

Session 115 - (2003-2004)

S 1003 General Bill, By Ryberg

Summary: Permanently revoked and suspended Driver's license; terms for reinstatement

A BILL TO AMEND SECTION 56-1-385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REINSTATEMENT OF A PERMANENTLY REVOKED DRIVER'S LICENSE, SO AS TO PROVIDE THAT A PERSON WHOSE DRIVER'S LICENSE HAS BEEN REVOKED PERMANENTLY MAY PETITION THE CIRCUIT COURT FOR REINSTATEMENT OF HIS DRIVER'S LICENSE IN THE COUNTY IN WHICH HIS MOST RECENT CONVICTION FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER SUBSTANCE OCCURRED IF THE CONVICTION OCCURRED IN THIS STATE OR IN HIS COUNTY OF RESIDENCE IF THE CONVICTION OCCURRED IN ANOTHER STATE, TO PROVIDE THAT THIS PROCEEDING MUST INCLUDE THE SOLICITOR AND THE DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES, OR THEIR DESIGNEES, TO PROVIDE THAT THE COURT MAY NOT ORDER THE REINSTATEMENT OF A PERSON'S DRIVER'S LICENSE IF THE PERSON HAS CHARGES PENDING AGAINST HIM AND HAS NOT COMPLETED SUCCESSFULLY AN ALCOHOL OR DRUG ASSESSMENT AND TREATMENT PROGRAM SINCE HIS MOST RECENT ALCOHOL OR DRUG OFFENSE; TO AMEND SECTION 56-1-465, RELATING TO NOTIFICATION OF SUSPENSION OF A DRIVER'S LICENSE, SO AS TO PROVIDE THAT THE FORM OF THE NOTIFICATION SHALL BE THE SAME AS CONTAINED IN SECTION 56-1-360 INSTEAD OF THE NOTIFICATION REQUIRED WHEN A LICENSE IS SUSPENDED DUE TO A LOSS OF POINTS; TO AMEND SECTION 56-1-510, RELATING TO THE UNLAWFUL USE OF A DRIVER'S LICENSE AND THE FRAUDULENT APPLICATION FOR A DRIVER'S LICENSE, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO DISPLAY OR POSSESS A COUNTERFEIT DRIVER'S LICENSE OR PERSONAL IDENTIFICATION CARD; TO AMEND SECTION 56-1-515, RELATING TO THE UNLAWFUL ALTERATION OF A DRIVER'S LICENSE, SALE OR ISSUANCE OF A FICTITIOUS DRIVER'S LICENSE, OR USE OF ANOTHER PERSON'S DRIVER'S LICENSE, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO PRODUCE OR POSSESS A COUNTERFEIT DRIVER'S LICENSE OR IDENTIFICATION CARD; TO AMEND SECTION 56-1-810, AS AMENDED, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE DUE TO THE ACCUMULATION OF SUFFICIENT POINTS TO WARRANT THE SUSPENSION OF THE LICENSE, SO AS TO DELETE THE PROVISION THAT REQUIRES THE DEPARTMENT OF MOTOR VEHICLES TO NOTIFY THE LICENSEE, RETURN RECEIPT REQUESTED, AND TO PROVIDE THAT NOTIFICATION OF THE SUSPENSION MUST BE DONE AS CONTAINED IN SECTION 56-1-360; TO AMEND SECTION 56-1-1100, AS AMENDED, RELATING TO PUNISHMENT FOR A PERSON WHO IS FOUND TO BE AN HABITUAL OFFENDER AND WHO SUBSEQUENTLY IS CONVICTED OF OPERATING A MOTOR VEHICLE WHILE THE DECISION OF THE DEPARTMENT OF MOTOR VEHICLES PROHIBITING THE OPERATION OF A MOTOR VEHICLE IS IN EFFECT, SO AS TO PROVIDE THAT THE COURT AND NO LONGER THE DEPARTMENT SHALL NOTIFY THE SOLICITOR OR THE ATTORNEY GENERAL WHEN A PERSON IS FOUND TO BE AN HABITUAL OFFENDER; AND TO REPEAL SECTION 56-1-475, RELATING TO PERMITTING A DRIVER TO OPERATE A MOTOR VEHICLE IN THIS STATE WITH A VALID OUT-OF-STATE LICENSE AFTER THE EXPIRATION OF THE PERIOD OF TIME FOR WHICH HIS SOUTH CAROLINA DRIVER'S LICENSE WAS SUSPENDED.

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