

## Session 125 - (2023-2024)

### **S\*0036 (Rat #0064, Act #0055 of 2023) General Bill, By Hutto, Young, Campsen and Grooms**

#### ***Similar (H 3845)***

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID, AND TO PROVIDE THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE A PERSON TO OBTAIN AN IGNITION INTERLOCK DEVICE UNLESS AT LEAST ONE OFFENSE THAT RESULTED IN SUSPENSION WAS ALCOHOL RELATED; BY AMENDING SECTION 56-1-1090, RELATING TO REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, TO PROVIDE THIS SECTION SHALL NOT BE CONSTRUED TO REQUIRE INSTALLATION OF AN IGNITION INTERLOCK DEVICE UNTIL A SUSPENSION IS UPHELD AT A CONTESTED CASE HEARING OR THE CONTESTED HEARING IS WAIVED, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES, ADMINISTRATIVE HEARINGS, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE IF SUSPENSIONS ARE UPHELD, PERSONS MUST ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, TO PROVIDE IF SUSPENSIONS ARE OVERTURNED, THE PERSONS' DRIVING PRIVILEGES MUST BE REINSTATED, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO RECEIVE CERTAIN CREDITS FOR MAINTAINING IGNITION INTERLOCK RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF

CONVICTED PERSONS DRIVERS' LICENSES, AND PERIODS OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENSE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVER'S LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED. - RATIFIED TITLE

11/30/22	Senate	Prefiled
11/30/22	Senate	Referred to Committee on Judiciary
01/10/23	Senate	Introduced and read first time (Senate Journal-page 29)
01/10/23	Senate	Referred to Committee on Judiciary (Senate Journal-page 29)
01/25/23	Senate	Referred to Subcommittee: Hutto (ch), Matthews, Rice, Senn, Adams
02/01/23	Senate	Committee report: Favorable Judiciary (Senate Journal-page 8)
02/08/23		Scrivener's error corrected
02/15/23	Senate	Read second time (Senate Journal-page 15)
03/23/23	Senate	Read third time and sent to House (Senate Journal-page 14)
03/23/23	Senate	Roll call Ayes-37 Nays-1 (Senate Journal-page 14)
03/28/23	House	Introduced and read first time (House Journal-page 32)
03/28/23	House	Referred to Committee on Judiciary (House Journal-page 32)
05/03/23	House	Committee report: Favorable Judiciary (House Journal-page 86)
05/04/23	House	Amended (House Journal-page 77)
05/04/23	House	Read second time (House Journal-page 77)
05/04/23	House	Roll call Yeas-112 Nays-0 (House Journal-page 77)
05/04/23	House	Unanimous consent for third reading on next legislative day (House Journal-page 86)
05/05/23	House	Read third time and returned to Senate with amendments (House Journal-page 16)
05/10/23	Senate	Concurred in House amendment and enrolled (Senate Journal-page 58)
05/10/23	Senate	Roll call Ayes-43 Nays-0 (Senate Journal-page 58)
05/17/23		Ratified R 64
05/19/23		Signed By Governor
05/26/23		Effective date See Act for Effective Date
05/26/23		Act No. 55