CHAPTER 25

Commission for the Blind

**SECTION 43‑25‑10.** Commission for the Blind created; membership; qualifications and terms of members; meetings; officers; compensation.

 There is created the South Carolina Commission for the Blind. The commission shall consist of seven members, one from each of the seven Congressional Districts, of whom three shall meet the legal definition of blindness as defined in Section 43‑25‑20. The Governor shall, with the advice and consent of the Senate, appoint the members of the commission for terms of four years and until their successors are appointed and qualify. All vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. The members of the commission shall elect one of its members as chairman for a term of two years or until his successor has been elected. The chairman shall preside at the regular meetings of the commission to be held at least once each month. The chairman may call a meeting when he considers it necessary to be held at a time to be determined by the commission. The commission shall appoint a commissioner and other officers as the commission considers necessary, none of whom may be a member of the commission, and shall fix the compensation and prescribe the duties of these appointees. The members of the commission shall receive no salary but must be allowed the usual mileage, subsistence, and per diem as authorized by law for commissions, committees, and boards.

HISTORY: 1962 Code Section 71‑291; 1966 (54) 2325; 1975 (59) 150; 2012 Act No. 279, Section 15, eff June 26, 2012; 2018 Act No. 239 (H.3440), Section 1, eff May 17, 2018.

Editor's Note

2012 Act No. 279, Section 33, provides as follows:

"Due to the congressional redistricting, any person elected or appointed to serve, or serving, as a member of any board, commission, or committee to represent a congressional district, whose residency is transferred to another district by a change in the composition of the district, may serve, or continue to serve, the term of office for which he was elected or appointed; however, the appointing or electing authority shall appoint or elect an additional member on that board, commission, or committee from the district which loses a resident member as a result of the transfer to serve until the term of the transferred member expires. When a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires. Further, the inability to hold an election or to make an appointment due to judicial review of the congressional districts does not constitute a vacancy."

Effect of Amendment

2018 Act No. 239, Section 1, in the second sentence, substituted "meet the legal definition of blindness as defined in Section 43‑25‑20" for "have a visual acuity not to exceed 20/20".

**SECTION 43‑25‑20.** "Blindness" and "severe visual disability" as criteria for acceptance for services for persons who qualify.

 For purposes of this chapter, "blindness" and "severe visual disability" are the criteria for acceptance for services for persons who qualify.

 (1) "Blindness" is defined as that level of central visual acuity, 20⁄200 or less in the better eye with correcting glasses, or a disqualifying field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees and which is sufficient to incapacitate him for self‑support, or an eighty per cent loss of visual efficiency resulting from visual impairment in more than one function of the eye, including visual acuity for distance and near, visual fields, ocular, mobility, and other ocular functions and disturbances.

 (2) "Severe visual disability" is defined as any progressive pathological condition of the eye or eyes supported by acceptable eye examination, which in the opinion of the examiner may or will result in legal blindness within twenty‑four months.

HISTORY: 1962 Code Section 71‑292; 1966 (54) 2325; 1974 (58) 2090.

**SECTION 43‑25‑30.** Powers and duties of commission.

 The commission shall:

 (1) Promulgate rules and regulations as may be necessary to carry out the provisions of this chapter.

 (2) Apply for, receive and expend monies from all governmental agencies, both State and Federal; and accept gifts, grants, donations, devises and bequests made for providing aid to the visually handicapped, including expenses of administration. All such funds shall be paid into the State Treasury.

 (3) Submit to the Governor and publish an annual report showing the total amount of money disbursed, the total number of blind and visually handicapped persons who received services, and such other information as may be deemed advisable.

 (4) Maintain a complete register of persons whose vision, with correcting lenses, does not exceed 20⁄200 which shall also include the conditions, cause of loss of sight, capacity for educational and industrial training of each, and other pertinent facts.

 (5) Maintain bureaus of information and industrial aid to assist the visually handicapped in finding employment and to teach them industries which may be followed in their homes, and to assist them in whatever manner may seem advisable to the commission in disposing of the products of their home industry.

 (6) Make inquiries concerning the cause of loss of sight, learn what proportion of these cases are preventable and inaugurate and cooperate with the State in any measure as may seem wise.

 (7) Cooperate with the State Department of Health and Environmental Control in the adoption and enforcement of proper preventive measures.

 (8) Establish, equip and maintain a center for vocational, industrial and other training and employ qualified instructors. The center shall provide for orientation and adjustment for the visually handicapped. Training in such centers shall be limited to persons deemed eligible by the commission.

 (9) Supervise and control all concession stands established and operated formerly by the State Department of Social Services and all concession stands established by the commission.

 (10) Have the authority to enter into contracts with owners of private property for the purpose of installing concession stands which shall be under the control of the commission.

 (11) Establish, supervise and render totally operative and effective prevention of loss of sight programs using such facilities in the State as the commission may deem necessary including a mobile ophthalmological laboratory and office.

 (12) Assist in the furtherance of the purposes of Section 44‑7‑10.

HISTORY: 1962 Code Section 71‑293; 1966 (54) 2325; 1972 (57) 2382; 2018 Act No. 239 (H.3440), Section 2, eff May 17, 2018.

Effect of Amendment

2018 Act No. 239, Section 2, in (12), substituted "Section 44‑7‑10" for "Sections 44‑43‑110 to 44‑43‑160 and 44‑7‑10".

**SECTION 43‑25‑40.** Commission shall establish application procedure; register of ophthalmologists; commission shall pay examination costs.

 The commission shall designate the procedure to be followed and shall establish a register of ophthalmologists from which the applicant may select one to conduct a competent medical examination for determining the extent of his visual handicap. The commission shall pay for such examination.

HISTORY: 1962 Code Section 71‑294; 1966 (54) 2325.

**SECTION 43‑25‑50.** Eye examinations and medical and surgical treatment for visually handicapped persons; reports of results.

 The commission may arrange for the examination of the eyes of visually handicapped persons and may secure and pay for medical and surgical treatment for such persons whenever in the judgment of an ophthalmologist the eyes of such person may be benefited thereby. Whenever, upon examination by an ophthalmologist any person is found to have no vision or vision with glasses which is so defective as to prevent the performance of ordinary activities for which eyesight is essential, such examining ophthalmologist shall, within thirty days, report the results of the examination to the commission.

HISTORY: 1962 Code Section 71‑295; 1966 (54) 2325.

**SECTION 43‑25‑60.** Itinerant counselors shall assist in schools; visually handicapped pupils shall be reported to commission.

 The commission may employ qualified itinerant counselors to assist teachers in public or private schools who are responsible for the teaching of visually handicapped students. The itinerant counselor shall assist the public or private school teacher by providing methods and materials for teaching such student. The State Department of Education shall report to the commission the schools having visually handicapped students. All principals or heads of private schools shall report to the commission the names of visually handicapped students in attendance.

HISTORY: 1962 Code Section 71‑296; 1966 (54) 2325; 2018 Act No. 239 (H.3440), Section 3, eff May 17, 2018.

Effect of Amendment

2018 Act No. 239, Section 3, in the first sentence, substituted "itinerant counselors" for "itinerant teachers", and in the second sentence, substituted "itinerant counselor" for "itinerant teacher".

**SECTION 43‑25‑70.** Concession stands.

 The commission is empowered to operate concession stands in any State, county or municipal building and in any State park and shall negotiate with the proper agency or governing body regarding the establishment of a concession on such property. In buildings where a stand existed on May 25, 1940, the person who was then operating such a stand shall not be removed, but when such operator ceases to operate such stand the concession for further operation shall be granted to the commission. No rental or other charge shall be required by the commission for the granting of an operation permit. Any rental payment or commission charged by the owner of private property for the location of such a stand shall be collected from the operator of the stand by the commission. No charge shall be made for the installation or operation of a concession stand or for the maintenance of equipment of a concession stand regardless of location.

HISTORY: 1962 Code Section 71‑297; 1966 (54) 2325.

**SECTION 43‑25‑80.** Fund for treatment and training of visually handicapped.

 Any sums appropriated by the General Assembly for treatment and training of the visually handicapped shall be kept by the State Treasurer in a fund for the treatment and training of the visually handicapped and shall be used to carry out the particular purpose assigned to it.

HISTORY: 1962 Code Section 71‑298; 1966 (54) 2325.

**SECTION 43‑25‑90.** Right to and procedures at hearings and appeals; effect of appeal.

 A person aggrieved by an action of the commission must be granted, upon request, a hearing before a hearing officer assigned by the commission. The hearing officer may not be a member of the commission. The hearing officer has the authority to conduct hearings, to issue subpoenas requiring the attendance of witnesses and the production of records and other documents, to administer oaths and to take testimony. An appeal may be taken from the decision of the hearing officer to the Commission for the Blind. The commission shall hold a hearing on the matter which must be attended by at least three members. An appeal may be taken from the decision of the commission to the Administrative Law Court as provided in Sections 1‑23‑380(B) and 1‑23‑600(D). The appellant, within thirty days after notice of the decision of the commission, shall serve notice of appeal upon the chairman of the commission, stating grounds upon which the appeal is founded and file the notice with the Administrative Law Court in accordance with its rules of procedure. The appeal acts as a supersedeas until it is finally determined.

HISTORY: 1962 Code Section 71‑299; 1966 (54) 2325; 1975 (59) 150; 2006 Act No. 387, Section 21, eff July 1, 2006.

Editor's Note

2006 Act No. 387, Section 53, provides as follows:

"This act is intended to provide a uniform procedure for contested cases and appeals from administrative agencies and to the extent that a provision of this act conflicts with an existing statute or regulation, the provisions of this act are controlling."

2006 Act No. 387, Section 57, provides as follows:

"This act takes effect on July 1, 2006, and applies to any actions pending on or after the effective date of the act. No pending or vested right, civil action, special proceeding, or appeal of a final administrative decision exists under the former law as of the effective date of this act, except for appeals of Department of Health and Environmental Control Ocean and Coastal Resource Management and Environmental Quality Control permits that are before the Administrative Law Court on the effective date of this act and petitions for judicial review that are pending before the circuit court. For those actions only, the department shall hear appeals from the administrative law judges and the circuit court shall hear pending petitions for judicial review in accordance with the former law. Thereafter, any appeal of those actions shall proceed as provided in this act for review. For all other actions pending on the effective date of this act, the action proceeds as provided in this act for review."

**SECTION 43‑25‑100.** Transfer of certain powers and duties of Division for the Blind to Commission.

 The powers and duties of the Division for the Blind of the State Department of Social Services including, but not limited to, the distribution of talking book machines, vocational rehabilitation and other special services for the visually handicapped except those duties and responsibilities surrounding the administration of the State Federal Program of Aid to the Needy Blind shall be devolved upon the South Carolina Commission for the Blind.

HISTORY: 1962 Code Section 71‑300; 1966 (54) 2325; 1972 (57) 2382.