CHAPTER 7

Traffic Tickets

**SECTION 56‑7‑10.** Use of uniform traffic ticket; vesting of jurisdiction; forms; utilization of electronic devices.

 (A) There will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses and for the following additional offenses:

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|   | Offense | Citation |   |
|   | Interfering with Police Officer Serving Process | Section 16‑5‑50 |   |
|   | Dumping Trash on Highway/Private Property | Section 16‑11‑700 |   |
|   | Indecent Exposure | Section 16‑15‑130 |   |
|   | Disorderly Conduct | Section 16‑17‑530 |   |
|   | Damaging Highway | Section 57‑7‑10 |   |
|   | Place Glass, Nails, Etc. on Highway | Section 57‑7‑20 |   |
|   | Obstruction of Highway by Railroad Cars, Etc. | Section 57‑7‑240 |   |
|   | Signs Permitted on Interstate | Section 57‑25‑140 |   |
|   | Brown Bagging | Section 61‑5‑20 |   |
|   | Drinking Liquors in Public Conveyance | Section 61‑13‑360 |   |
|   | Poles Dragging on Highway | Section 57‑7‑80 |   |
|   | Open Container | Section 61‑9‑87 |   |
|   | Purchase or Possession of Beer or Wine by a Person Under Age | Section 63‑19‑2440 |   |
|   | Purchase or Possession of Alcoholic Liquor by a Person Under Age Twenty‑One | Section 63‑19‑2450 |   |
|   | Unlawful Possession and Consumption of Alcoholic Liquors | Section 61‑5‑30 |   |
|   | Sale of Beer or Wine on Which Tax Has Not Been Paid | Section 61‑9‑20 |   |
|   | Falsification of Age to Purchase Beer or Wine | Section 61‑9‑50 |   |
|   | Unlawful Purchase of Beer or Wine for a Person Who Cannot Legally Buy | Section 61‑9‑60 |   |
|   | Unlawful Sale or Purchase of Beer or Wine, Giving False Information as to Age, Buying Beer or Wine Unlawfully for Another | Section 61‑9‑85 |   |
|   | Employment of a Person Under the Age of Twenty‑One as an Employee in Retail or Wholesale or Manufacturing Liquor Business | Section 61‑13‑340 |   |
|   | Failure to Remove Doors from Abandoned Refrigerators | Section 16‑3‑1010 |   |
|   | Malicious Injury to Animals or Personal Property | Section 16‑11‑510 |   |
|   | Timber, Logs, or Lumber Cutting, Removing, Transporting Without Permission, Valued at Less Than Fifty Dollars | Section 16‑11‑580 |   |
|   | Littering | Section 16‑11‑700 |   |
|   | Larceny of a Bicycle Valued at Less Than One Hundred Dollars | Section 16‑13‑80 |   |
|   | Shoplifting | Section 16‑13‑110 |   |
|   | Cock Fighting | Section 16‑17‑650 |   |
|   | Ticket Scalping | Section 16‑17‑710 |   |
|   | Domestic Violence, second and third degree | Section 16‑25‑20 |   |
|   | Glue Sniffing | Section 44‑53‑1110 |   |
|   | Trespassing | Section 16‑11‑755 |   |
|   | Trespassing | Section 16‑11‑600 |   |
|   | Trespassing | Section 16‑11‑610 |   |
|   | Trespassing | Section 16‑11‑620 |   |
|   | Negligent Operation of Watercraft; Operation of Watercraft While Under Influence of Alcohol or Drugs | Section 50‑21‑110 |   |
|   | Negligence of Boat Livery to Provide Proper Equipment and Registration | Section 50‑21‑120 |   |
|   | Interference with Aids to Navigation or Regulatory Markers or Operation of Watercraft in Prohibited Area | Section 50‑21‑170 |   |
|   | Operation of Watercraft Without a Certificate of Title | Section 50‑23‑190 |   |
|   | Parking on private property without permission | Section 16‑11‑760 |   |
|   | Certificate of Veterinary Inspection; Requirement for Out‑of‑State Livestock or Poultry | Section 47‑4‑60 |   |
|   | Inhibition of Livestock Inspection | Section 47‑4‑120 |   |
|   | Imported Swine | Section 47‑6‑50 |   |
|   | Operating Equine Sales Facility or Livestock Market Without Permit | Section 47‑11‑20 |   |
|   | Liability of Person Removing Livestock for Slaughter | Section 47‑11‑120 |   |
|   | Notice to Disinfect | Section 47‑13‑310 |   |
|   | Quarantine of Livestock or Poultry | Section 47‑4‑70 |   |
|   | Unlawful for Horse to Enter State Unless Tested | Section 47‑13‑1350 |   |
|   | Quarantine of Exposed Horses | Section 47‑13‑1360 |   |
|   | Proof of Test Required for Public Assembly of Horses | Section 47‑13‑1370 |   |
|   | False Certificates | Section 47‑13‑1390 |   |
|   | Unlawful to Feed Garbage to Swine | Section 47‑15‑20 |   |
|   | Notification Required from Certain Persons Disposing of Garbage | Section 47‑15‑40 |   |
|   | Sale of Uninspected Meat and Meat Products | Section 47‑17‑60 |   |
|   | Sale of Uninspected Poultry and Poultry Product | Section 47‑19‑70 |   |

 (B) In addition to the offenses contained in subsection (A), a uniform traffic ticket may be used in an arrest for a misdemeanor offense within the jurisdiction of magistrates court that has been freshly committed or is committed in the presence of a law enforcement officer.

 (C) No other ticket may be used for these offenses. The service of the uniform traffic ticket shall vest all traffic, recorders', and magistrates' courts with jurisdiction to hear and to dispose of the charge for which the ticket was issued and served. This ticket will be designed by the department and approved by the Attorney General within thirty days of submission by the department. A law enforcement agency may utilize computers and other electronic devices to issue uniform traffic citations and store information resulting from the issuance of a traffic citation if this method of issuing a citation has been approved by the Department of Public Safety.

HISTORY: 1962 Code Section 46‑871; 1967 (55) 203; 1971 (57) 474; 1980 Act No. 353, Section 1; 1984 Act No. 467; 1985 Act No. 158, Section 1; 1987 Act No. 185 Section 2; 1993 Act No. 181, Section 1468; 1996 Act No; 459, Section 214; 2003 Act No. 54, Section 2; 2005 Act No. 68, Section 1, eff May 23, 2005; 2013 Act No. 78, Section 1, eff June 13, 2013; 2015 Act No. 58 (S.3), Pt II, Section 8, eff June 4, 2015.

Code Commissioner's Note

At the direction of the Code Commissioner, the internal cross‑reference to Section 61‑5‑20 has been changed to Section Section 61‑6‑20, 61‑6‑1600, 61‑6‑1610, 61‑6‑1620, 61‑6‑2200, 61‑6‑2210, 61‑6‑4020, and 61‑6‑4710, the internal cross‑references to Section Section 61‑13‑340 and 61‑13‑360 have been changed to Section Section 61‑6‑4140 and 61‑6‑4720, the internal cross‑reference to Section 61‑9‑87 has been changed to Section 61‑4‑110, the internal cross‑references to Section Section 20‑7‑370 and 20‑7‑380 have been changed to Section Section 20‑7‑8920 and 20‑7‑8925, the internal cross‑reference to Section 61‑5‑30 has been changed to Section Section 61‑6‑1800, 61‑6‑2220, and 61‑6‑4710, and the internal cross references to Section Section 61‑9‑20, 61‑9‑50, 61‑9‑60, and 61‑9‑85 have been changed to Section Section 61‑4‑20, 61‑4‑60, 61‑4‑80, and 61‑4‑100, in accordance with 1996 Act Nos. 383 and 415.

At the direction of the Code Commissioner, the references to Sections 20‑7‑370 and 20‑7‑380 as contained in the 2005 amendment were changed to Sections 20‑7‑8920 and 20‑7‑8925; and in accordance with 2008 Act No. 361, they were changed to Sections 63‑19‑2440 and 63‑19‑2450.

At the direction of the Code Commissioner, reference to Section 23‑35‑120 was deleted. This section was repealed by 2010 Act No. 196, Section 2.

Effect of Amendment

The 2005 amendment rewrote the fourth sentence of the final undesignated paragraph, substituting the clause following "agency may" for "automate the issuance of a uniform ticket if approved by the department".

The 2013 amendment added the subsection designators; added "Shoplifting" and "Criminal Domestic Violence, First Offense and Second Offense (B)(1) and (2)" to the list of offenses; and added subsection (B).

2015 Act No. 58, Section 8, in (A), substituted "Domestic Violence, second and third degree" for "Criminal Domestic Violence, First Offense and Second Offense (B)(1) and (2)".

**SECTION 56‑7‑12.** Verification of insurance coverage upon issuance of traffic ticket; form; penalty.

 (A) When the operator or owner of an individual private passenger automobile as defined in Section 38‑77‑30(5.5) is issued a traffic ticket for a moving violation by a law enforcement officer, he may be furnished a written request form to be completed by him and his insurance company or the agent issuing the policy to verify liability insurance coverage. The form must be prescribed by the Department of Motor Vehicles and the Department of Public Safety.

 (B) The completed and verified form must be returned by the operator or owner to the local law enforcement agency issuing the traffic ticket within fifteen days from the date he receives it. Failure to return the form verified in the proper manner is prima facie evidence that the vehicle was uninsured.

 (C) The director or his designee of the department shall waive the reinstatement fee or per diem fine, or both, imposed upon the owner or operator of the motor vehicle pursuant to this section for his failure to complete and return the insurance verification form if he has liability insurance coverage when determined to be uninsured by the department. The Department of Motor Vehicles shall document its reasons for waiving the fees or fines in the records of the department.

 (D) No person knowingly may furnish or aid another in the submission of false or misleading information in the completed and verified form. A person who knowingly furnishes or aids another in submitting false or misleading information regarding the verification of liability insurance is subject to the penalties in Section 56‑10‑260.

 (E) This section applies only to owners and operators of motor vehicles registered under the laws of South Carolina.

 (F) Motor vehicles determined to be uninsured under this section are subject to Sections 56‑10‑240 and 56‑10‑245.

 (G) The operator of the motor vehicle shall present the written request form for verification of liability insurance coverage to the owner of the vehicle. Failure by the operator to give the form to the owner is prima facie evidence that the operator knowingly furnished false and misleading information to the department.

 However, the form must have the following sentence on its face in bold type, all capitals, and large print: "THE OWNER OR OPERATOR OF A MOTOR VEHICLE WHO IS ISSUED THIS FORM SHALL COMPLETE AND RETURN THE FORM TO THE ISSUING AGENCY WITHIN FIFTEEN DAYS OR IS SUBJECT TO A TWO HUNDRED DOLLAR REINSTATEMENT FEE AND FIVE DOLLAR A DAY FINE PURSUANT TO SOUTH CAROLINA LAW. IF YOU ARE NOT THE OWNER OF THE MOTOR VEHICLE, YOU SHALL PRESENT THIS FORM TO THE OWNER OR YOU ARE SUBJECT TO FINE AND IMPRISONMENT." The officer shall read aloud this sentence to the owner or operator of the motor vehicle upon furnishing the written request form to verify liability insurance coverage.

HISTORY: 1993 Act No. 113, Section 2; 1996 Act No. 459, Section 215.

Code Commissioner's Note

Pursuant to the directive to the Code Commissioner in 2003 Act No. 51, Section 18, "Department of Motor Vehicles and the Department of Public Safety" was substituted for "department" in subsection (A), and, in subsection (B) "Department of Motor Vehicles" was substituted for "director or his designee" and "its reasons" for "his reasons".

**SECTION 56‑7‑15.** Use of uniform traffic ticket for offense committed in officer's presence; domestic violence arrests and incident report.

 (A) The uniform traffic ticket, established pursuant to the provisions of Section 56‑7‑10, may be used by law enforcement officers to arrest a person for an offense that has been freshly committed or is committed in the presence of a law enforcement officer if the punishment is within the jurisdiction of magistrates court and municipal court. A law enforcement agency processing an arrest made pursuant to this section must furnish the information to the State Law Enforcement Division as required in Chapter 3, Title 23.

 (B) An officer who effects an arrest, by use of a uniform traffic ticket, for a violation of Chapter 25, Title 16 or Section 16‑13‑110 shall complete and file an incident report immediately following the issuance of the uniform traffic ticket.

 (C) The issuance of a uniform traffic ticket alleging the violation of Section 56‑5‑2770 is not subject to the provisions of this section.

HISTORY: 1990 Act No. 601, Section 1; 2003 Act No. 92, Section 5; 2005 Act No. 166, Section 15, eff January 1, 2006; 2013 Act No. 78, Section 2, eff June 13, 2013; 2014 Act No. 274 (H.5014), Section 5, eff June 9, 2014.

Effect of Amendment

The 2005 amendment made nonsubstantive changes throughout and, in subsection (B), substituted "shall" for "must subsequently" and "immediately" for "within fifteen days of the issuance of the ticket.

The 2013 amendment, in subsection (A), inserted "that has been freshly committed or is", and in subsection (B), inserted "or Section 16‑13‑110".

2014 Act No. 274, Section 5, added subsection (C), relating to Section 56‑5‑2770.

**SECTION 56‑7‑20.** Unique identifying numbers on tickets; colors and number of copies; electronic tickets.

Section effective until January 1, 2017. See, also, section 56‑7‑20 effective January 1, 2017.

 Each ticket shall have a unique identifying number. Each printed copy must be labeled at the bottom with the purpose of the copy. A handwritten traffic ticket must consist of four copies, one of which must be blue and must be given to the vehicle operator who is the alleged traffic violator; one of which must be yellow and must be dispatched to the Department of Motor Vehicles for its records and for audit purposes; one of which must be white and must be dispatched to the police agency of which the arresting officer is a part; and one of which must be green and must be retained by the trial officer for his records. An electronic traffic ticket must consist of at least one printed copy that must be given to the vehicle operator who is the alleged traffic violator and as many as three additional printed copies if needed to communicate with the Department of Motor Vehicles, the police agency, and the trial officer.

HISTORY: 1962 Code Section 46‑872; 1967 (55) 203; 1980 Act No. 353, Section 2; 1993 Act No. 181, Section 1469; 2005 Act No. 68, Section 2, eff May 23, 2005; 2009 Act No. 1, Section 1, eff April 7, 2009.

**SECTION 56‑7‑20.** Unique identifying numbers on tickets; colors and number of copies; electronic tickets.

Section effective January 1, 2017. See, also, section 56‑7‑20 effective until January 1, 2017.

 Each ticket shall have a unique identifying number. Each printed copy must be labeled at the bottom with the purpose of the copy. A handwritten traffic ticket must consist of four copies, one of which must be blue and must be given to the vehicle operator who is the alleged traffic violator; one of which must be yellow and must be dispatched to the Department of Motor Vehicles for its records and for audit purposes; one of which must be white and must be dispatched to the police agency of which the arresting officer is a part; and one of which must be green and must be retained by the trial officer for his records. An electronic traffic ticket must consist of at least one printed copy that must be given to the vehicle operator who is the alleged traffic violator and as many as three additional printed copies if needed to communicate with the Department of Motor Vehicles, the police agency, and the trial officer. Tickets may be collected electronically, but must be transmitted to the Department of Motor Vehicles electronically. Data transmissions to the Department of Motor Vehicles must be made pursuant to the Department of Motor Vehicles' electronic specifications.

HISTORY: 1962 Code Section 46‑872; 1967 (55) 203; 1980 Act No. 353, Section 2; 1993 Act No. 181, Section 1469; 2005 Act No. 68, Section 2, eff May 23, 2005; 2009 Act No. 1, Section 1, eff April 7, 2009; 2016 Act No. 185 (H.3685), Section 1, eff January 1, 2017.

Effect of Amendment

The 2005 amendment rewrote this section, adding the fourth sentence relating to electronic traffic tickets.

The 2009 amendment, in the fourth sentence, deleted the color requirements for printed copies of electronic tickets.

2016 Act No. 185, Section 1, added the last two sentences, relating to electronic collection and transmission of tickets.

**SECTION 56‑7‑30.** Printing and ordering traffic tickets; forwarding driver records and audit copies to Department of Motor Vehicles; electronic tickets.

Section effective until January 1, 2017. See, also, section 56‑7‑30 effective January 1, 2017.

 (A) The Department of Public Safety shall have the traffic tickets printed. Law enforcement agencies shall order tickets from the Department of Public Safety and shall record the identifying numbers of the tickets received by them. The cost of the tickets must be paid by the law enforcement agency. The Department of Motor Vehicles records and audit copy must be forwarded to the Department of Motor Vehicles within ten days of the disposition of the case by final trial court action or by nolle prosequi. The head of each law enforcement agency is responsible for the forwarding of the driver records and audit copies to the Department of Motor Vehicles and for conducting an annual inventory on December thirty‑first of all tickets received but not disposed of by final trial court action or by nolle prosequi, and for forwarding the results of the inventory on a form prescribed by the Department of Motor Vehicles to the Department of Motor Vehicles within ten days of the completion of the inventory.

 (B) A law enforcement agency that issues uniform traffic tickets in an electronic format as provided in Section 56‑7‑10 may generate a printed copy of this ticket by using an in‑car data terminal or hand held device. A copy of the ticket must be given to the offender. The agency may then transmit the ticket data electronically to the Department of Motor Vehicles for its records and for audit purposes, the law enforcement agency by which the arresting officer is employed, and the trial officer for his records. If any of these entities does not have the capability to accept the ticket data solely using electronic means, the arresting agency must provide the entity with a printed copy of the ticket generated by the in‑car data terminal or hand held device. Data transmissions to the Department of Motor Vehicles must be made pursuant to that agency's electronic system specifications. Printed copies provided to the Department of Motor Vehicles must meet that agency's document processing requirements.

HISTORY: 1962 Code Section 46‑873; 1967 (55) 203; 1980 Act No. 353, Section 3; 1993 Act No. 181, Section 1470; 2005 Act No. 68, Section 3, eff May 23, 2005.

**SECTION 56‑7‑30.** Printing and ordering traffic tickets; forwarding to court and Department of Motor Vehicles within three business days of issuance to offender; forwarding of disposition information; electronic tickets.

Section effective January 1, 2017. See, also, section 56‑7‑30 effective until January 1, 2017.

 (A) The Department of Public Safety shall have the traffic tickets printed. Law enforcement agencies shall order tickets from the Department of Public Safety and shall record the identifying numbers of the tickets received by them. The cost of the tickets must be paid by the law enforcement agency. The court's copy must be forwarded by the law enforcement agency to the appropriate court and electronically to the Department of Motor Vehicles within three business days of issuance to the offender. After final trial court action or nolle prosequi, disposition information must be forwarded electronically to the Department of Motor Vehicles by the appropriate court within five business days of the trial date.

 (B) A law enforcement agency that issues uniform traffic tickets in an electronic format as provided in Section 56‑7‑10 may generate a printed copy of this ticket by using an in‑car data terminal or hand held device. A copy of the ticket must be given to the offender. The court's copy must be forwarded by the law enforcement agency to the appropriate court, in a format as prescribed by the South Carolina Judicial Department, and electronically to the Department of Motor Vehicles within three business days of issuance to the offender. Data transmissions to the Department of Motor Vehicles must be made pursuant to the Department of Motor Vehicles' and the South Carolina Judicial Department's electronic systems specifications.

HISTORY: 1962 Code Section 46‑873; 1967 (55) 203; 1980 Act No. 353, Section 3; 1993 Act No. 181, Section 1470; 2005 Act No. 68, Section 3, eff May 23, 2005; 2016 Act No. 185 (H.3685), Section 2, eff January 1, 2017.

Code Commissioner's Note

Pursuant to the directive to the Code Commissioner in 2003 Act No. 51, Section 18, "Department of Public Safety" was substituted for "department" in the first sentence and "Department of Motor Vehicles" in the third and fourth sentences.

Effect of Amendment

The 2005 amendment rewrote subsection (A) and added subsection (B) relating to electronic tickets.

2016 Act No. 185, Section 2, rewrote the section.

**SECTION 56‑7‑35.** Uniform traffic ticket for speeding or disregarding traffic control device; incident to and contemporaneous with traffic stop; delivery; use of photographic evidence; exception for toll collection violation.

 (A)(1) A law enforcement officer who issues a uniform traffic ticket for a violation of a local ordinance or traffic laws relating to speeding must do so incident to and contemporaneous with a traffic stop.

 (2) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

 (3) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56‑3‑20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to speeding. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

 (4) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to speeding may not be issued based in whole or in part upon photographic evidence, whether gathered in conjunction with radar speed detection devices and whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

 (B)(1) A law enforcement officer who issues a uniform traffic ticket for a violation of a local ordinance or the traffic laws relating to disregarding a traffic control device must do so incident to and contemporaneous with a traffic stop.

 (2) A copy of the citation must be given directly to the offender by the law enforcement officer issuing the citation at the time of the traffic stop for the offense.

 (3) A law enforcement agency may not utilize the United States mail, a parcel delivery service, electronic means, or otherwise to send to the operator or owner of a motor vehicle or motorcycle, as defined in Section 56‑3‑20, a uniform traffic citation alleging a violation of a local ordinance or the traffic laws relating to disregarding traffic control devices. This subsection does not prohibit the law enforcement agency from sending the operator or owner an additional copy of a uniform citation that was issued to the operator or owner during the traffic stop for the offense upon request of the operator or owner.

 (4) A uniform traffic citation alleging the violation of a local ordinance or the traffic laws relating to disregarding traffic control devices may not be issued based in whole upon photographic evidence, whether the camera or other electronic device capturing the photographic evidence was attended or unattended at the time it captured the photographic evidence. This section does not prohibit the use of photographic or video evidence at any hearing related to the offense to corroborate the testimony of a law enforcement officer who personally observed the offense.

 (C) The provisions of this section do not apply to:

 (1) toll collection; or

 (2) issuance of a uniform traffic citation alleging the violation of Section 56‑5‑2770.

HISTORY: 2011 Act No. 65, Section 1, eff June 17, 2011; 2014 Act No. 274 (H.5014), Section 4, eff June 9, 2014.

Editor's Note

2011 Act No. 65, Section 4, provides as follows:

"(A) There is established a commission to be known as the South Carolina Traffic Camera Enforcement Commission which must exercise the powers and fulfill the duties contained in this section. The commission is comprised of the following thirteen members:

"(1) the Governor, ex officio, or her designee;

"(2) the Chief Justice of the South Carolina Supreme Court, or her designee;

"(3) the Speaker of the House of Representatives, ex officio, or his designee;

"(4) the President Pro Tempore of the Senate, ex officio, or his designee;

"(5) the Attorney General of South Carolina, ex officio, or his designee;

"(6) the Director of the Department of Public Safety, ex officio, or his designee;

"(7) the Director of the Department of Parks, Recreation and Tourism, ex officio, or his designee;

"(8) the Chairman of the Senate Transportation Committee, ex officio, or his designee;

"(9) the Chairman of the House Education and Public Works Committee, ex officio, or his designee;

"(10) the President of South Carolina Law Enforcement Officers Association, or his designee;

"(11) the President of the South Carolina Sheriffs' Association, or his designee;

"(12) the President of the South Carolina Bar Association, or his designee; and

"(13) the President of the South Carolina Association of Criminal Defense Lawyers, or his designee.

"(B) The Governor, or her designee, shall serve as chairman of the commission.

"(C) Designees serving on the commission must have substantial academic or professional experience or specialization in one or more areas of law enforcement, public safety, or civil or criminal justice. Designees serving on the commission must have been a resident of South Carolina since January 1, 2001.

"(D) The commission must meet as soon as practicable after appointment to organize itself and elect officers that it considers necessary. Thereafter, the commission must meet as necessary to exercise the powers and fulfill the duties required by this section at the call of the chairman or by a majority of the members. A quorum consists of six members.

"(E) The duties of the commission shall be to:

"(1) conduct a comprehensive study concerning the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;

"(2) develop criteria for assessing the use of traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs;

"(3) issue a report of its findings concerning utilizing traffic enforcement camera systems to detect violations of and enforce the state's uniform traffic laws. The report must consider and address at least the following issues:

"(a) the positives and negatives of a private company's involvement in enforcing traffic laws;

"(b) assuming private companies are authorized to participate in enforcing traffic laws, the appropriate distribution of authority between law enforcement and a private company;

"(c) whether there is a conflict of interest when a private company is paid a commission based on the number of traffic tickets issued through the use of its traffic enforcement camera systems and, if so, how the conflict of interest may be resolved;

"(d) the public policy implications, if any, of a private company reimbursing a state or local government for the use of their law enforcement personnel in connection with the operation of the company's traffic enforcement camera system;

"(e) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether a statewide agency such as the Department of Public Safety should be solely authorized to operate the system, whether a statewide agency should operate the system in conjunction with local law enforcement authorities, or whether local law enforcement authorities be solely authorized to operate systems within their jurisdiction;

"(f) the accuracy of current traffic enforcement camera systems, specifically whether vehicles violating the speed limit or failing to obey traffic control signals or stop signs, other than the vehicle photographed, trigger the photograph being taken and, if so, whether the technology can be improved to prevent that from occurring;

"(g) whether it is important to have a law enforcement officer actually view the vehicle violating a speed limit in order to confirm, with his visual estimation of speed, what the radar indicates, whether an officer viewing a picture being taken of the vehicle is sufficient confirmation, or whether officer confirmation is necessary;

"(h) whether traffic enforcement camera systems present a possible visual disturbance for the driver resulting from a flash when the system takes a picture;

"(i) whether the use of traffic enforcement camera systems diminish the dangers to and increase the safety of law enforcement personnel;

"(j) whether the use of traffic enforcement camera systems decrease the number of speed limit violations and, thereby, increase public safety;

"(k) whether the use of traffic enforcement camera systems in connection with law enforcement raise any personal privacy issues;

"(l) identify the criminal laws, if any, that should not be enforced by cameras;

"(m) whether the information contained in photographs taken by traffic enforcement camera systems should be limited to the enforcement of traffic laws, or whether the information, including, but not limited to, license plate numbers, should also be generally available for use by law enforcement for official law enforcement purposes;

"(n) whether there is a difference between using a traffic enforcement camera system to enforce traffic laws related to speed limits and traffic laws requiring obedience to traffic control signals and stop signs;

"(o) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether they should be used on all public roads, only on certain roads, or only in certain areas, including, but not limited to, school zones, temporary work zones, and construction zones;

"(p) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, whether there is a way to ensure that traffic enforcement camera systems are being used to improve road safety, and assuming that their use improves road safety, rather than maximizing government revenues resulting from violations of uniform traffic laws;

"(q) the constitutionality of utilizing traffic enforcement camera systems to enforce uniform traffic laws and mailing citations to alleged violators, and, if unconstitutional, the manner in which a system may be constitutionally operated;

"(r) the public policy implications, if any, raised by citations for uniform traffic law violations being mailed to the alleged violator after the event as opposed to being personally delivered contemporaneous with, or within one hour of, the alleged violation;

"(s) whether the state's criminal justice system currently has a sufficient number of judges and magistrates to handle the increased number of citations that would result from statewide use of traffic enforcement camera systems; and

"(t) assuming that traffic enforcement camera systems are used to enforce uniform traffic laws, the manner in which the revenue raised should be allocated and the purposes for which it should be used;

"(4) make recommendations, if any, for changes to existing law concerning the use of traffic enforcement camera systems to detect and enforce the state's uniform traffic laws, including, but not limited to, violating speed limits and the failure to obey traffic control signals and stop signs. Rather than making recommendations for changes to existing law, the commission also may recommend that no changes are necessary to the existing law that prohibits the use of traffic enforcement cameras to detect traffic regulation violations. Recommendations made pursuant to this item must be contained in the report issued pursuant to item (3).

"(F) On or before November 1, 2011, the commission must conclude its business and report its findings to the General Assembly, at which time the commission is dissolved. The General Assembly may extend the dates by which the commission shall submit reports required by this act.

"(G) The members of the commission shall serve without compensation and are ineligible for the usual mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions."

Effect of Amendment

2014 Act No. 274, Section 4, rewrote subsection (C), adding reference to Section 56‑5‑2770.

**SECTION 56‑7‑40.** Penalty for failure to account for ticket or use of nonuniform ticket.

Section effective until January 1, 2017. See, also, section 56‑7‑40 effective January 1, 2017.

 Any person intentionally violating the provisions of Section 56‑7‑10 or 56‑7‑30 shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than two hundred fifty dollars nor more than fifteen hundred dollars or imprisoned for not more than six months, or both, for each ticket unaccounted for, or each use of a nonuniform ticket, or each failure to timely forward the Department of Motor Vehicles records copy or audit copy of a ticket. If the failure to account for a ticket, or the use of a nonuniform ticket, or the failure to timely forward the Department records or audit copy of the ticket is inadvertent or unintentional, such misuse shall be triable in magistrate's court and upon conviction shall be punishable by a fine of not more than one hundred dollars. Any person charged with failing to timely forward the results of the annual inventory shall be tried in magistrate's court and upon conviction shall be fined not more than one hundred dollars.

HISTORY: 1962 Code Section 46‑874; 1967 (55) 203; 1980 Act No. 353, Section 4.

**SECTION 56‑7‑40.** Penalty for failure to account for ticket, use of nonuniform ticket, or failure to forward ticket.

Section effective January 1, 2017. See, also, section 56‑7‑40 effective until January 1, 2017.

 Any person intentionally violating the provisions of Section 56‑7‑10 or 56‑7‑30 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars nor more than fifteen hundred dollars or imprisoned for not more than six months, or both, for each ticket unaccounted for, or each use of a nonuniform ticket, or each failure to timely electronically forward the Department of Motor Vehicles a copy of the ticket. If the failure to account for a ticket, or the use of a nonuniform ticket, or the failure to timely forward the Department of Motor Vehicles a copy of the ticket is inadvertent or unintentional, such misuse shall be triable in magistrates court and, upon conviction, shall be punishable by a fine of not more than one hundred dollars.

HISTORY: 1962 Code Section 46‑874; 1967 (55) 203; 1980 Act No. 353, Section 4; 2016 Act No. 185 (H.3685), Section 3, eff January 1, 2017.

Code Commissioner's Note

Pursuant to the directive to the Code Commissioner in 2003 Act No. 51, Section 18, "Department of Motor Vehicles" was substituted for "department".

Effect of Amendment

2016 Act No. 185, Section 3, rewrote the section.

**SECTION 56‑7‑50.** Nonapplicability to certain agencies.

 The provisions of this chapter shall not apply to the South Carolina Department of Natural Resources or to any of its agents.

HISTORY: 1985 Act No. 158, Section 2; 1993 Act No. 181, Section 1471.

**SECTION 56‑7‑70.** Law enforcement officer identification upon stopping a driver.

 When a law enforcement officer stops a driver for a violation of the motor vehicle laws, he shall present his law enforcement badge or other appropriate identification to the driver immediately upon approaching him and before questioning.

HISTORY: 1990 Act No. 598, Section 1.

**SECTION 56‑7‑80.** County or municipal uniform ordinance summons.

 (A) Counties and municipalities are authorized to adopt by ordinance and use an ordinance summons as provided herein for the enforcement of county and municipal ordinances. Upon adoption of the ordinance summons, any county or municipal law enforcement officer or code enforcement officer is authorized to use an ordinance summons. Any county or municipality adopting the ordinance summons is responsible for the printing, distributing, monitoring, and auditing of the ordinance summons to be used by that entity.

 (B) The uniform ordinance summons may not be used to perform a custodial arrest. No county or municipal ordinance which regulates the use of motor vehicles on the public roads of this State may be enforced using an ordinance summons.

 (C) An ordinance summons must cite only one violation per summons and must contain at least the following information:

 (1) the name and address of the person or entity charged;

 (2) the name and title of the issuing officer;

 (3) the time, date, and location of the hearing;

 (4) a description of the ordinance the person or entity is charged with violating;

 (5) the procedure to post bond; and

 (6) any other notice or warning otherwise required by law.

 The ordinance summonses must be consecutively and discretely numbered. The ordinance summonses must be audited as part of the annual independent audit required in Section 4‑9‑150 for counties and in Section 5‑7‑240 for municipalities, and a separate copy of each audit must be furnished to the chief administrative officer of the county or municipality, as appropriate.

 (D) Service of a uniform ordinance summons vests all magistrates' and municipal courts with jurisdiction to hear and dispose of the charge for which the ordinance summons was issued and served.

 (E) Any law enforcement officer or code enforcement officer who serves an ordinance summons must allow the person served to proceed without first having to post bond or to appear before a magistrate or municipal judge. Acceptance of an ordinance summons constitutes a person's recognizance to comply with the terms of the summons.

 (F) Any person who fails to appear before the court as required by an ordinance summons, without first having posted such bond as may be required or without having been granted a continuance by the court, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days. Any law enforcement agency processing an arrest made pursuant to this subsection must furnish such information to the State Law Enforcement Division as required by Chapter 3 of Title 23.

 (G) This statute does not prohibit a county or municipality from enforcing ordinances by means otherwise authorized by law.

HISTORY: 1992 Act No. 328, Section 1.