**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56‑5‑3010 AND 56‑5‑3020 SO AS TO ESTABLISH THE CRIMES OF VEHICULAR HOMICIDE AND VEHICULAR GREAT BODILY INJURY, AND TO PROVIDE PENALTIES FOR BOTH CRIMES.

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

SECTION 1. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3010. (A) A person is guilty of vehicular homicide when his unintentional act or negligence proximately causes the death of a person while operating a motor vehicle:

(1) without a valid driver’s license;

(2) with a suspended driver’s license;

(3) that is uninsured; or

(4) when he has been determined to be a habitual traffic offender.

(B) A person who is convicted of, pleads guilty to, or pleads nolo contendere to vehicular homicide is guilty of a felony and must be imprisoned for not less than one year or more than twenty‑five years, and fined not less than ten thousand dollars or not more than twenty‑five thousand dollars when death results, and must have his driver’s license revoked for three years beyond any period of imprisonment.

(C) If an administrative error by the Department of Motor Vehicles, the South Carolina Department of Public Safety, the courts that have jurisdiction over these matters, or an insurance company, has been made concerning the driver’s license or insurance of the person, the person has an absolute defense to this section and may not be convicted of this offense.”

SECTION 2. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3020. (A) A person is guilty of vehicular great bodily injury when his unintentional act or negligence proximately causes great bodily injury to another person while operating a motor vehicle:

(1) without a valid driver’s license;

(2) with a suspended driver’s license;

(3) that is uninsured; or

(4) when he has been determined to be an habitual traffic offender.

(B) As used in this section, ‘great bodily injury’ means bodily injury, which creates a substantial risk of death or which, causes permanent disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

(C) A person who is convicted of, pleads guilty to, or pleads nolo contendere to vehicular homicide with great bodily injury is guilty of a felony and must be imprisoned for not less than thirty days and not more than ten years, and fined not less than five thousand dollars nor more than ten thousand dollars when great bodily injury results, and must have his driver’ s license revoked for two years beyond any period of imprisonment.

(D) If an administrative error by the Department of Motor Vehicles, the South Carolina Department of Public Safety, the courts that have jurisdiction over these matters, or an insurance company, has been made concerning the driver’s license or insurance of the person, the person has an absolute defense to this section and may not be convicted of this offense.”

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

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