Session 116 - (2005-2006)

H*4671 (Rat #0422, Act #0381 of 2006) General Bill, By G.M. Smith, Delleney and Harrison
Similar (S 1155)

Summary: Administrative Law Court, Motor Vehicles Division

AN ACT TO AMEND SECTION 1-23-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS THAT AN ADMINISTRATIVE LAW JUDGE SHALL PRESIDE OVER, SO AS TO DELETE THE PROVISION THAT EXCLUDES CERTAIN MOTOR VEHICLE RELATED HEARINGS AND PROCEEDINGS, TO PROVIDE THAT THE CLERK OF THE ADMINISTRATIVE LAW COURT MUST FILE A CERTIFIED COPY OF A FINAL ORDER WITH A CLERK OF THE CIRCUIT COURT UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THIS ORDER HAS THE SAME EFFECT AS A JUDGMENT OF THE COURT; TO AMEND SECTION 1-23-660, AS AMENDED, RELATING TO THE ADMINISTRATIVE LAW COURT DIVISION OF MOTOR VEHICLE HEARINGS, SO AS TO GIVE THE CHIEF JUDGE OF THE ADMINISTRATIVE LAW COURT THE AUTHORITY TO PROMULGATE RULES GOVERNING THE PRACTICE AND PROCEDURES BEFORE THE DIVISION WHICH ARE SUBJECT TO REVIEW BY THE SUPREME COURT, TO PROVIDE THAT CERTAIN LAW ENFORCEMENT AGENCIES THAT EMPLOY AN OFFICER THAT REQUESTS A BREATH TEST OR ACTED AS A BREATH TEST OPERATOR IS A PARTY TO CERTAIN HEARINGS BEFORE THE DIVISION, TO PROVIDE THAT REPRESENTATIVES OF THE DEPARTMENT OF MOTOR VEHICLES ARE NOT REQUIRED TO APPEAR AT CERTAIN HEARINGS, AND TO PROVIDE THAT TAPE RECORDINGS OF ALL HEARINGS AND ALL EVIDENCE INTRODUCED AT THE HEARINGS WILL BE MADE PART OF THE RECORD ON APPEAL AND COPIES OF THESE ITEMS WILL BE PROVIDED TO THE PARTIES TO THOSE APPEALS AT NO CHARGE; TO AMEND SECTION 56-1-10, AS AMENDED, RELATING TO DEFINITIONS OF TERMS CONTAINED IN THE PROVISIONS RELATING TO THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE DEFINITIONS FOR CERTAIN TERMS THAT RELATE TO THE DIVISION OF MOTOR VEHICLE HEARINGS; TO AMEND SECTION 56-1-370, RELATING TO THE REVIEW OF THE CANCELLATION, SUSPENSION, OR REVOCATION OF A DRIVER'S LICENSE, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT OF MOTOR VEHICLES TO CONDUCT THE REVIEW AND PROVIDE THAT THE DIVISION OF MOTOR VEHICLE HEARINGS SHALL CONDUCT THESE PROCEEDINGS; TO AMEND SECTION 56-1-1030, RELATING TO THE REVOCATION OF THE DRIVER'S LICENSE OF AN HABITUAL OFFENDER, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MUST REVOKE OR SUSPEND THE DRIVER'S LICENSE OF A PERSON IT DETERMINES TO BE AN HABITUAL OFFENDER AND THIS DECISION MAY BE APPEALED TO THE DIVISION OF MOTOR VEHICLES HEARINGS; TO AMEND SECTION 56-1-1090, RELATING TO THE ISSUANCE OF A LICENSE TO AN HABITUAL OFFENDER, SO AS TO PROVIDE THAT A PETITION TO OBTAIN A DRIVER'S LICENSE PURSUANT TO THIS PROVISION MUST BE FILED WITH THE DIVISION OF MOTOR VEHICLE HEARINGS AND REVISE THE PERIOD IN WHICH A PETITION MAY BE FILED; TO AMEND SECTION 56-5-2951, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR HIS REFUSAL TO SUBMIT TO TESTING FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, SO AS TO PROVIDE THAT ADMINISTRATIVE HEARINGS THAT ARE CONDUCTED PURSUANT TO THIS PROVISION MUST BE CONDUCTED BY THE DIVISION OF MOTOR VEHICLE HEARINGS AND REVIEWED BY THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 56-1-286, RELATING TO SUSPENSION OF A DRIVER'S LICENSE OF A PERSON UNDER TWENTY-ONE YEARS OF AGE FOR DRIVING WITH AN ILLEGAL ALCOHOL CONCENTRATION, SO AS TO PROVIDE THAT AN ADMINISTRATIVE HEARING SCHEDULED PURSUANT TO THIS PROVISION MUST BE HEARD BY THE DIVISION OF MOTOR VEHICLE HEARINGS AND REVIEWED BY THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 56-9-363, RELATING TO AN ADMINISTRATIVE HEARING TO CHALLENGE THE SUSPENSION OF A DRIVER'S LICENSE UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE THAT THE HEARING MUST BE CONDUCTED BEFORE THE DIVISION OF MOTOR VEHICLE HEARINGS WITH APPEALS FILED WITH THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 56-15-350, RELATING TO THE DENIAL, SUSPENSION, OR REVOCATION OF A DRIVER'S LICENSE BY THE DEPARTMENT OF MOTOR VEHICLES UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE THAT A LICENSEE MAY HAVE THIS DECISION REVIEWED BY THE DIVISION OF MOTOR VEHICLE HEARINGS; TO REPEAL SECTIONS 56-1-410, 56-5-2952, AND 56-9-320, RELATING TO JUDICIAL REVIEW OF THE DENIAL, CANCELLATION, SUSPENSION, OR REVOCATION OF A DRIVER'S LICENSE, THE FILING FEE FOR AN ADMINISTRATIVE HEARING, AND JUDICIAL REVIEW OF ORDERS OR ACTS OF THE DEPARTMENT OF MOTOR VEHICLES; AND TO AMEND SECTION 56-5-4160, RELATING TO THE WEIGHING OF VEHICLES AND THEIR LOADS, THE UNLOADING OF EXCESS WEIGHT FROM A VEHICLE, AND PENALTIES ASSOCIATED WITH THE OPERATION OF A VEHICLE WHICH IS CARRYING EXCESS WEIGHT, SO AS TO REVISE THE FINES ASSOCIATED WITH THE OPERATION OF A VEHICLE WHICH IS CARRYING EXCESS WEIGHT, TO PROVIDE THAT THIS PROVISION ALSO APPLIES TO MOTOR VEHICLES OPERATING OPEN TOP TRAILERS USED FOR

HAULING RECYCLABLES, SCRAP, AND WASTE MATERIALS FROM SITES WITHOUT FACILITIES FOR WEIGHING, LIMIT THE NUMBER OF CITATIONS AND FINES A MOTOR VEHICLE OPERATOR MAY BE ISSUED FOR VIOLATING BOTH GROSS AND AXLE LIMITS, TO PROVIDE THAT A FINE MAY BE ISSUED FOR A VIOLATION OF THE VEHICLE REGISTRATION STATUTES UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FINES FOR OPERATING A VEHICLE WITH OUT-OF-SERVICE VIOLATIONS, TO REVISE THE NAME OF THE CITATION THAT MAY BE ISSUED PURSUANT TO THIS SECTION, TO INCREASE THE AMOUNT OF TIME A PERSON MAY PAY A FINE BEFORE ASSESSMENTS MAY BE ADDED TO THE FINE, TO DELETE THE PROVISION THAT REQUIRES A FINE TO BE RETURNED PROMPTLY WHEN THERE IS NO CONVICTION FOR A VIOLATION, TO PROVIDE THAT FINES COLLECTED PURSUANT TO THIS SECTION MAY BE USED TO HIRE STATE TRANSPORT POLICE OFFICERS, PURCHASE EQUIPMENT FOR THE OFFICERS, AND FUND COMMERCIAL MOTOR VEHICLE SAFETY PROGRAMS, TO PROVIDE THAT THE LICENSE AND REGISTRATION OF A VEHICLE FOUND TO VIOLATE SECTION 58-23-1120 AND CERTAIN REGULATIONS MUST BE SUSPENDED PURSUANT TO THIS SECTION UNDER CERTAIN CIRCUMSTANCES, TO MAKE TECHNICAL CHANGES, TO PROVIDE THAT ISSUANCE OF A UNIFORM CITATION FOR A VIOLATION OF SECTION 58-23-1120 AND CERTAIN REGULATIONS CONSTITUTES NOTICE TO CERTAIN PERSONS OF A VIOLATION, TO PROVIDE A FINE FOR FAILURE TO COMPLY WITH CERTAIN PROVISIONS OF THE FEDERAL MOTOR CARRIER SAFETY REGULATIONS, AND TO PROVIDE A PENALTY FOR CERTAIN PERSONS WHO FAIL TO PERMIT STATE TRANSPORT POLICE OFFICIALS FROM EXAMINING THEIR PROPERTY. - ratified title

02/16/06	**House**	**Introduced, read first time, placed on calendar without reference HJ-3**
02/17/06		**Scrivener's error corrected**
02/22/06	**House**	**Debate adjourned until Thursday, February 23, 2006 HJ-26**
02/23/06	**House**	**Debate adjourned until Tuesday, February 28, 2006 HJ-17**
02/28/06	**House**	**Debate adjourned until Wednesday, March 1, 2006 HJ-10**
03/01/06	**House**	**Debate adjourned until Tuesday, March 7, 2006 HJ-10**
03/08/06	**House**	**Amended HJ-11**
03/08/06	**House**	**Read second time HJ-22**
03/09/06	**House**	**Read third time and sent to Senate HJ-12**
03/09/06	**Senate**	**Introduced, read first time, placed on calendar without reference SJ-7**
03/09/06		**Scrivener's error corrected**
03/14/06	**Senate**	**Amended SJ-26**
03/14/06	**Senate**	**Read second time SJ-26**
03/15/06		**Scrivener's error corrected**
03/15/06	**Senate**	**Read third time and returned to House with amendments**
03/21/06	**House**	**Senate amendment amended HJ-19**
03/21/06	**House**	**Returned to Senate with amendments HJ-19**
03/22/06	**Senate**	**Non-concurrence in House amendment SJ-29**
03/23/06	**House**	**House insists upon amendment and conference committee appointed Reps. GM Smith, Harrison, and FN Smith HJ-2**
03/28/06	**Senate**	**Conference committee appointed Short, Hawkins, and Ritchie SJ-83**
05/24/06	**Senate**	**Conference report adopted SJ-48**
06/01/06	**House**	**Conference report received and adopted HJ-72**
06/01/06	**Senate**	**Ordered enrolled for ratification SJ-41**
06/07/06		**Ratified R 422**
06/13/06		**Signed By Governor**
06/20/06		**Copies available**
06/20/06		**Effective date See Act for Effective Date**
06/23/06		**Act No. 381**