**A** **BILL**

TO AMEND SECTION 56‑1‑440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES FOR DRIVING WITHOUT A LICENSE, SO AS TO PERMIT THE VARIOUS OFFENSES TO BE TRIED IN MAGISTRATES OR MUNICIPAL COURT.

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

SECTION 1. Section 56‑1‑440 of the 1976 Code is amended to read:

“Section 56‑1‑440. (A) A person who drives a motor vehicle on a public highway of this State without a driver’s license in violation of Section 56‑1‑20 is guilty of a misdemeanor and, upon conviction of a:

(1) first offense, must be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for thirty days ~~and, upon conviction of a~~;

(2) second offense, be fined five hundred dollars or imprisoned for forty‑five days, or both~~,~~; and

(3) ~~for a~~ third and subsequent offense must be imprisoned for not less than forty‑five days nor more than six months.

(B) ~~However, a~~ A charge of driving a motor vehicle without a driver’s license must be dismissed if the person provides proof of being a licensed driver at the time of the violation to the court on or before the date this matter is set to be disposed of by the court.

(C) Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, 14‑25‑45, and 14‑25‑65, an offense punishable pursuant to the provisions of this section may be tried in magistrates or municipal court.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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