

(6) dispose of a rejected or defective watercraft hull or outboard motor in the manufacturing process except by upgrading the hull to meet United States Coast Guard requirements or destroying the hull or outboard motor.

Section 50-23-200. No person may:

(1) alter, forge, or counterfeit a certificate of title, bill of sale, or manufacturer's or importer's statement of origin for a watercraft or for an outboard motor;

(2) alter or falsify an assignment of a certificate of title, bill of sale, or an assignment or cancellation of a security interest on a certificate of title to a watercraft or to an outboard motor;

(3) hold or use a certificate of title to a watercraft nor hold or use an assignment or cancellation of a security interest on a certificate of title to a watercraft knowing it to have been altered, forged, counterfeited, or falsified;

(4) have possession of, buy, receive, sell or offer for sale, or otherwise dispose of a watercraft or outboard motor knowing or having reason to believe the watercraft or outboard motor has been stolen. No person may procure or attempt to procure a certificate of title to a watercraft or pass or attempt to pass a certificate of title or an assignment to a watercraft knowing or having reason to believe the watercraft has been stolen;

(5) have possession of, buy, receive, sell or offer for sale, or otherwise dispose of in this State a watercraft or outboard motor on which a manufacturer's hull identification number or part of it or assigned serial number has been destroyed, removed, covered, altered, or defaced, knowing or having reason to believe of the destruction, removal, covering, alteration, or defacement of the manufacturer's hull identification number or part of it or assigned serial number; or

(6) destroy, remove, cover, alter, or deface the manufacturer's hull identification number or part of it or assigned serial number on a watercraft or an outboard or inboard motor.

Section 50-23-201. (A) Any person or entity that attempts to obtain a certificate of title, certificate of number or decals by fraud or misrepresentation or who obtains a certificate of title or certificate of number or decals by fraud or misrepresentation is guilty of a misdemeanor and, upon conviction, must be fined five hundred dollars or imprisoned not more than thirty days, or both.

(B) Any certificate or decal obtained by fraud or misrepresentation is void.

Section 50-23-205. Reserved.

Section 50-23-210. (A) The department shall have the authority to suspend or revoke a certificate of title to a watercraft, or registration of an outboard motor, upon reasonable notice and hearing, when authorized by any other provision of law or if he finds:

(1) the certificate of title was fraudulently procured or erroneously issued; or

(2) the watercraft, or outboard motor, has been scrapped,

dismantled, or destroyed, or transferred and registered in another state.

(B) Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

(C) When the department suspends or revokes a certificate of title, or registration of an outboard motor, the owner or person in possession of it shall, immediately upon receiving notice of the suspension or revocation, mail or deliver the certificate to the department.

(D) The department may seize and impound any certificate of title or registration of an outboard motor which has been suspended and revoked.

Section 50-23-220. (A) Except as provided in subsection (B), all fees received and money collected under the provisions of this chapter must be deposited in the State Treasury and set apart in a special fund. Appropriations from this fund must be used for the expenses of the department in administering the provisions of this chapter or for any purpose related to the mission of the department.

(B) Revenues from each of the following revenue sources must be used by the department as described below:

(1) fees from each certificate of title, seventy percent must be used for law enforcement responsibilities and the balance for the purposes provided for in subsection (A);

(2) fees from each watercraft registration and renewal, sixty-seven percent must be used for law enforcement responsibilities and the balance for the purposes provided for in subsection (A);

(3) fees from each duplicate document, sixty percent must be used for law enforcement responsibilities and the balance for the purposes provided for in subsection (A);

(4) fees from each decal and duplicate decal, one hundred percent for the purposes provided for in subsection (A);

(5) fees from each outboard motor registration, one hundred percent for the purposes provided for in subsection (A); and

(6) fees from each Freedom of Information Act inquiry related to watercraft and outboard motor records, one hundred percent for the purposes provided for in subsection (A).

(C) Fund balances may be retained and carried forward to the following years for the purposes described in this title.

Section 50-23-230. The department is authorized and empowered to make, adopt, promulgate, amend, and repeal all rules and regulations necessary, or convenient for the carrying out of the duties and obligations and powers conferred on the department by this chapter.

Section 50-23-240. A copy of the regulations adopted pursuant to this chapter, and of any amendments thereto, shall be filed in the office of the board and in the office of the official State record-keeping agency. Rules and regulations shall be published by the department in a convenient form.

Section 50-23-250. The director, for the purpose of more effectively carrying out the provisions of this chapter, shall have the power to employ and appoint the necessary enforcement officers for enforcement of this chapter. The duties of such enforcement officers shall include but not be limited to investigating applications for certificate of title, inspecting watercraft, or outboard motors, in or at public facilities for purposes of locating stolen property, and investigating and reporting thefts of watercraft, or outboard motors. With respect to the enforcement of the provisions of this chapter, such enforcement officers shall have and may exercise throughout this State all of the powers of peace officers.

Section 50-23-260. Reserved.

Section 50-23-270. A transfer of a watercraft or outboard motor is subject to this chapter. A person making a false statement in a document or other submission to the department is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty nor more than five hundred dollars or imprisoned not more than thirty days.

Section 50-23-275. Reserved.

Section 50-23-280. (A) Unless otherwise specified, a person violating this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five nor more than five hundred dollars or imprisoned not more than thirty days, or both.

(B) A dealer violating this chapter is guilty of a misdemeanor and, upon conviction, must be fined not less than twenty-five dollars for the first offense, and not less than one hundred dollars for a second offense within two years. For the second and subsequent offenses, the dealer's permit must be suspended for ninety days. Any demonstration numbers must be surrendered to the department. A dealer who submits a fraudulent document or payment to the department must be suspended for ninety days.

Section 50-23-290. Any person coming into possession of a watercraft or outboard motor without proper proof of ownership must apply to the department for a title, or outboard motor registration, as applicable, using the form prescribed by the department. The application must be supported by an affidavit setting forth the circumstances under which the watercraft or outboard motor was acquired. The applicant must attempt to notify the last known titled or registered owner and any lienholder of record by certified mail of the application. The applicant must provide the department with proof of mailing.

The applicant must publish an advertisement in a newspaper of general circulation in the county of residence of the last known owner of record for three successive issues. If there is no prior owner of record, the advertisement must be published in the county where acquired. The advertisement must be as prescribed by the department in the application. Proof of advertising must be submitted to the department.

Thirty days after the date of the last advertisement if no claim of interest or ownership is made and the item has not been reported stolen, the department shall issue a clear title. If the item is reported stolen, the department shall dispose of the item according to law.

If there is a claim of interest adverse to the applicant, the department shall not issue a title until the issue is resolved. The parties may apply to a court of competent jurisdiction for resolution.

Section 50-23-295. (A) A certificate of title to watercraft or an outboard motor registration may not be transferred if the department has notice that property taxes for property tax years beginning after 1999, are owed on the watercraft or outboard motor. If transfer of title or outboard motor registration has been denied pursuant to this section, a tax receipt on the watercraft or outboard motor registration from the person officially charged with the collection of ad valorem taxes in the county where the taxes are due must be accepted as proof that the taxes have been paid. The bill of sale or title must require certification that property taxes that are due and payable for property tax years beginning after 1999, have been paid and are current as of the date of sale.

(B) A person who knowingly sells a watercraft or outboard motor for which he owes unpaid and outstanding property taxes, or on which he knows there is a property tax lien, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days. In addition to all applicable criminal penalties, a seller who falsely signs the certification required by subsection (A), that property taxes are current and paid on a watercraft transferred to the buyer, is liable to the buyer for three times the amount

of damages directly associated with the false certification, as well as applicable costs and reasonable attorney's fees.

(C) The county treasurer or other appropriate official annually, or more frequently as the county considers appropriate, shall transmit a list of delinquent taxes due on watercraft and outboard motors to the department. The list may be transmitted in any electronic format considered acceptable by the department.

Outboard motors

SECTION 2. Section 50-23-345 of the S.C. Code is amended to read:

Section 50-23-345. (A) A transferee shall utilize the temporary certificate of number on the department's application form as a temporary certificate of number to permit the use of watercraft while applications for certificates of number are processed. Temporary certificates of number apply to new and previously owned watercraft. A temporary certificate is valid for not more than sixty days from the date of purchase. No temporary certificate of number may be issued for a boat or watercraft until the ad valorem tax is paid for the year for which the registration is to be issued.

(B) When using a recently purchased watercraft under authority of a temporary certificate of number, the operator shall carry a copy of the bill of sale on board along with the temporary certificate of number.

(C) A temporary certificate of number must not be issued for a watercraft not having a hull or manufacturer's identification number.

(D) Duplicate or updated temporary certificates of number or updated bills of sale are prohibited.

(E) The number assigned to a temporary certificate of number must not be displayed on the watercraft.

(F) A transferee may operate a newly acquired outboard motor for sixty days while application for an outboard motor registration number is pending provided the bill of sale is in possession while operating the motor.

Unlawful display of outboard motor registration

SECTION 3. Section 50-23-375 of the S.C. Code is amended to read:

Section 50-23-375. It is unlawful to display a registration number or a validation decal or sailboat title decal on any watercraft except on the watercraft for which it was issued. It is unlawful to display an outboard

motor registration decal on any outboard motor except on the outboard motor for which it was issued.

Tax notice

SECTION 4. Section 12-37-3210(A) of the S.C. Code is amended to read:

(A) The auditor shall prepare a tax notice for all boats and watercraft owned by the same person and titled at the same time for each tax year. A notice must describe the boats or watercraft by name, model, and identification number. The notice must set forth the assessed value of the boat, the millage, the taxes due on each boat, and the tax year. The notice must be delivered to the county treasurer or official charged with the collection of taxes, who must collect or receive payment of the taxes. One copy of the notice must be in the form of a bill or statement for the taxes due on the boat and, when practical, the auditor shall mail that copy to the owner of the boat. When the tax and all other charges included on the tax bill have been paid, the county treasurer or official charged with the collections of taxes shall issue the taxpayer a paid receipt once all charges on the tax bill including the taxes have been paid. The receipt or a copy may be delivered by the taxpayer to the Department of Natural Resources with either the application for and issuance of number and certificate referenced in Section 50-23-340 or the renewal application for a certificate of number referenced in Section 50-23-370. A record of the payment of the tax must be retained by the treasurer. The auditor shall maintain a separate duplicate for boats and watercraft. No certificate of number may be issued by the Department of Natural Resources unless the application is accompanied by the receipt, or notice from the county treasurer, by other means satisfactory to the Department of Natural Resources, of payment of the tax.

County Auditor

SECTION 5. Section 50-23-370(B) of the S.C. Code is amended to read:

(B)(1) Each county auditor annually shall mail watercraft certificate of number renewal notices to the owners of watercraft in the county as determined by the Department of Natural Resources no later than forty-five days before expiration of the certificate. The renewal notices, including the fees upon completion, must be returned to that county

which shall:

(a) process the application and, if granting the renewal, notify the department to issue a renewed certificate and decal;

(b) transmit the processed renewal notices to the department within seven days; and

(c) transmit the fees, including any late fees, to the appropriate state fund.

(2) Each county auditor must have access to the motorboat titling and registration records of the department as applicable to the county auditor in the manner the county auditor and department agree for the purpose of the county auditor performing the functions required in item (1).

(3) The department may not charge counties for online access network fees for watercraft and owner information.

(4) If a certificate of number is not approved immediately by the department, an owner may operate under a paid tax receipt for thirty days.

Property tax exemption

SECTION 6.A. Section 12-37-220(B) of the S.C. Code is amended by adding:

(54) 42.8571 percent of the fair market value of watercraft as defined in Section 50-23-5; however, this exemption does not apply to a boat or watercraft classified as a primary or secondary residence as provided for in Section 12-37-224.

B. A boat or watercraft that qualifies for both the exemption set forth in Section 12-37-220(B)(38)(b) and the exemption set forth in Section 12-37-220(B)(54) of the S.C. Code is only eligible for the higher effective exemption. Such exemptions cannot be combined and are not cumulative.

C. Section 12-37-220(B)(38)(b) is repealed on January 1, 2030, and thereafter, any ordinance adopted pursuant thereto, is null and void, and shall not apply to any property tax year beginning after 2029.

D. Notwithstanding the exemption amount allowed pursuant to Section 12-37-220(B)(54), as added by subsection (A) of this SECTION, the percentage exemption amount is phased-in in three equal and cumulative percentage installments, applicable for property tax years beginning

after 2026.

Registration of watercraft or outboard motor

SECTION 7. Section 50-23-425 of the S.C. Code is amended to read:

Section 50-23-425. A registration of watercraft or outboard motor may not be renewed pursuant to this chapter if the department has notice that property taxes are owed on the watercraft or outboard motor. If renewal of registration has been denied pursuant to this section, a tax receipt from the person officially charged with the collection of ad valorem taxes in the county of residence must be accepted by the department as proof that the taxes have been paid.

Registration

SECTION 8. Article 3, Chapter 23, Title 50 of the S.C. Code is amended by adding:

Section 50-23-430. Any outboard motor of at least five horsepower, or its equivalent, used on the waters of this State must be registered with the department. An owner of an outboard motor registered in this State must notify the department within thirty days if ownership is transferred to another person, entity, or transferred out of state or otherwise disposed.

Section 50-23-440. (A) An outboard motor is not required to be registered under this chapter if the vessel it is attached to is:

(1) covered by a federally approved watercraft numbering system of another state. However, this vessel must not be held or used in this State for more than sixty consecutive days;

(2) from a country other than the United States and temporarily using the waters of this State;

(3) a vessel whose owner is the United States except recreational type vessels;

(4) a vessel whose owner is the United States, a state, or political subdivision to a state used for governmental purposes and which is clearly identifiable as such;

(5) a vessel’s lifeboat if the boat is used solely for lifesaving purposes;

(6) a vessel’s tender;

(7) a boat designed, constructed, and used for racing;

(8) a vessel belonging to a class of boats which has been exempted from numbering by the department after the department has found that the federal government has exempted the vessel or class of vessels from their numbering provisions or as otherwise permitted by the federal government;

(9) documented by the United States Coast Guard or a federal agency successor to it; or

(10) used under authority of a valid temporary registration number issued by the department.

Section 50-23-450. (A) Every person who acquires an outboard motor required to be registered under this article shall register with the department within thirty days of the date of acquisition. The registration must be completed on forms required by the department. The fee for registration is ten dollars. The registration must be signed by the person who acquires the outboard motor and must contain:

(1) the applicant's name, domiciled address including the county, date of birth, and the county where the outboard motor is principally located, state-issued identification number, and state of issue;

(2) its make, model, and horsepower, and manufacturer's serial number, whether the outboard motor is new or used;

(3) the date of acquisition by the applicant, the name and address of the person from whom the outboard motor was acquired; and

(4) a bill of sale.

(B)(1) When a Transfer on Death (TOD) beneficiary is designated, the registration must contain each TOD beneficiary's name, domiciled address, including the county, date of birth, state-issued identification number, and state of issue.

(2) In the case of one or more TOD beneficiaries receiving the title and registration to an outboard motor, a bill of sale may not be required for the department to issue a title, but such TOD beneficiaries shall establish the death of all owners of outboard motors.

(3) The fee to establish, modify, or revoke a Transfer on Death designation upon a registration is ten dollars.

(C) Every dealer selling or exchanging an outboard motor subject to registration under this article shall complete the registration in the name of the purchaser at the time of delivery of the outboard motor to the purchaser. The registration must be signed by the dealer showing the assigned dealer permit number, as well as by the owner, and the dealer shall submit the application to the department within thirty days of the sale. However, permitted marine dealers are not required to obtain registrations for new or used outboard motors held in their inventory for

sale until they are sold or exchanged as long as a proper manufacturer's or importer's statement of origin or title is held by the dealer. The fees for registration may not exceed those required by this article and if requested must be itemized on the bill of sale to the new owner. This does not prohibit a dealer from charging an administrative fee for registration.

(D) If a dealer buys or acquires an outboard motor for resale and the outboard motor is already covered by a registration, the dealer need not send the registration until the outboard motor is transferred.

(E) When an application for a watercraft title and certificate of number includes an application for an outboard motor registration number, and the application is filed thirty-one days or later after the acquisition date, only late fees for the watercraft title must be assessed.

(F) A registration, except those from permitted marine dealers, submitted after thirty days is subject to a late penalty of fifteen dollars.

(G) A registration submitted after sixty days is subject to a late penalty of thirty dollars.

(H) The provisions of this section requiring a fee do not apply to outboard motors owned by volunteer rescue squads used exclusively for the purpose of the squads.

Section 50-23-460. (A) Except as otherwise provided, an outboard motor registration number awarded pursuant to this chapter continues in effect for one year unless sooner terminated or discontinued in accordance with this chapter. An outboard motor registration number may be renewed by the owner as provided in subsection (B). The department shall fix a month of the year on which a registration number expires unless renewed pursuant to this chapter.

(B)(1) Beginning January 1, 2028, each county auditor annually shall mail outboard motor registration number renewal notices to the owners of outboard motors in the county as determined by the Department of Natural Resources no later than forty-five days before expiration of the registration. The renewal notices, including the fees upon completion, must be returned to that county which shall:

(a) process the application and, if granting the renewal, notify the department to issue a renewed registration number and decal;

(b) transmit the processed renewal notices to the department within seven days; and

(c) transmit the fees, including any late fees, to the appropriate state fund.

(2) Each county auditor must have access to the registration records of the department as applicable to the county auditor in the manner the

county auditor and department agree for the purpose of the county auditor performing the functions required in item (1).

(3) The department may not charge counties for online access network fees for outboard motor registration information.

(4) If a registration number is not approved immediately by the department, an owner may operate under a paid tax receipt for thirty days.

(C)(1) A renewal application for a registration number, except those from marine dealers, presented after thirty days from its expiration date is subject to a late penalty of fifteen dollars.

(2) A renewal application for a registration number presented after sixty days from its expiration date is subject to a late penalty of thirty dollars.

Section 50-23-470. (A) The department shall file each registration which is received by it, provided it is accompanied by the required fee and complies in all other respects with this article.

(B) The department shall maintain a record of all registrations and each registration shall contain:

(1) the date issued;

(2) the name and address of the owner;

(3) the registration number assigned to the outboard motor;

(4) a description of the outboard motor including its make, model, horsepower, and manufacturer's serial number or, serial number assigned to the outboard motor by the department; and

(5) any other data the department prescribes.

(C) All records of the department relating to the registration of outboard motors are public records.

Section 50-23-480. A valid outboard motor registration decal must be affixed to the right side of the motor casing, when looking toward the bow, for each outboard motor required to be registered. A permitted marine dealer demonstrating an outboard motor must display the dealer demonstration number assigned by the department while conducting demonstrations.

Severability

SECTION 9. 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.

Repeal

SECTION 10. Sections 50-23-350 and 50-23-380 of the S.C. Code are repealed.

Numbering of vessels, exceptions

SECTION 11. Section 50-23-320(A)(2) of the S.C. Code is amended to read:

(2) covered by a federally approved numbering system of another state. However, this vessel must not be held or used in this State for more than sixty consecutive days;

Outboard motor definition

SECTION 12. Section 50-21-10(17) of the S.C. Code is amended to read:

(17) "Outboard motor" means a combustion engine or electric propulsion system that is used to propel a watercraft and that is detachable from the watercraft as a unit.

Property tax exemption

SECTION 13. Section 12-37-220(B)(38) of the S.C. Code is amended to read:

(38) (a) watercraft that has an assessment of not more than fifty dollars;

(b) by ordinance, a governing body of a county may exempt from the property tax, forty-two and 75/100 percent of the fair market value of a watercraft. This exemption does not apply to a boat or watercraft classified for property tax purposes as a primary or secondary residence pursuant to Section 12-37-224;

Property tax on boats

SECTION 14. Section 12-37-714 of the S.C. Code is amended to read:

Section 12-37-714. In addition to any other provisions of law subjecting boats to property tax in this State:

(1) A boat used in interstate commerce having a tax situs in this State and at least one other state is subject to property tax in this State. The value of such a boat must be determined based on the fair market value of the boat multiplied by a fraction representing the number of days present in this State. The fraction is determined by dividing the number of days the boat was present in this State by three hundred sixty-five days. A boat used in interstate commerce must be physically present in this State for thirty days in the aggregate in a property tax year to become subject to ad valorem taxation.

(2) A boat not currently taxed in this State and not used exclusively in interstate commerce is subject to property tax in this State if it is present within this State for sixty consecutive days or for ninety days in the aggregate in a property tax year. Upon an ordinance passed by the local governing body, a county may subject a boat to property tax if it is within this State for ninety days in the aggregate, regardless of the number of consecutive days. Also, upon an ordinance passed by the local governing body, a county may increase the number of days in the aggregate a boat must be in this State to be subject to property tax to one hundred eighty days in a property tax year, regardless of the number of consecutive days. Upon written request by a tax official, the owner must provide documentation or logs relating to the whereabouts of the boat in question. Failure to produce requested documents creates a rebuttable presumption that the boat in question is taxable within this State.

(3) When a boat is subject to a written contract for repairs and located in a marine repair facility in this State, the time periods provided pursuant to items (1) and (2) of this section are tolled.

Property tax year

SECTION 15. Section 12-37-3200 of the S.C. Code is amended to read:

Section 12-37-3200. The tax year for boats and watercraft subject to property tax pursuant to Section 12-37-714 begins with the last day of the month in which a certificate of number required by Section 50-23-370 is issued and ends on the last day of the month in which the certificate of number expires or is due to expire. No certificate of number

may be issued for a boat or watercraft until the ad valorem tax is paid for the year for which the registration is to be issued. All ad valorem taxes on a boat or watercraft are due and payable one hundred twenty days from the date of purchase.

Property tax return

SECTION 16. Section 12-37-3220 of the S.C. Code is amended to read:

Section 12-37-3220. When a boat or watercraft is first taxable in a county, the owner shall make a property tax return prior to submitting the application for and issuance of number and certificate as referenced in Section 50-23-340. The return must be made to the auditor of the county in which the owner resides. The return must be signed under oath and must set forth the county, school district, special or tax district, and municipality in which the boat or watercraft is principally located.

Assessed value of boats

SECTION 17. Section 12-37-3230 of the S.C. Code is amended to read:

Section 12-37-3230. The county auditor shall determine the assessed value of boats and watercraft and shall calculate the amount of taxes due on the property. A boat or watercraft, and any outboard motor affixed to a boat or watercraft, must be assessed as a single unit, provided that a boat or watercraft only powered by an outboard motor of less than five horsepower, or its equivalent, must be assessed only on the value of the hull of the boat or watercraft.

Exceptions

SECTION 18. Section 12-37-3240 of the S.C. Code is amended to read:

Section 12-37-3240. The provisions of this article do not apply to a boat or watercraft exempt from ad valorem taxation pursuant to Section 12-37-220(B)(38)(a) or classified as a primary or secondary residence pursuant to Section 12-37-224(B).

Time effective

SECTION 19. This act takes effect on January 1, 2027, and first applies to property tax years beginning after 2026.

Ratified the 25th day of March, 2026

Approved the 30th day of March, 2026

No. 110

(R117, H4216)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-510, RELATING TO INCOME TAX RATES FOR INDIVIDUALS, ESTATES, AND TRUSTS, SO AS TO REDUCE THE TOP MARGINAL INCOME TAX RATE TO 5.21 PERCENT, TO CREATE ANOTHER INCOME TAX BRACKET TO WHICH A 1.99 PERCENT RATE APPLIES, AND TO SET FORTH STANDARDS FOR ADDITIONAL REDUCTIONS; BY AMENDING SECTION 12-6-50, RELATING TO INTERNAL REVENUE CODE SECTIONS SPECIFICALLY NOT ADOPTED BY THE STATE, SO AS TO NOT ADOPT THE FEDERAL STANDARD DEDUCTION AND ITEMIZED DEDUCTION; BY AMENDING SECTION 12-6-1140, RELATING TO INCOME TAX DEDUCTIONS, SO AS TO ALLOW FOR A SOUTH CAROLINA INCOME ADJUSTED DEDUCTION (SCIAD); BY AMENDING SECTION 12-6-4910, RELATING TO PERSONS REQUIRED TO FILE A TAX RETURN, SO AS TO MAKE A CONFORMING CHANGE TO THE CALCULATION; BY AMENDING SECTION 12-6-1720, RELATING TO ADJUSTMENTS TO THE TAXABLE INCOME OF NONRESIDENT INDIVIDUALS, SO AS TO MAKE A CONFORMING CHANGE; AND BY AMENDING SECTION 12-6-3632, RELATING TO THE EARNED INCOME TAX CREDIT, SO AS TO ESTABLISH A MAXIMUM CREDIT AMOUNT.

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

Income tax rates

SECTION 1. Section 12-6-510(C) of the S.C. Code is amended to read:

(C)(1) Notwithstanding subsections (A) and (B), for taxable years beginning after 2025, a tax is imposed on the South Carolina taxable income of individuals, estates, and trusts and any other entity except those taxed or exempted from taxation under Sections 12-6-530 through 12-6-550 computed at the following rates with the income brackets indexed in accordance with Section 12-6-520:

At least	But less than	Compute tax as follows
$0	$30,000	1.99% times the amount
$30,000	or more	5.21% times the amount minus $966

(2)(a) Notwithstanding the provisions of item (1), beginning with Tax Year 2027 and each year thereafter, the top marginal income tax rate set forth in item (1) must be decreased if individual income tax revenues collected pursuant to this chapter, minus amounts credited to the Trust Fund for Tax Relief, are projected to increase by at least five percent in the fiscal year that begins during the tax year in comparison to projected individual income tax revenues collected pursuant to this chapter, minus amounts credited to the Trust Fund for Tax Relief, for the current fiscal year. The reduction required by this item shall continue until the top marginal income tax rate equals 1.99 percent.

(b) Beginning with the first tax year after the reduction required by subitem (a) is fully complete, the 1.99 percent must be decreased in the same manner as provided in subitem (a) until the income tax rate equals zero percent. Additionally, once the reduction required by subitem (a) is fully complete, notwithstanding item (1), the 1.99 percent, or further reduced rate, shall apply to all South Carolina taxable income.

(c) The Board of Economic Advisors shall make the determination regarding income tax projections beginning with the initial forecast required pursuant to Section 11-9-1130.

(3) If the five percent threshold set forth in item (2) is met, the income tax rate shall be permanently and cumulatively reduced by a percentage that the Board of Economic Advisors projects to result in a

reduction in individual income tax revenues collected pursuant to this chapter equal to two hundred million dollars in the fiscal year that begins during the tax year or twenty-five percent of the recurring income tax revenue surplus for the fiscal year that begins during the tax year, whichever is greater. The surplus amount must be calculated in the same manner as increases in income tax collections are calculated pursuant to item (2)(a). However, if the five percent threshold set forth in item (2) is met and is not projected to result in increased collections of at least two hundred million dollars in the fiscal year that begins during the tax year, then the reduction is limited to the projected amount of increased collections. Any reduction made pursuant to this subsection must be rounded up to the nearest hundredth of a percent.

(4) Upon the issuance of the initial forecast, the Executive Director of the Revenue and Fiscal Affairs Office, or his designee, shall notify the Department of Revenue of the projected percentage adjustment. The executive director, or his designee, shall provide similar notice if subsequent modifications to the forecast change the projected percentage adjustment. However, the forecast in effect on February fifteenth of the current fiscal year is the final forecast for which the percentage adjustment is determined, and no subsequent forecast modifications may have any effect on that determination.

(D) The department may prescribe tax tables consistent with the rates set pursuant to this section.

Internal Revenue Code sections not adopted

SECTION 2. Section 12-6-50 of the S.C. Code is amended by adding:

(21) Section 63(b) through (g) relating to standard deductions and the itemized deduction and any other relevant provision of Section 63 that would otherwise allow for standard deductions and the itemized deduction which are hereby specifically not allowed or adopted.

South Carolina Income Adjusted Deduction

SECTION 3. Section 12-6-1140 of the S.C. Code is amended by adding:

(15)(a) Subject to subitem (b), a South Carolina Income Adjusted Deduction (SCIAD) equal to:

(i) fifteen thousand dollars for taxpayers who file as single or married filing separately;

(ii) twenty-two thousand five hundred dollars for taxpayers who file as head of household; and

(iii) thirty thousand dollars for taxpayers who file as married filing jointly or as a surviving spouse.

(b)(i) The deduction set forth in subitem (a)(i) is subject to being reduced by a fraction whereby the numerator is the amount the taxpayer's federal adjusted gross income exceeds forty thousand dollars and the denominator is fifty-five thousand.

(ii) The deduction set forth in subitem (a)(ii) is subject to being reduced by a fraction whereby the numerator is the amount the taxpayer's federal adjusted gross income exceeds sixty thousand dollars and the denominator is eighty-two thousand five hundred.

(iii) The deduction set forth in subitem (a)(iii) is subject to being reduced by a fraction whereby the numerator is the amount the taxpayer's federal adjusted gross income exceeds eighty thousand dollars and the denominator is one hundred ten thousand.

(iv) If the fraction calculated by this subitem is equal to or exceeds one, then the deduction is not allowed. If the fraction is zero, then the deduction is not subject to being reduced. If the fraction is between zero and one, then the deduction must be reduced by the corresponding fraction.

(c) Any reduction amount which is not a multiplier of ten dollars must be rounded to the next lowest ten dollars.

Income tax filing

SECTION 4. Section 12-6-4910(1) of the S.C. Code is amended to read:

(1)(a) an individual whose filing status is single, surviving spouse, head of household, or married filing separately and whose South Carolina gross income for the taxable year is more than the sum of the deduction amount pursuant to Section 12-6-1140(15)(a) in accordance with the taxpayer's filing status plus the deduction amount the taxpayer qualifies for pursuant to Section 12-6-1170(B), without regard to a reduction for the retirement income deduction.

(b) an individual who files a joint return and whose combined South Carolina gross income for the taxable year is more than the sum of the deduction amount pursuant to Section 12-6-1140(15)(a) plus the deduction amount the taxpayer qualifies for pursuant to Section 12-6-1170(B), without regard to a reduction for the retirement income deduction.

Nonresident income tax filing

SECTION 5. Section 12-6-1720(2)(a)(i) of the S.C. Code is amended to read:

(i) For a nonresident individual, the South Carolina Income Adjusted Deduction (SCIAD) must be reduced to an amount which is the same proportion as South Carolina adjusted gross income is to federal adjusted gross income.

Withholding tables

SECTION 6. Pursuant to the powers granted to the Department of Revenue in Chapter 8, Title 12 of the S.C. Code, the department, in consultation with the Revenue and Fiscal Affairs Office, and in accordance with fiscal responsibility, shall adjust the withholding tables to reflect the amendments made in this act.

Earned income tax credit

SECTION 7. Section 12-6-3632 of the S.C. Code is amended to read:

Section 12-6-3632. There is allowed as a nonrefundable credit against the tax imposed pursuant to Section 12-6-510 on a full-year resident individual taxpayer an amount equal to one hundred twenty-five percent of the federal earned income tax credit (EITC) allowed the taxpayer pursuant to Internal Revenue Code Section 32, but not to exceed two hundred dollars.

Time effective

SECTION 8. This act takes effect upon approval by the Governor and first applies to tax years beginning after 2025.

Ratified the 25th day of March, 2026

Approved the 30th day of March, 2026

No. 111

(R119, S146)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SENATOR ROGER A. NUTT ACT" BY AMENDING SECTION 44-81-40, RELATING TO RIGHTS OF RESIDENTS OF LONG-TERM CARE FACILITIES, SO AS TO PROVIDE THAT RESIDENTS MAY DESIGNATE UP TO THREE PEOPLE WHO ARE PERMITTED TO VISIT THE RESIDENT IN THE EVENT THAT ACCESS TO THE FACILITY IS LIMITED OR PROHIBITED DUE TO A DECLARED STATE OF EMERGENCY ARISING FROM A DISASTER OR PUBLIC HEALTH EMERGENCY.

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

Citation

SECTION 1. This act may be cited as the "Senator Roger A. Nutt Act."

Long-term care facilities, residents' rights

SECTION 2. Section 44-81-40 of the S.C. Code is amended to read:

Section 44-81-40. (A) Each resident or the resident's representative must be given by the facility a written and oral explanation of the rights, grievance procedures, and enforcement provisions of this chapter before or at the time of admission to a long-term care facility. Written acknowledgment of the receipt of the explanation by the resident or the resident's representative must be made a part of the resident's file. Each facility must have posted written notices of the residents' rights in conspicuous locations in the facility. The written notices must be approved by the department. The notices must be in a type and a format which is easily readable by residents and must describe residents' rights, grievance procedures, and the enforcement provisions provided by this chapter.

(B) Each resident and the resident's representative must be informed in writing, before or at the time of admission, of:

(1) available services and of related charges, including all charges not covered under federal or state programs, by other third-party payers, or by the facility's basic per diem rate;

(2) the facility's refund policy which must be adopted by each facility and which must be based upon the actual number of days a resident was in the facility and any reasonable number of bed-hold days, except when the provisions of subsection (E) apply.

Each resident and the resident's representative must be informed in writing of any subsequent change in services, charges, or refund policy.

(C) Each resident or the resident's legal guardian has the right to:

(1) choose a personal attending physician;

(2) participate in planning care and treatment or changes in care and treatment;

(3) be fully informed in advance about changes in care and treatment that may affect the resident's well-being;

(4) receive from the resident's physician a complete and current description of the resident's diagnosis and prognosis in terms that the resident is able to understand;

(5) refuse to participate in experimental research.

(D) A resident may be transferred or discharged only for medical reasons, for the welfare of the resident or for the welfare of other residents of the facility, or for nonpayment and must be given written notice of not less than thirty days, except that when the health, safety, or welfare of other residents of the facility would be endangered by the thirty-day notice requirement, the time for giving notice must be that which is practicable under the circumstances. Each resident must be given written notice before the resident's room or roommate in the facility is changed.

(E)(1) If a community residential care facility resident or a resident's representative chooses to voluntarily relocate from the resident's current facility, the resident or the resident's representative must give the facility administrator written notice of this intent to relocate not less than fourteen days before the resident's relocation becomes effective. Voluntary relocation does not occur when a resident of a community residential care facility seeks to be discharged because a higher level of care is required or because the resident's health, safety, or welfare is endangered.

(2) If a community residential care facility resident or a resident's representative fails to give timely notice as required by this subsection, the facility administrator may charge the resident the equivalent of fourteen days occupancy from the earlier of the date of the relocation or the date the facility administrator received proper notice of the resident's intent to relocate. However, if the facility is able to fill the bed vacated by the resident, the facility shall cease charging the resident regardless of the notice given. The facility shall notify the previous resident in

writing as soon as it fills the bed with a new resident.

(3) Residents participating in the Optional State Supplementation Program are excluded from the requirements of items (1) and (2).

(F) Each resident or the resident's representative may manage the resident's personal finances unless the facility has been delegated in writing to carry out this responsibility, in which case the resident must be given a quarterly report of the resident's account.

(G) Each resident must be free from mental and physical abuse and free from chemical and physical restraints except those restraints ordered by a physician.

(H) Each resident must be assured security in storing personal possessions and confidential treatment of the resident's personal and medical records and may approve or refuse their release to any individual outside the facility, except in the case of a transfer to another healthcare institution or as required by law or a third-party payment contract.

(I) Each resident must be treated with respect and dignity and assured privacy during treatment and when receiving personal care.

(J) Each resident must be assured that no resident will be required to perform services for the facility that are not for therapeutic purposes as identified in the plan of care for the resident.

(K) The legal guardian, family members, and other relatives of each resident must be allowed immediate access to that resident, subject to the resident's right to deny access or withdraw consent to access at any time. Each resident without unreasonable delay or restrictions must be allowed to associate and communicate privately with persons of the resident's choice and must be assured freedom and privacy in sending and receiving mail. The legal guardian, family members, and other relatives of each resident must be allowed to meet in the facility with the legal guardian, family members, and other relatives of other residents to discuss matters related to the facility, so long as the meeting does not disrupt resident care or safety.

(L) Each resident may meet with and participate in activities of social, religious, and community groups at the resident's discretion unless medically contraindicated by written medical order.

(M) Each resident must be able to keep and use personal clothing and possessions as space permits unless it infringes on another resident's rights.

(N) Each resident must be assured privacy for visits of a conjugal nature.

(O) Married residents must be permitted to share a room unless medically contraindicated by the attending physician in the medical record.

(P) A resident or a resident's legal representative may contract with a person not associated with or employed by the facility to perform sitter services unless the services are prohibited from being performed by a private contractor by state or federal law or by the written contract between the facility and the resident. The person, being a private contractor, is required to abide by and follow the policies and procedures of the facility as they pertain to sitters and volunteers. All residents or residents' legal representatives employing a private contractor must agree in writing to hold the facility harmless from any liability.

(Q) Each resident or representative of a resident may designate up to three people who are permitted to visit the resident in the event that access to the facility is limited or prohibited due to a declared state of emergency arising from a disaster or public health emergency. Only one visitor per resident shall be allowed at any time during regular visiting hours. The resident or representative of a resident shall provide the facility each person's name, relationship to the resident, and contact information. The designated person must be allowed to regularly visit the resident during the time that access to the facility is limited or prohibited. A resident or representative of a resident may change the list of designated visitors twice during any calendar year or at such time as a designated visitor is permanently unable to continue to visit. Nothing in this subsection may be construed to require a resident, or the resident's representative, to authorize visitation by any particular member of the clergy or any other individual acting in a religious or spiritual capacity if doing so would be inconsistent with that resident's or representative's religious beliefs.

Time effective

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

Ratified the 1st day of April, 2026

Approved the 6th day of April, 2026

No. 112

(R120, S583)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION HOURS REQUIRED FOR LICENSEES OF THE BOARD OF FUNERAL EXAMINERS, SO AS TO REVISE PHYSICAL ATTENDANCE REQUIREMENTS FOR CONTINUING EDUCATION INSTRUCTION, TO PROVIDE AN EXCEPTION, AND TO DEFINE "PHYSICAL ATTENDANCE."

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

Continuing education, physical attendance, definition, exception

SECTION 1. Section 40-19-250 of the S.C. Code is amended to read:

Section 40-19-250. (A) The board shall develop in regulation a continuing education program and each licensee must attend a minimum of four credit hours annually, of which one credit hour must be an ethics in funeral service course. This continuing education program must be offered, at a minimum, four times a year at locations easily accessible to participants. Physical attendance of a licensee is required for two of the four required hours but is not required for the remaining two required hours.

(B) For purposes of this section, "physical attendance":

(1) means being physically present in person on the site of a designated physical location to receive continuing education instruction; and

(2) excludes virtual, remote, correspondence, or other instructional formats that do not satisfy the requirements of item (1).

(C) This continuing education requirement does not apply to a person who is not the manager of record of a funeral home, funeral establishment, or mortuary if the person has been licensed for thirty or more years and is sixty years old or older.

(D) The provisions of subsection (A) relating to physical attendance do not apply if there is a declaration of a pandemic or if a natural disaster has occurred. Virtual, remote, correspondence, or other instructional formats are permitted during a pandemic or natural disaster.

Time effective

SECTION 2. This act takes effect on July 1, 2026.

Ratified the 1st day of April, 2026

Approved the 6th day of April, 2026

No. 113

(R121, S694)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-40, RELATING TO DESIGNATION OF VOTING PRECINCTS IN AIKEN COUNTY, SO AS TO PROVIDE THAT IF THE BOARD OF VOTER REGISTRATION AND ELECTIONS DETERMINES THAT A PRECINCT CONTAINS NO SUITABLE LOCATION FOR A POLLING PLACE, THE BOARD, UPON APPROVAL OF A MAJORITY OF THE COUNTY LEGISLATIVE DELEGATION, MAY LOCATE THE POLLING PLACE INSIDE THE COUNTY AND WITHIN FIVE MILES OF THE PRECINCT'S BOUNDARIES; AND BY AMENDING SECTION 5-15-60, RELATING TO MUNICIPALITIES ADOPTING METHODS OF NOMINATING CANDIDATES FOR AND DETERMINING RESULTS OF NONPARTISAN ELECTIONS, SO AS TO PROVIDE THAT ANY MUNICIPALITY WHICH ELECTS TO HOLD PARTISAN MUNICIPAL ELECTIONS MUST PAY ALL COSTS AND EXPENSES ASSOCIATED WITH THE CONDUCT OF A MUNICIPAL PRIMARY ELECTION.

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

Voting Precincts

SECTION 1. Section 7-7-40 of the S.C. Code is amended by adding a subsection to read:

(D) Notwithstanding the provisions of Section 7-7-920, if the Board of Voter Registration and Elections of Aiken County determines that a precinct contains no suitable location for a polling place, the board, upon approval by a majority of the county legislative delegation, may locate the polling place inside the county and within five miles of the precinct's boundaries.

Partisan municipal elections

SECTION 2. Section 5-15-60 of the S.C. Code is amended to read:

Section 5-15-60. Each municipality in this State shall adopt by ordinance one of the following alternative methods of nominating candidates for and determining the results of its nonpartisan elections:

(1) the nonpartisan plurality method prescribed in Section 5-15-61;

(2) the nonpartisan election and runoff election method prescribed in Section 5-15-62;

(3) the nonpartisan primary election and general election method prescribed in Section 5-15-63. If nonpartisan elections are not provided for, nomination of candidates for municipal offices may be by party primary, party convention or by petition in accordance with the provisions of this chapter, the applicable provisions of the state election laws and the rules of municipal political party organizations not in conflict therewith. Provided, any municipality which elects to hold partisan elections for municipal offices must pay all costs and expenses associated with the conduct of a municipal primary election.

Time effective

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

Ratified the 1st day of April, 2026

Approved the 6th day of April, 2026

No. 114

(R122, H3514)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 11-1-130 SO AS TO PROVIDE THAT STATE DEPARTMENTS, AGENCIES, INSTITUTIONS, AND POLITICAL SUBDIVISIONS MAY NOT USE PUBLIC FUNDS TO PURCHASE CERTAIN FLAGS UNLESS THE FLAGS ARE MADE IN THE UNITED STATES.

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

Flags

SECTION 1. Chapter 1, Title 11 of the S.C. Code is amended by adding:

Section 11-1-130. A state department, agency, institution, or political subdivision of the State, including a school district, may not use public funds to purchase a flag of the United States of America or the State of South Carolina unless the flag has been one hundred percent manufactured in the United States from articles, materials, or supplies that have been grown or one hundred percent produced or manufactured in the United States. A state department, agency, institution, or political subdivision of the State, including a school district, may continue the use of previously purchased flags until a replacement flag is necessary.

Time effective

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

Ratified the 1st day of April, 2026

Approved the 6th day of April, 2026

No. 115

(R123, H3856)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-80, RELATING TO APPLICATIONS FOR LICENSES OR PERMITS, SO AS TO DELETE THE TERM "BLOOD TYPE" AND REPLACE IT WITH THE TERM "INFORMATION"; BY AMENDING SECTION 56-1-3350, RELATING TO ISSUANCE OF SPECIAL IDENTIFICATION CARDS AND VETERAN DESIGNATIONS ON DRIVERS' LICENSES, SO AS TO PROVIDE DOCUMENTATION THAT MUST BE SUBMITTED ON APPLICATIONS FOR A PERSON'S BLOOD TYPE TO APPEAR ON A SPECIAL IDENTIFICATION CARD, AND TO PROVIDE A CAUSE OF ACTION BASED ON INACCURATE INFORMATION CONTAINED ON IDENTIFICATION CARDS OR DRIVERS' RECORDS; BY AMENDING SECTION 56-3-20, RELATING TO DEFINITIONS, SO AS TO DEFINE THE TERM "RENTAL TRAILER"; BY AMENDING SECTION 56-3-785, RELATING TO ISSUANCE OF PERMANENT LICENSE PLATES TO CERTAIN OWNERS OF TRAILERS AND SEMITRAILERS, SO AS TO PROVIDE FOR THE ISSUANCE OF LICENSE PLATES TO OWNERS OF RENTAL TRAILERS, AND TO MAKE TECHNICAL CHANGES; BY AMENDING SECTION 56-3-2320, RELATING TO DEALER AND WHOLESALER LICENSE PLATES, SO AS TO REVISE THE NUMBER OF MOTOR VEHICLE SALES THAT MUST BE MADE BEFORE DEALER PLATES MAY BE ISSUED; BY AMENDING SECTION 56-15-560, RELATING TO APPLICATIONS FOR WHOLESALE MOTOR VEHICLE AUCTION LICENSES AND FEES, SO AS TO REVISE EXPIRATION DATES FOR THE LICENSES AND INCREASE THE LICENSE FEES; BY AMENDING SECTION 56-19-10, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM "BUS"; BY AMENDING SECTION 56-23-85, RELATING TO DRIVER INSTRUCTOR PERMITS, SO AS TO REVISE THE EXPIRATION DATES FOR THE PERMITS AND PROVIDE A SCHEDULE OF FEES; BY AMENDING SECTION 56-37-30, RELATING TO ESTABLISHMENT OF THE POINTS SYSTEM FOR EVALUATING PERFORMANCE RECORDS OF DEALERS, SO AS TO ELIMINATE CERTAIN

CONDUCT THAT RESULTS IN POINT VIOLATIONS AND ADD ADDITIONAL CONDUCT THAT RESULTS IN POINT VIOLATIONS; BY AMENDING SECTION 56-37-70, RELATING TO SUSPENSIONS OF LICENSES, SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY NOTIFY CERTAIN PERSONS BY CERTIFIED MAIL OR ELECTRONIC TRACKING; BY AMENDING SECTION 56-3-1010, RELATING TO TERMS AND THEIR DEFINITIONS ASSOCIATED WITH CORPORATE-OWNED FLEET MOTOR VEHICLES, SO AS TO REVISE THE DEFINITION OF THE TERM "FLEET"; BY AMENDING SECTION 56-1-40, RELATING TO PERSONS WHO MAY NOT BE LICENSED OR HAVE THEIR LICENSES RENEWED, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE THIS PROVISION APPLIES TO THE ISSUANCE OF IDENTIFICATION CARDS, TO ESTABLISH THE MAXIMUM PERIOD DRIVERS' LICENSES AND IDENTIFICATION CARDS ARE VALID, TO PROVIDE A FEE FOR IDENTIFICATION CARDS, AND TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES CERTAIN DISCRETION WHEN GRANTING EXTENSIONS TO DRIVERS' LICENSES AND IDENTIFICATION CARDS; BY AMENDING SECTION 56-3-210, RELATING TO THE ISSUANCE OF TEMPORARY LICENSE PLATES, SO AS TO INCREASE THE MAXIMUM PERIOD THE LICENSE PLATES ARE VALID; BY REPEALING SECTION 56-5-2585 RELATING TO EXEMPTING PURPLE HEART RECIPIENTS FROM PAYING PARKING METER FEES; BY AMENDING SECTION 56-19-10, RELATING TO PROTECTION OF TITLES TO AND INTERESTS IN MOTOR VEHICLES, SO AS TO PROVIDE ADDITIONAL TERMS AND THEIR DEFINITIONS; BY AMENDING SECTION 56-19-265, RELATING TO LIENS OR ENCUMBRANCES RECORDED ON MOTOR VEHICLES OR MOBILE HOMES, SO AS TO REQUIRE CERTAIN ENTITIES TO UTILIZE THE DEPARTMENT OF MOTOR VEHICLE'S ELECTRONIC TITLE SYSTEM, AND TO REVISE THE PROVISIONS THAT ESTABLISH THE PROCEDURES TO TRANSFER VEHICLE OWNERSHIP, APPLY FOR AND THE RELEASE OF LIENS, AND PERFORM OTHER ACTIVITIES NECESSARY TO TITLE CERTAIN VEHICLES; TO AMEND SECTION 56-19-370, RELATING TO PROCEDURES FOR THE VOLUNTARY TRANSFER OF CERTAIN VEHICLES BY DEALERS, SO AS TO REVISE THE CONDITIONS THAT ALLOW THE

PROSECUTION OF DEALERS FOR IMPROPERLY TITLING OR REGISTERING VEHICLES; AND BY AMENDING SECTION 56-19-680, RELATING TO THE SATISFACTION OF SECURITY INTERESTS IN VEHICLES FOR WHICH CERTIFICATES OF TITLES ARE IN THE POSSESSION OF LIENHOLDERS, SO AS TO REVISE THE PROCEDURES WHEREBY LIENHOLDERS' INTERESTS ARE RELEASED, AND TO PROVIDE A PENALTY FOR THE FAILURE OF LIENHOLDERS TO FORWARD CERTAIN CERTIFICATES OF TITLE TO THE DEPARTMENT OF MOTOR VEHICLES.

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

Applications for drivers' licenses or permits

SECTION 1. Section 56-1-80(B)(4) of the S.C. Code is amended to read:

(4) No cause of action may arise nor may liability be imposed against any person, government entity, or government entity officer, agent, or employee arising from any action taken by any person in reliance upon inaccurate information indicated on a person's driver's license or driver's record when the license holder, physician, or medical provider provided the inaccurate information on the forms required pursuant to this section.

Designations on drivers' licenses

SECTION 2. Section 56-1-3350(A) of the S.C. Code is amended to read:

(A) Upon application by a person five years of age or older, who is a resident of South Carolina, the department shall issue a special identification card provided that the:

(1) application is made on a form approved and furnished by the department;

(2) applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth;

(3) applicant, who wishes to obtain a special identification card that indicates the applicant is autistic, complies with subsection (A)(1) and (2) and provides documentation that he is autistic from a physician

licensed in this State, as defined in Chapter 47, Title 40. The special identification requested must be indicated by a symbol designated by the department on the person's special identification card;

(4) applicant, who wishes to obtain a special identification card that voluntarily discloses their blood type, complies with subsection (A)(1) and (2) and provides documentation on a form prescribed by the department and includes a certification from a physician or medical provider. Blood type must be indicated by a symbol designated by the department on the identification card and contained in the driver's record. The department may use the same symbol used to indicate voluntary disclosure of a permanent medical condition;

(5) applicant, who wishes to obtain a special identification card that indicates the applicant has voluntarily disclosed a permanent medical condition, complies with subsection (A)(1) and (2), and provides documentation of the medical condition from a physician licensed in this State, as defined in Chapter 47, Title 40. The record of an identification card holder may not contain more than three permanent medical conditions unless subitem (3) applies. The information contained on a special identification card and in the special identification card holder's department records pertaining to his autism, as provided for in subitem (3), blood type as provided for in subitem (4), or his permanent medical condition, as provided for in this item, may not be sold, is exempt from disclosure pursuant to Chapter 4, Title 30, the South Carolina Freedom of Information Act, and may be released upon request only to:

(a) law enforcement, emergency medical services, and hospital personnel;

(b) the medical advisory board pursuant to Section 56-1-221;

(c) permitted entities pursuant to the Driver Privacy Protection Act, 18 U.S.C.A. 2721; and

(d) the person to whom the records of the permanent medical condition applies;

(6) no cause of action may arise nor may liability be imposed against any person, government entity, or government entity officer, agent, or employee arising from any action taken by any person in reliance upon inaccurate information indicated on a person's identification card or driver's record when the card holder, physician, or medical provider provided inaccurate information on the forms required pursuant to this section.

Definitions

SECTION 3. Section 56-3-20 of the S.C. Code is amended by adding:

(32) "Rental trailer" means a utility trailer that is registered to a company or business actively engaged in the practice of renting utility trailers. The term "rental trailer" shall not include trailers or semitrailers rented or leased to any person for use by such lessee in the furtherance of or as an incident to any commercial or industrial enterprise in interstate commerce or for the use in connection with any business or occupation carried on in interstate commerce by the lessee.

Issuance of license plates

SECTION 4. Section 56-3-785 of the S.C. Code is amended to read:

Section 56-3-785. (A) Upon proper application, the Department of Motor Vehicles may issue a registration and license plate on a permanent basis for semitrailers, regular trailers, rental trailers, and utility trailers.

(B) The fee for the license is seventy-five dollars for each semitrailer, regular trailer, rental trailer, and utility trailer, and is not transferable. The fee must be paid in one sum. After the initial issuance of the license the owner shall remit annually to the department on a form furnished by the department a report of the units still in use and units which must be deleted and return the licenses issued to the units no longer in use. Failure to furnish required forms by the due date established by the department results in a fine not to exceed fifty dollars. A permanent license may be purchased for chassis, specially constructed to transport international shipping containers, without being required to furnish a South Carolina address if the chassis is not for domicile.

(C) License plates for semitrailers, regular trailers and utility trailers must be the same size of regular license plates and design as specified by the department. The size and design of rental trailer license plates issued pursuant to this section shall be determined by the department.

Dealer and wholesale dealer license plates

SECTION 5. Section 56-3-2320(A)(1) and (2) of the S.C. Code is amended to read:

(1) Upon application being made and the required fee being paid to the Department of Motor Vehicles, the department may issue dealer

license plates to a licensed motor vehicle dealer. The license plates, notwithstanding other provisions of this chapter to the contrary, may be used exclusively on motor vehicles owned by, assigned, or loaned for test driving purposes to the dealer when operated on the highways of this State by the dealer, its corporate officers, its employees, a prospective purchaser of the motor vehicle, or a person whose vehicle is being serviced or repaired by the dealer. The use by a prospective purchaser is limited to seven days, and the dealer shall provide the prospective purchaser with a dated demonstration certificate. A dealer license plate may be used by a person whose vehicle is being serviced or repaired by the dealership, provided that the vehicle displaying the license plate is part of a manufacturer program and given to the person by the dealer at no charge to the consumer. The use of a dealer license plate by the consumer for service and repair is limited to thirty days. The demonstration certificate for a prospective customer must be approved by the department. Dealer plates must not be used to operate wreckers or service vehicles in use by the dealer nor to operate vehicles owned by the dealer that are leased or rented by the public. No dealer plates may be issued by the department unless the dealer furnishes proof in a form acceptable to the department that he has a retail business license as required by Chapter 36, Title 12 and has made at least fifteen sales of motor vehicles in the twelve months preceding his application for a dealer plate. The sales requirement may be waived by the department if the dealer has been licensed for less than one year. For purposes of this section, the transfer of ownership of a motor vehicle between the same individual or corporation more than one time is considered as only one sale. Multiple transfer of motor vehicles between licensed dealers for the purpose of meeting eligibility requirements for motor vehicle dealer plates is prohibited.

(2) A dealer may be issued two plates for the first fifteen vehicles sold during the preceding year and one additional plate for each fifteen vehicles sold beyond the initial fifteen during the preceding year. A dealer participating in a manufacturer program may be issued two additional plates for each fifteen vehicles sold beyond the initial fifteen during the preceding year. For good cause shown, the department in its discretion may issue extra plates. If the dealer has been licensed less than one year, the department shall issue a number of license plates based on an estimated number of sales for the coming year. The department may increase or decrease the number of plates issued based on actual sales made.

Wholesale motor vehicle auctions

SECTION 6. Section 56-15-560 of the S.C. Code is amended to read:

Section 56-15-560. Before engaging in business as a wholesale motor vehicle auction in this State, an application must be filed with the Department of Motor Vehicles furnishing the information it requires including, but not limited to, information adequately identifying by name and address individuals who own or control ten percent or more of the interest of the applicant. Each license issued expires thirty-six months from the month of issuance and must be displayed prominently at the established place of business. The license applies to only one place of business of the applicant and is not transferable to another person or place of business. The fee for the license is one hundred and fifty dollars.

Definitions

SECTION 7. Section 56-19-10(3) of the S.C. Code is amended to read:

(3) "Bus" means every motor vehicle designed for carrying more than sixteen passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Driver instructor permits

SECTION 8. Section 56-23-85 of the S.C. Code is amended to read:

Section 56-23-85. A person connected with driver training schools or private, parochial, or public high schools shall not engage in either classroom only instruction, or behind the wheel only instruction, or both, unless the person has obtained and holds a valid driver instructor permit or temporary driver instructor permit issued by the Department of Motor Vehicles.

Appropriate examination for an instructor permit must be at the discretion of the department. Driver instructor permits shall expire on the date of license expiration of the respective driver training school for which the driver instructor is permitted. Fees for driver instructor permits shall be according to the following schedule: the fee for each driver instructor permit issued with a validity period of one to twelve months shall be twenty dollars, the fee for each driver instructor permit issued with a validity period of thirteen to twenty-four months shall be forty

dollars, the fee for each driver instructor permit issued with a validity period of twenty-five to thirty-six months shall be sixty dollars, and the fee for each driver instructor permit issued with a validity period of thirty-seven to forty-eight months shall be eighty dollars. Public and private high school instructors are not required to pay a fee for a permit. The proceeds from the sale of instructor permits must be deposited in the state general fund.

Points system

SECTION 9. Section 56-37-30(B), (C), and (D) of the S.C. Code is amended to read:

(B) For multiple record errors over a six-month period of time, the department may impose a two-point violation against a dealer license for the following:

(1) errors or omissions on transactions regarding incoming or outgoing documents;

(2) incorrect acquisition or sale dates;

(3) incorrect vehicle identification numbers;

(4) incorrect make, model, or type of body;

(5) incorrect incoming or outgoing odometer reading;

(6) incorrect name and address of the person a vehicle was acquired from or transferred to;

(7) inability to provide an account for a dealer, transporter, or wholesale auto auction plate; or

(8) issuance of a second temporary plate to a purchaser without prior authorization by the department.

(C) The following are four-point violations:

(1) dealer selling at address different than indicated on dealer application and license;

(2) failure to deliver a title to a buyer or the department within forty-five days of the date of sale;

(3) reasonable records request unavailable upon the demand of the department;

(4) misuse of dealer, transporter, or wholesale auto auction plate; and

(5) operating or allowing the operation of a vehicle with a suspended dealer plate.

(D) The following are six-point violations:

(1) selling out-of-trust or breach-of-trust;

(2) possession of an open title;

(3) altering or changing documents to avoid or delay registration;

(4) maintaining or producing fraudulent records;

(5) licensure as a wholesaler dealer only, but selling vehicles retail;

(6) having a volume of sales that do not warrant the number of license plates issued;

(7) dealer or auction facilitating a wholesaler selling retail;

(8) failure to remit any state-owed fees within the time period prescribed by law to the department; and

(9) issuance of any temporary license plate to a person not authorized to have the plate.

Suspension of licenses

SECTION 10. Section 56-37-70(C) of the S.C. Code is amended to read:

(C) The department must suspend the license of any dealer for three years upon the third accumulation of twelve points within a three-year period. Dealers may not reapply for any kind of dealer license for three years after the last issued points. Should the provisions of this subsection apply, then the department may deny applications for any type of dealer license when the applicant is a member of the immediate family of the suspended dealer. The department shall notify the licensee or applicant by certified mail or certified mail with electronic tracking at the mailing address provided in his application of its intention to suspend his license at least thirty days in advance and shall provide the licensee an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure and the Administrative Procedures Act of this State. A licensee desiring a contested case hearing must request the hearing in writing within thirty days of receiving notice of the proposed suspension of his dealer's or wholesaler's license. Should the dealer not request a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the suspension of the dealer license must go into effect. If the dealer requests a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the dealer may continue to operate until the Office of Motor Vehicle Hearings makes a final ruling in the contested case. Upon the suspension of a license, the licensee shall immediately return to the department the license and all dealer license plates.

Definitions

SECTION 11. Section 56-3-1010(1) of the S.C. Code is amended to read:

(1) "Fleet" means fifty or more marked private passenger motor vehicles or property carrying vehicles with empty weight of not more than twenty-two thousand pounds and a gross vehicle weight of not more than twenty-six thousand pounds, owned or long-term leased by a corporation or other legal entity, and registered in this State pursuant to this article. A rental company as defined in Section 56-31-20 is not required to have marked vehicles as a part of the "fleet" definition.

Issuance and renewal of licenses

SECTION 12.A. Section 56-1-40(7) of the S.C. Code is amended to read:

(7) who is not a resident of South Carolina. For purposes of determining eligibility to obtain or renew a South Carolina driver's license, the term "resident of South Carolina" shall expressly include all persons authorized by the United States Department of Justice, the United States Citizenship and Immigration Service, or the United States Department of State to live, work, or study in the United States on a temporary or permanent basis who present documents indicating their intent to live, work, or study in South Carolina. These persons and their dependents are eligible to obtain a motor vehicle driver's license or identification card or have one renewed pursuant to this provision. A driver's license or identification card issued pursuant to this item to a person who is not a lawful permanent resident of the United States shall expire on the later of: (1) the expiration date of the applicant's authorized period of stay in the United States; or (2) the expiration date of the applicant's employment authorization document, provided the driver's license or identification card is valid for no more than eight years. Under this provision, a driver's license valid for not more than four years must be issued upon payment of a fee of twelve dollars and fifty cents. A driver's license that is valid for more than four years must be issued upon payment of a fee of twenty-five dollars. The fee for an identification card is pursuant to Section 56-1-3350. In addition, a person pending adjustment of status who presents appropriate documentation in the discretion of the Department of Motor Vehicles shall be granted a one-year extension of his driver's license or identification card, which is

renewable annually;

B. This SECTION is effective on August 6, 2026.

Vehicle registration

SECTION 13. Section 56-3-210(L) of the S.C. Code is amended to read:

(L) All temporary license plates must be valid for no more than sixty days and must be affixed at all times to the rear of the item in an unobscured and secure manner.

Repeal

SECTION 14. Section 56-5-2585 of the S.C. Code is repealed.

Definitions

SECTION 15. Section 56-19-10 of the S.C. Code is amended by adding:

(51) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(52) "Physical odometer document" means a physical document as defined in the United States Code of Federal Regulations, Title 49, Part 580, containing an odometer disclosure statement printed on paper by a secure printing process or other secure process by any jurisdiction in compliance. Physical odometer documents, for the purposes of this section, are limited to certificates of title, secure powers of attorney, and reassignment documents. The term does not include any other form or document, even if the document contains a space for an odometer reading.

Electronic title system

SECTION 16. Section 56-19-265 of the S.C. Code is amended to read:

Section 56-19-265. (A) All commercial entities located in this State that are engaged in vehicle titling must utilize the Department of Motor Vehicle's electronic title system. The electronic title system must be funded exclusively through transaction fees paid by commercial entities engaged in vehicle titling. The system must enable all commercial

entities including, but not limited to, dealers, lenders, and auctions, to:

(1) transfer vehicle ownership;

(2) apply for and release liens; and

(3) perform any other components necessary to perform vehicle titling.

(B)(1) Any liens or encumbrances on a motor vehicle or titled mobile home must be noted on the title or noted electronically through the electronic title system.

(2) The department must electronically transmit a motor vehicle title or titled mobile home title and the lien to the first lienholder and notify the first lienholder of additional liens. The transmittal must be made electronically for commercial entities. Paper certificates of title may be used or requested for casual sales of automobiles between individuals, or as otherwise directed by department policy. Lien recordings and lien satisfactions must be electronically transmitted to the department pursuant to department policy. Electronic transmission of liens and lien satisfaction does not require a certificate of title until the last lien is satisfied and a clear certificate of title is issued to the owner of the motor vehicle or mobile home.

(3) If a motor vehicle or mobile home is subject to an electronic lien, then the certificate of title for the motor vehicle or mobile home is considered to be physically held by the lienholder for purposes of compliance with state or federal odometer disclosure requirements, and a duly certified copy of the department's electronic record of the lien is admissible in any civil, criminal, or administrative proceeding in this State as evidence of the existence of the lien. The department must electronically transmit to the lienholder a certificate of title and notice of subsequent liens and satisfactions of liens.

(C) The department is authorized to collect a transaction fee from commercial entities for all liens placed or transmitted in the electronic title system. The fee must not exceed five dollars for each transaction. These fees must be placed by the State Treasurer into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(D) Commercial entities and lenders that either transmit or retrieve data from the department pursuant to this section, notwithstanding Sections 37-2-202 and 37-3-202, may collect from owners of vehicles or mobile homes a transaction fee for all liens placed or transmitted in the electronic title system. The fee must not exceed five dollars for each transaction. Any fee charged by the department or its third-party contractors to any party as to a titled motor vehicle, motor home, or mobile home for purposes of transmittal or retrieval of this data is an

"official fee" as referenced in Sections 37-2-202 and 37-3-202.

(E) Any lien upon a vehicle titled by the State, except upon vehicles defined as motor homes, mobile homes, special mobile equipment, or commercial trucks, shall be deemed effective for a period of twelve years from the date the lien was perfected. The effectiveness of the lien lapses at the end of this twelve-year period unless a continuation statement is filed pursuant to this subsection by the entity existing on the current title as lienholder using the application process acceptable by the department. The department must publish forms for the purpose of filing a continuation statement. The lienholder may make application for lien continuation not more than six months prior to lien expiration. Upon a timely filing of a continuation statement in accordance with this subsection, the lien will be effective for a period of two additional years from the date of the filing of the continuation statement. The responsibility of lien continuation lies with the lender. The twelve-year effective lien period refers to the age of the lien, not the age of the vehicle.

Volunteer transfer of vehicles

SECTION 17. Section 56-19-370(B)(4) of the S.C. Code is amended to read:

(4) A dealer may not be prosecuted for improperly titling or registering a vehicle within forty-five days if the department has placed the title in suspended status or if a financial institution has not released the lien pursuant to Section 56-19-680.

Satisfaction of security interest in a vehicle

SECTION 18. Section 56-19-680 of the S.C. Code is amended to read:

Section 56-19-680. (1) Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, the lienholder shall execute a release of his security interest as the Department of Motor Vehicles prescribes, and mail or electronically deliver the certificate and release to the department.

(2) If payment for lien satisfaction is received by paper, then the lienholder shall execute the release within ten business days, excluding federal and state holidays, after confirmation that the funds are good and that the lien is fully satisfied. If payment for lien satisfaction is received electronically, then the lienholder shall execute the release within three

business days, excluding federal and state holidays, after confirmation that the funds are good and that the lien is fully satisfied.

(3) If the payment is deemed to be cleared by the department, then the department shall electronically transmit the certificate of title to the next lienholder or, if there is no other lienholder, then to the owner. The department shall file the release and note it upon the record of security interest maintained by the department pursuant to Section 56-19-660. The certificate of title shall remain in electronic format unless the owner requests a paper certificate of title pursuant to Section 56-19-265. No charge shall be made by the lienholder for executing such release.

(4) Failure of the lienholder to forward the certificate of title to the department as required by this article is a misdemeanor punishable by a fine of not more than one hundred dollars or imprisonment of not more than thirty days.

Time effective

SECTION 19. This act takes effect six months after approval by the Governor. The South Carolina Department of Motor Vehicles shall contract with a third party to implement an electronic title system as described in Section 56-19-265, which shall be operational no later than March 31, 2027.

Ratified the 1st day of April, 2026

Approved the 6th day of April, 2026

No. 116

(R124, H3931)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 48-39-150, RELATING TO APPROVAL OR DENIAL OF PERMITS, SO AS TO ESTABLISH TIMELINES FOR THE DEPARTMENT TO TAKE ACTION ON A PERMIT APPLICATION; BY AMENDING SECTION 48-39-80, RELATING TO THE DEVELOPMENT OF A COASTAL MANAGEMENT PROGRAM, SO AS TO DEEM A COASTAL

ZONE CONSISTENCY CERTIFICATION APPROVED IF, FOR ALL OTHER STATE PERMITS, CERTIFICATION REVIEW IS NOT COMPLETED WITHIN NINETY DAYS OF THE PUBLIC COMMENT CLOSING; BY ADDING SECTION 48-6-35 SO AS TO PERMIT THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO HIRE THIRD-PARTY, INDEPENDENT ENGINEERS TO ASSIST THE DEPARTMENT WITH ITS DUTIES AND TO REQUIRE THE DEPARTMENT TO ESTABLISH REGULATIONS FOR CONTRACTOR QUALIFICATIONS TO BID ON THE DEPARTMENT'S WORK; AND BY REPEALING A PORTION OF SECTION 48-39-130 AS OF SEPTEMBER 30, 2032, AND TO ESTABLISH REQUIREMENTS FOR CERTAIN MAINTENANCE DREDGING AFTER THAT DATE.

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

Department deadlines for permit applications

SECTION 1. Section 48-39-150(C) of the S.C. Code is amended to read:

(C) The department shall act upon an application for a permit within ninety days after the request is determined by the department to be administratively and technically complete. Provided, however, that in the case of minor developments, as defined in Section 48-39-10, the department shall have the authority to approve such permits and shall act within thirty days after the request is determined by the department to be administratively and technically complete. If the department requests additional technical information from the applicant, that request must be made within fifteen days after the conclusion of the public notice period. If a department request for additional technical information is not made within fifteen days after the conclusion of the public notice period, the application shall be considered complete and a decision must be rendered within the time frames prescribed above. In the event a permit is denied the department shall state the reasons for such denial and such reasons must be in accordance with the provisions of this chapter.

Certification review and approval

SECTION 2. Section 48-39-80(B)(11) of the S.C. Code is amended to read:

(11) Develop a system whereby the department shall have the authority to review all state and federal permit applications in the coastal zone, and to certify that these do not contravene the management plan. For individual navigable waters permits for docks located in the eight coastal counties but outside of critical areas, a coastal zone consistency certification is deemed approved if certification review is not completed within thirty days of an administratively complete application. For all other state permits, a coastal zone consistency certification is deemed approved if certification review is not completed within ninety days of the public comment period closing.

Engineers and contractors

SECTION 3. Chapter 6, Title 48 of the S.C. Code is amended by adding:

Section 48-6-35. (A) The Department of Environmental Services may hire one or more third-party, independent engineers to assist the department in its duties.

(B) The department must establish such reasonable regulations with respect to the qualifications of contractors allowed to bid on work of the department. Such regulations may fix eligibility requirements for bidders according to available capital and with due regard to experience and records of past performance.

Prospective repeal

SECTION 4. Section 48-39-130(D)(10) of the S.C. Code is repealed on September 30, 2032. Any maintenance dredging occurring after September 30, 2032, in areas that were dredged pursuant to Section 48-39-130(D)(10) must be performed pursuant to the provisions contained in Chapter 39, Title 48 and the maintenance dredging regulations promulgated pursuant to this act.

Time effective

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

Ratified the 1st day of April, 2026

Approved the 6th day of April, 2026

No. 117

(R125, H3967)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 48-23-185 SO AS TO DEFINE "BIOMASS" AND OTHER RELEVANT TERMS; TO REQUIRE THAT ENERGY PRODUCED FROM CERTAIN SOURCES BE CONSIDERED CARBON NEUTRAL AND FROM OTHER SOURCES CARBON NEGATIVE; AND FOR OTHER PURPOSES.

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

Biomass

SECTION 1. Chapter 23, Title 48 of the S.C. Code is amended by adding:

Section 48-23-185. (A) For purposes of this section:

(1) "Biomass" means bioenergy feedstocks from forest products manufacturing including, without limitation:

(a) forest products manufacturing residuals including, without limitation:

(i) pulping liquors;

(ii) pulping byproducts;

(iii) woody manufacturing residuals;

(iv) paper recycling residuals;

(v) wastewater and processed water treatment plant residuals; and

(vi) anaerobic digester biogas;

(b) harvest residues including, without limitation, trees or portions of harvested trees;

(c) downed wood from extreme weather events or natural disasters;

(d) nonhazardous landscape or right of way trimmings and municipal trimmings;

(e) plant material removed for purposes of invasive or noxious plant species control;

(f) biowaste including, without limitation, landfill gas;

(g) forest biomass derived from residues created as a byproduct of timber harvesting;

(h) forest management activities conducted for timber stand improvement or to increase yield, for ecological restoration, or to maintain or enhance forest health;

(i) biomass materials described by the United States Environmental Protection Agency as fuels pursuant to 40 C.F.R. Part 241; and

(j) other wood products including, without limitation, lumber, crates, and pallets.

(2) "Bioenergy with carbon capture and storage" means the process of capturing and permanently storing carbon dioxide for biomass energy generation.

(B)(1) Bioenergy produced from biomass is considered renewable and carbon neutral. When bioenergy produced from biomass is paired with bioenergy with carbon capture and storage, the bioenergy is considered carbon negative.

(2) Bioenergy produced from agricultural harvesting is considered renewable and carbon neutral. When the bioenergy produced from agricultural harvesting is paired with bioenergy with carbon capture and storage, the bioenergy is considered carbon negative.

Time effective

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

Ratified the 1st day of April, 2026

Approved the 6th day of April, 2026

No. 118

(R126, H5089)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-110, RELATING TO DESIGNATION OF VOTING PRECINCTS IN BEAUFORT COUNTY, SO AS TO REDESIGNATE THE MAP NUMBER ON WHICH THESE PRECINCTS ARE DELINEATED.

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

Beaufort County voting precincts

SECTION 1. Section 7-7-110(B) of the S.C. Code is amended to read:

(B) The precinct lines defining the above precincts are as shown on the official map on file with the Revenue and Fiscal Affairs Office designated as document P-13-26, and as shown on copies provided to the Board of Voter Registration and Elections of Beaufort County by the Revenue and Fiscal Affairs Office.

Time effective

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

Ratified the 1st day of April, 2026

Approved the 6th day of April, 2026

No. 119

(R112, H4902)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-158-50, RELATING TO AN EXEMPTION OF AN INTERCOLLEGIATE ATHLETE'S NAME, IMAGE, AND LIKENESS COMPENSATION CONTRACT DOCUMENTATION MAINTAINED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING FROM PUBLIC DISCLOSURE UNDER THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT, SO AS TO REMOVE AN EXCEPTION TO THE EXEMPTION, AND TO PROVIDE THAT RECORDS OF AGGREGATE REVENUE FUNDS EXPENDED FOR INTERCOLLEGIATE ATHLETICS REVENUE-SHARING PROGRAMS BY A PUBLIC INSTITUTION OF HIGHER LEARNING EACH FISCAL YEAR ARE SUBJECT TO THE SOUTH CAROLINA FREEDOM OF INFORMATION ACT SUBJECT TO EXCEPTIONS FROM SUCH DISCLOSURE FOR INDIVIDUAL ATHLETE PAYMENTS, SPORT-SPECIFIC ALLOCATIONS, AND NEGOTIATION RECORDS.

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

Revenue-sharing exemption from disclosure

SECTION 1. Section 59-158-50 of the S.C. Code is amended to read:

Section 59-158-50. (A) If an institution of higher learning collects, retains, or maintains copies or summaries of the terms of an intercollegiate athlete's name, image, or likeness contract or proposed contract detailing compensation to the intercollegiate athlete for the use of the intercollegiate athlete's name, image, or likeness or athletic reputation, the documentation may not be considered a public record under Section 30-4-20(C).

(B) An institution of higher learning may not be compelled to disclose the information to a collegiate athletic association, athletic conference, or other group or organization with authority over an intercollegiate athletic program at an institution of higher learning.

(C)(1) The total amount of revenue funds expended by an institution of higher learning during each fiscal year as part of an intercollegiate athletics revenue-sharing program is subject to public disclosure.

However, the following records and information are not subject to public disclosure and are exempt from disclosure pursuant to Section 30-4-40:

(a) the total amount, and any percentage amount, of those revenue funds paid as part of an intercollegiate athletics revenue-sharing program to any specific intercollegiate athlete; and

(b) the total amount, and any percentage amount, of those revenue funds as allocated as part of an intercollegiate athletics revenue-sharing program to any specific intercollegiate sport or athletics program.

(2) Documents related to or created as part of the process of negotiating an agreement with an intercollegiate athlete as part of an intercollegiate athletics revenue-sharing program, including any agreements entered into with any specific intercollegiate athlete, are confidential and may not be considered a public record pursuant to Section 30-4-20(C).

Time effective, retroactivity

SECTION 2. This act takes effect upon approval by the Governor and applies retroactively to any pending legal action or disclosure request for which a final judgment has not been entered.

Ratified the 5th day of March, 2026

Vetoed by the Governor -- 3/11/26.
Veto overridden by House -- 3/25/26.
Veto overridden by Senate -- 4/1/26.