

SOLICITORS' DIVERSION PROGRAMS INFORMATION:

Traffic Education Programs Summary

- A. Each Solicitor may establish a Traffic Education Program (TEP), which includes both community service and educational components. S.C. Code Ann. §17-22-310(A). TEP is under the direct supervision and control of the Solicitor's Office. §17-22-310(C).
- B. Eligibility for TEP:
- A person may be considered for TEP if the person has no significant history of traffic violations. §17-22-320(A).
 - A person may not participate in TEP if the person has previously participated in TEP. §17-22-320(A).
 - Only a traffic-related offense that is punishable by a fine *and* the loss of points is eligible for TEP. However, the traffic-related offense must be punishable by the loss of four points or less to be eligible. §17-22-310(A). These eligible offenses include:
 - Driving too fast for conditions, or speeding more than 10 m.p.h. but less than 25 m.p.h. above the posted limits. (4 points);
 - Disobedience of any official traffic control device. (4 points);
 - Disobedience to officer directing traffic. (4 points);
 - Failing to yield right of way. (4 points);
 - Driving on wrong side of road. (4 points);
 - Passing unlawfully. (4 points);
 - Turning unlawfully (4 points);
 - Driving through or within safety zone (4 points);
 - Failing to give signal or giving improper signal for stopping, turning, or suddenly decreased speed (4 points);
 - Operating with improper brakes (4 points);
 - Following too closely (4 points);
 - Driving too fast for conditions, or speeding no more than 10 m.p.h. above the posted limits (2 points);
 - Shifting lanes without safety precaution (2 points);
 - Improper dangerous parking (2 points);
 - Failing to dim lights (2 points);
 - Operating with improper lights (2 points);
 - Operating a vehicle in unsafe condition (2 points);
 - Driving in improper lane (2 points); and
 - Improper backing (2 points).
 - A person may not participate in TEP arising from any type of traffic law violation (other than parking, vehicle weight or vehicle defect violations) if he/she holds a Commercial Driver's License (CDL) or Commercial Learner's Permit (CLP).
 - A person may not participate in TEP if the person's traffic-related offense resulted in death or serious bodily injury to another person. §17-22-310(A).
 - A traffic-related offense which provides for jail time is not eligible for TEP.
- C. A person's participation in TEP does not prevent the person's participation in a pretrial intervention program as otherwise provided in Title 17. §17-22-320(B).
- D. When a person successfully completes TEP, the Solicitor's Office must effect a noncriminal disposition of the traffic-related offense. No record should be kept of the traffic-related offense, except to ensure the person does not participate in TEP more than once.
- E. Termination from TEP:
- A Solicitor has discretion to terminate a person from TEP and reinstate the traffic-related offense when the person violates the conditions of TEP. §17-22-330(C).
 - If a person has entered TEP, and then receives a subsequent traffic violation during the six months following the issuance of the ticket for which the person has entered the program, the person is considered to have violated the conditions of the program. That person *must* be terminated from the program and the traffic-related offense reinstated. §17-22-330(D). However, a person who has already entered into and completed TEP would not be affected by the issuance of a subsequent traffic-related offense, except that the person may not again participate in the program.