Session 115 - (2003-2004)

H 3228 General Bill, By G.M. Smith, Sheheen and Rutherford

Similar (H 3224, H 3532)

Summary: DUI and DUS fines and fees; portion of increased funds to DPS; refusal to submit to breath test; administrative changes

A BILL TO AMEND SECTION 56-5-2934, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON'S RIGHT TO COMPULSORY PROCESS WHEN CHARGED WITH THE OFFENSE OF, OR AN OFFENSE RELATED TO, DRIVING UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER SUBSTANCE, SO AS TO DELETE THE PROVISION THAT ALLOWS A PERSON CHARGED WITH AN OFFENSE TO COMPLETE A HEARING REQUEST FORM AND GIVE IT TO THE ARRESTING OFFICER WHO SHALL FORWARD IT TO THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 56-5-2940, AS AMENDED, RELATING TO PENALTIES IMPOSED FOR VIOLATING THE OFFENSE OF DRIVING UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE AND DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO INCREASE THE FINES IMPOSED FOR THESE OFFENSES, AND TO PROVIDE THAT A PORTION OF EACH FINE MUST BE USED BY THE DEPARTMENT OF PUBLIC SAFETY TO FUND HIGHWAY PATROL PROJECTS; TO AMEND SECTION 56-5-2945, AS AMENDED, RELATING TO THE OFFENSE OF CAUSING GREAT BODILY INJURY OR DEATH WHILE OPERATING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER SUBSTANCE, SO AS TO INCREASE THE FINES IMPOSED FOR THIS OFFENSE, AND TO PROVIDE THAT A PORTION OF EACH FINE MUST BE USED BY THE DEPARTMENT OF PUBLIC SAFETY TO FUND HIGHWAY PATROL PROJECTS; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE WHO REFUSES TO SUBMIT TO A TEST TO DETERMINE HIS ALCOHOL CONCENTRATION OR WHO HAS A CERTAIN ALCOHOL CONCENTRATION, SO AS TO DELETE THE PROVISION THAT REQUIRES A PERSON WHO DOES NOT ENROLL IN AN ALCOHOL AND DRUG SAFETY ACTION PROGRAM WITHIN A CERTAIN PERIOD TO HAVE HIS SUSPENSION REMAIN IN EFFECT AND BE DENIED ISSUANCE OF A TEMPORARY ALCOHOL RESTRICTED LICENSE AND THE RIGHT TO REQUEST AN ADMINISTRATIVE HEARING, TO DELETE THE PROVISION THAT REQUIRES A PERSON TO ENROLL IN AN ALCOHOL AND DRUG SAFETY ACTION PROGRAM BEFORE FILING A FORM TO OBTAIN A TEMPORARY ALCOHOL RESTRICTED LICENSE, TO REQUIRE A PERSON TO ENROLL IN AN ALCOHOL AND DRUG SAFETY ACTION PROGRAM BEFORE A LICENSE OR PERMIT IS ISSUED IF THE PERSON'S SUSPENSION IS UPHELD DURING AN ADMINISTRATIVE HEARING, TO REQUIRE A PERSON TO ENROLL IN AN ALCOHOL DRUG SAFETY ACTION PROGRAM BEFORE HE MAY BE ISSUED A SPECIAL RESTRICTED DRIVER'S LICENSE, AND TO REVISE THE TIME PERIOD IN WHICH A PERSON MAY REQUEST AN ADMINISTRATIVE HEARING; AND TO AMEND SECTION 56-5-2952, RELATING TO THE FILING FEE FOR REQUESTING AN ADMINISTRATIVE HEARING TO CHALLENGE CERTAIN DRIVER'S LICENSE SUSPENSIONS, SO AS TO PROVIDE THAT THIS FEE APPLIES TO ANY ADMINISTRATIVE HEARING BEFORE THE DEPARTMENT OF PUBLIC SAFETY, AND TO INCREASE THE FEE.

12/18/02	**House**	**Prefiled**
12/18/02	**House**	**Referred to Committee on Judiciary**
01/14/03	**House**	**Introduced and read first time HJ-93**
01/14/03	**House**	**Referred to Committee on Judiciary HJ-94**
02/04/03	**House**	**Member(s) request name added as sponsor: Sheheen**
03/18/03	**House**	**Member(s) request name added as sponsor: Rutherford**
03/20/03	**House**	**Committee report: Favorable with amendment Judiciary HJ-2**
03/24/03		**Scrivener's error corrected**
03/26/03	**House**	**Amended HJ-37**
03/26/03	**House**	**Read second time HJ-39**
03/27/03	**House**	**Read third time and sent to Senate HJ-15**
03/27/03	**Senate**	**Introduced and read first time**
03/27/03	**Senate**	**Referred to Committee on Judiciary SJ-30**
03/27/03		**Scrivener's error corrected SJ-30**
05/28/03	**Senate**	**Committee report: Majority favorable with amend., minority unfavorable Judiciary SJ-20**
01/13/04	**Senate**	**Recommitted to Committee on Judiciary SJ-58**