

Session 116 - (2005-2006)

S*0001 (Rat #0159, Act #0147 of 2005) General Bill, By Ryberg, Hutto, Lourie, Drummond, Land, Moore, Matthews, McGill, O'Dell, Reese, Hayes, Gregory, Jackson, Martin, Rankin, Short, Richardson, Ritchie, Cromer, J.V. Smith, Leatherman, Fair and Patterson

Summary: Child restraint requirements

AN ACT TO AMEND SECTION 56-5-6450, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CHILD PASSENGER RESTRAINT SYSTEM REQUIREMENTS, SO AS TO PROVIDE THAT A FINE FOR A VIOLATION OF THE LAW MUST NOT BE WAIVED AND TO PROVIDE THAT COURT COSTS, ASSESSMENTS, OR SURCHARGES MAY NOT BE ASSESSED AGAINST A PERSON WHO VIOLATES A PROVISION RELATING TO THE USE OF A CHILD PASSENGER RESTRAINT SYSTEM; TO AMEND SECTION 56-5-6525, RELATING TO LIMITS ON THE USE OF CHECKPOINTS OR ROADBLOCKS TO ENFORCE THE STATE'S MANDATORY USE OF SAFETY BELT PROVISIONS, SO AS TO PROVIDE THAT A PERSON MUST NOT BE ISSUED A CITATION AT ANY CHECKPOINT ESTABLISHED TO STOP ALL DRIVERS ON A ROAD FOR A PERIOD OF TIME FOR REMOVING THEIR SAFETY BELTS IN ORDER TO RETRIEVE DOCUMENTATION THAT MUST BE PRODUCED AT THE CHECKPOINT; TO AMEND SECTION 56-5-6530, AS AMENDED, RELATING TO EXCEPTIONS TO THE MANDATORY USE OF SAFETY BELTS AND CHILD RESTRAINT SYSTEM REQUIREMENTS, SO AS TO PROVIDE THAT A DRIVER OR OCCUPANT FREQUENTLY STOPPING OR LEAVING A MOTOR VEHICLE FOR PICK UP OR DELIVERY PURPOSES, OCCUPANTS OF THE BACK SEAT OF A MOTOR VEHICLE, AND CERTAIN CHILDREN UNDER SIX YEARS OF AGE ARE NOT EXEMPT FROM THE SAFETY BELT REQUIREMENT; TO AMEND SECTION 56-5-6540, AS AMENDED, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFETY BELT LAW AND CHILD RESTRAINT SYSTEM REQUIREMENTS, SO AS TO PROVIDE THAT A VIOLATION OF THE PROVISIONS RELATING TO SAFETY BELT USE MUST BE REPORTED TO THE OFFENDER'S MOTOR VEHICLE INSURER, TO PROVIDE THAT A VEHICLE, DRIVER, OR OCCUPANT IN A VEHICLE MUST NOT BE SEARCHED PURSUANT TO THIS PROVISION, TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MUST NOT ISSUE A CITATION TO A DRIVER OR PASSENGER UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE PRIMARY ENFORCEMENT OF THE PROVISIONS THAT REQUIRE THE DRIVER AND PASSENGERS OF A MOTOR VEHICLE TO BE RESTRAINED BY A SAFETY BELT, TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION, AND TO PROVIDE FOR JUDICIAL REVIEW OF A DECISION RENDERED PURSUANT TO THIS SECTION; TO ADD SECTION 56-5-6560 SO AS TO PROVIDE THAT ANYTIME A MOTOR VEHICLE IS STOPPED BY A LAW ENFORCEMENT OFFICER WITHOUT A CITATION BEING ISSUED OR AN ARREST BEING MADE, THE OFFICER WHO INITIATED THE STOP MUST COMPLETE A DATA COLLECTION FORM THAT CONTAINS CERTAIN INFORMATION THAT MUST BE PLACED IN A DEPARTMENT OF PUBLIC SAFETY DATABASE, TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL HAVE THE AUTHORITY TO WITHHOLD CERTAIN FUNDS FROM A LAW ENFORCEMENT AGENCY THAT FAILS TO COMPLY WITH THIS SECTION, AND TO PROVIDE FOR THE REVIEW OF THE PROVISIONS CONTAINED IN THIS SECTION BY CERTAIN COMMITTEES OF THE GENERAL ASSEMBLY; TO ADD SECTION 56-5-6565 SO AS TO PROVIDE THAT THE DEPARTMENT OF PUBLIC SAFETY SHALL DEVELOP AND IMPLEMENT EDUCATION PROGRAMS DESIGNED TO CREATE AWARENESS OF THE STATE'S SAFETY BELT LAWS AND TO INCREASE SAFETY BELT USE; AND TO REPEAL SECTION 56-5-6430, RELATING TO EXEMPTING CERTAIN MOTOR VEHICLE PASSENGERS FROM WEARING A VEHICLE RESTRAINT DEVICE. - ratified title

12/08/04	Senate	Prefiled
12/08/04	Senate	Referred to Committee on Transportation
01/11/05	Senate	Introduced and read first time SJ-76
01/11/05	Senate	Referred to Committee on Transportation SJ-76
01/19/05	Senate	Committee report: Majority favorable with amend., minority unfavorable Transportation SJ-13
01/20/05		Scrivener's error corrected
01/25/05	Senate	Amended SJ-21
01/25/05	Senate	Debate interrupted SJ-21
01/26/05		Scrivener's error corrected
01/26/05	Senate	Debate interrupted SJ-34
01/27/05	Senate	Amended SJ-30
01/27/05	Senate	Read second time SJ-30
02/01/05		Scrivener's error corrected
02/01/05	Senate	Debate interrupted SJ-18
02/02/05	Senate	Read third time and sent to House SJ-30

02/03/05	House	Introduced and read first time HJ-20
02/03/05	House	Referred to Committee on Education and Public Works HJ-20
02/23/05	House	Committee report: Favorable with amendment Education and Public Works HJ-5
03/01/05	House	Requests for debate-Rep(s). Thompson, Rice, Talley, JE Brown, Vick, Hosey, Merrill, Owens, GR Smith, Davenport, Moody-Lawrence, Kirsh, Bailey, R Brown, and Vaughn HJ-30
03/02/05	House	Amended HJ-55
03/02/05	House	Debate interrupted HJ-77
03/03/05	House	Recommitted to Committee on Education and Public Works HJ-54
05/04/05	House	Committee report: Favorable with amendment Education and Public Works HJ-175
05/12/05	House	Debate adjourned until Tuesday, May 17, 2005 HJ-64
05/18/05	House	Amended HJ-87
05/18/05	House	Read second time HJ-117
05/18/05	House	Roll call Yeas-81 Nays-34 HJ-118
05/19/05	House	Read third time and returned to Senate with amendments HJ-58
05/20/05		Scrivener's error corrected
05/26/05	Senate	House amendment amended SJ-341
05/26/05	Senate	Returned to House with amendments SJ-341
05/27/05		Scrivener's error corrected
05/31/05	House	Non-concurrence in Senate amendment HJ-74
05/31/05	Senate	Senate insists upon amendment and conference committee appointed Ritchie, Lourie, and Ryberg SJ-10
05/31/05	House	Conference committee appointed Reps. Townsend, Owens, and Govan HJ-102
05/31/05	Senate	Conference report received and adopted SJ-12
06/01/05	House	Conference report received and adopted HJ-5
06/01/05	House	Ordered enrolled for ratification HJ-12
06/02/05		Ratified R 159
06/09/05		Became law without Governor's signature
06/14/05		Copies available
06/14/05		Effective date See Act for Effective Date
06/16/05		Act No. 147