**South Carolina General Assembly**

118th Session, 2009-2010

**A42, R100, H3347**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, McLeod and Harrell

Document Path: l:\council\bills\swb\5692cm09.docx

Companion/Similar bill(s): 775

Introduced in the House on January 27, 2009

Introduced in the Senate on January 29, 2009

Last Amended on May 12, 2009

Passed by the General Assembly on May 19, 2009

Governor's Action: June 2, 2009, Signed

Summary: Donate Life South Carolina

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2009 House Introduced, read first time, placed on calendar without reference [HJ](file:///h:\HJ%20Archive\2009\01-27-09.docx)‑17

1/28/2009 House Member(s) request name added as sponsor: McLeod, Harrell

1/28/2009 House Amended [HJ](file:///h:\HJ%20Archive\2009\01-28-09.docx)‑34

1/28/2009 House Read second time [HJ](file:///h:\HJ%20Archive\2009\01-28-09.docx)‑34

1/29/2009 House Read third time and sent to Senate [HJ](file:///h:\HJ%20Archive\2009\01-29-09.docx)‑21

1/29/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-29-09.docx)‑13

1/29/2009 Senate Referred to Committee on **Transportation** [SJ](file:///h:\SJ%20Archive\2009\01-29-09.docx)‑13

5/6/2009 Senate Committee report: Favorable **Transportation** [SJ](file:///h:\SJ%20Archive\2009\05-06-09.docx)‑15

5/12/2009 Senate Amended [SJ](file:///h:\SJ%20Archive\2009\05-12-09.docx)‑32

5/12/2009 Senate Read second time [SJ](file:///h:\SJ%20Archive\2009\05-12-09.docx)‑32

5/13/2009 Scrivener's error corrected

5/13/2009 Senate Read third time and returned to House with amendments [SJ](file:///h:\SJ%20Archive\2009\05-13-09.docx)‑18

5/19/2009 House Concurred in Senate amendment and enrolled [HJ](file:///h:\HJ%20Archive\2009\05-19-09.docx)‑42

5/19/2009 House Roll call Yeas‑101 Nays‑0 [HJ](file:///h:\HJ%20Archive\2009\05-19-09.docx)‑42

5/27/2009 Ratified R 100

6/2/2009 Signed By Governor

6/11/2009 Effective date 06/02/09

6/12/2009 Act No. 42

**VERSIONS OF THIS BILL**

[1/27/2009](file:///p:\pprever\2009-10\3347_20090127.docx)

[1/27/2009-A](file:///p:\pprever\2009-10\3347_20090127A.docx)

[1/28/2009](file:///p:\pprever\2009-10\3347_20090128.docx)

[5/6/2009](file:///p:\pprever\2009-10\3347_20090506.docx)

[5/12/2009](file:///p:\pprever\2009-10\3347_20090512.docx)

[5/13/2009](file:///p:\pprever\2009-10\3347_20090513.docx)

(A42, R100, H3347)

**AN ACT TO AMEND SECTION 56‑1‑143, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES GIVING APPLICANTS FOR CERTAIN SERVICES THE OPTION TO MAKE A VOLUNTARY CONTRIBUTION TO DONATE LIFE OF SOUTH CAROLINA, SO AS TO INCREASE THE AMOUNT THAT MAY BE DONATED; AND TO AMEND SECTION 56‑1‑130, AS AMENDED, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES’ EXAMINATION TO OBTAIN A DRIVER’S LICENSE, SO AS TO DELETE THE PROVISIONS THAT RELATE TO THE THREE‑WHEEL VEHICLE EXAMINATION AND THE NONCOMMERCIAL ENDORSEMENT TO THE MOTORCYCLE CLASSIFICATION, AND TO PROVIDE THAT A BASIC DRIVER’S LICENSE AUTHORIZES THE LICENSEE TO OPERATE CERTAIN MOTORCYCLE THREE‑WHEEL VEHICLES.**

Be it enacted by the General Assembly of the State of South Carolina:

**Voluntary contribution**

SECTION 1. Section 56‑1‑143 of the 1976 Code is amended to read:

“Section 56‑1‑143. An applicant for a new or renewal driver’s license, commercial driver’s license, motorcycle driver’s license, identification card, issuance of a vehicle title or transfer of title, or issuance or renewal of a vehicle license plate must be given an opportunity in writing to make a voluntary contribution of five dollars, more or less, to be credited to Donate Life South Carolina established in Section 44‑43‑1310. Any voluntary contribution must be added to the driver’s license, identification card, title, or license plate fee and must be transferred to the State Treasurer and credited to Donate Life South Carolina as provided for in Section 44‑43‑1310. The incremental cost of administration of the contribution must be paid by the trust fund from amounts received pursuant to this section before funds are expended by the trust fund.”

**Driver**’**s license examinations**

SECTION 2. Section 56‑1‑130 of the 1976 Code, as last amended by Act 347 of 2008, is further amended to read:

“Section 56‑1‑130. (A) The Department of Motor Vehicles shall examine every applicant for a driver’s license, except as otherwise provided in this article. The examination shall include a test of the applicant’s eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this State and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of the type motor vehicle, including motorcycles, for which a license is sought. The department may require a further physical and mental examination as it considers necessary to determine the applicant’s fitness to operate a motor vehicle upon the highways, the further examination to be at the applicant’s expense. The department shall make provisions for giving an examination in the county where the applicant resides. The department shall charge an appropriate fee for each complete examination or reexamination required in this article.

(B) No persons, except those exempted under Section 56‑1‑30 and Section 56‑1‑60, or those holding beginner’s permits under Section 56‑1‑50, shall operate any classification of motor vehicle without first being examined and duly licensed by the driver examiner as a qualified driver of that classification of motor vehicle.

(C) A basic driver’s license authorizes the licensee to operate motor vehicles, automotive three‑wheel vehicles, motorcycle three‑wheel vehicles, excluding a motorcycle with a detachable side car, or combinations of vehicles which do not exceed twenty‑six thousand pounds gross vehicle weight rating; provided, that the driver has successfully demonstrated the ability to exercise ordinary and reasonable control in the operation of a motor vehicle in this category. A basic driver’s license also authorizes the licensee to operate farm trucks provided for in Sections 56‑3‑670, 56‑3‑680, and 56‑3‑690, which are used exclusively by the owner for agricultural, horticultural, and dairying operations or livestock and poultry raising. Notwithstanding another provision of law, the holder of a conditional license, or special restricted license operating a farm truck for the purposes provided in this subsection, may operate the farm truck without an accompanying adult after six o’clock a.m. and no later than nine o’clock p.m., but may not operate a farm truck on a freeway. A person operating a farm truck while holding a conditional driver’s license or a special restricted license may not use the farm truck for ordinary domestic purposes or general transportation.

A classified driver’s license shall authorize the licensee to operate a motorcycle, motorcycle three‑wheel vehicle, including a motorcycle with a detachable side car, or those vehicles in excess of twenty‑six thousand pounds gross vehicle weight rating which are indicated by endorsement on the license. The endorsement may include classifications such as: motorcycle, two‑axle truck, three‑ or more axle truck, combination of vehicles, motor busses, or oversize or overweight vehicles. The department shall determine from the driving demonstration the endorsements to be indicated on the license.”

**Time effective**

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 27th day of May, 2009.

Approved the 2nd day of June, 2009.

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