**A** **BILL**

TO AMEND SECTIONS 56‑1‑50, AS AMENDED, AND 56‑1‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO REQUIREMENTS TO OBTAIN A BEGINNER’S PERMIT TO DRIVE, SO AS TO PROVIDE THAT THE DEPARTMENT OF SOCIAL SERVICES MAY CONSENT TO A SEVENTEEN YEAR OLD, IN THE DEPARTMENT’S CUSTODY, TO OBTAIN A BEGINNER’S PERMIT; TO AMEND SECTION 56‑1‑110, RELATING TO IMPUTING NEGLIGENCE AND WILFUL MISCONDUCT OF A MINOR DRIVING A MOTOR VEHICLE TO THE PERSON WHO SIGNED THE APPLICATION FOR THE MINOR TO OBTAIN THE PERMIT OR LICENSE, SO AS TO EXEMPT THE DEPARTMENT OF SOCIAL SERVICES IF THE DEPARTMENT SIGNED THE APPLICATION FOR THE MINOR TO OBTAIN THE PERMIT OR LICENSE; AND TO AMEND SECTION 59‑39‑320, RELATING TO THE STATE BOARD OF EDUCATION PROMULGATING REGULATIONS FOR LOCAL SCHOOL DISTRICTS TO ESTABLISH DRIVER EDUCATION AND TRAINING COURSES, SO AS TO REQUIRE LOCAL SCHOOL DISTRICTS TO ALLOW STUDENTS IN THE CUSTODY OF THE DEPARTMENT OF SOCIAL SERVICES TO TAKE SUCH COURSES IF A STUDENT IS ELIGIBLE AND THE DEPARTMENT VERIFIES THAT THE STUDENT HAS BEEN APPROVED TO PARTICIPATE IN THE COURSE.

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

SECTION 1. Section 56‑1‑50(G) of the 1976 Code, as added by Act 176 of 2005, is amended to read:

“(G) An agent of the Department of Social Services may sign any Department of Motor Vehicles form consenting for an unemancipated minor between the ages of seventeen and eighteen years, who is in the custody of the Department of Social Services, to obtain a beginner’s permit. The Department of Social Services shall maintain possession of the beginner’s permit for six months, but this requirement does not prevent the Department of Social Services from entrusting the permit to a driver education instructor.

(H) The fees collected pursuant to this section must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:

Fees and Penalties General Fund Department of

Collected After of the State Transportation

State Non‑Federal Aid

Highway Fund

June 30, 2005 60 percent 40 percent

June 30, 2006 20 percent 80 percent

June 30, 2007 0 percent 100 percent.”

SECTION 2. Section 56‑1‑100 of the 1976 Code is amended to read:

“Section 56‑1‑100. (A) The application of an unemancipated minor for a beginner’s permit, instruction permit, or driver’s license must be signed and verified before a person authorized to administer oaths by the father, mother, or guardian or, for all other minors, by a responsible adult who is willing to assume the obligation imposed under this article upon a person signing the application of a minor. Upon the extension of a permit pursuant to Section 56‑1‑50, authorization by the father, mother, guardian, or a responsible adult is not required.

(B) For purposes of this section, a responsible adult includes an agent of the Department of Social Services when the application is being submitted by an unemancipated minor between the ages of seventeen and eighteen years, who is in the custody of the Department of Social Services.”

SECTION 3. Section 56‑1‑110 of the 1976 code is amended to read:

“Section 56‑1‑110. Any negligence or wilful misconduct of a minor when driving a motor vehicle upon a highway must be imputed to the person who has signed the application of ~~such~~ the minor for a beginner’s permit, instruction permit, or driver’s license, which person is jointly and severally liable with ~~such~~ the minor for any damage caused by ~~such~~ the negligence or wilful misconduct, ~~except that~~ with the following exceptions:

(1) if ~~such~~ the minor is protected by a policy of liability insurance in the form and in the amounts as required under Chapter 9 ~~of this title~~ and Sections 38‑77‑140 through 38‑77‑310, then ~~such~~ the parent or guardian or other responsible adult is not subject to the liability otherwise imposed under this section; and

(2) if an agent of the Department of Social Services signs the application of an unemancipated minor between the ages of seventeen and eighteen years, who is in the custody of the Department of Social Services, the agent, the Department of Social Services, and the State are not subject to the liability otherwise imposed by this section.”

SECTION 4. Section 59‑39‑320 of the 1976 Code is amended to read:

“Section 59‑39‑320. The State Board of Education shall promulgate ~~rules and~~ regulations for establishment by local school districts of approved driver education and training courses, and when ~~duly~~ promulgated shall have full force and effect of law. ~~Such~~ These regulations shall:

(1) require that credit for completion of a driver education and training course ~~shall~~ must not be given unless the course ~~shall have~~ included not ~~less~~ fewer than thirty classroom hours of instruction in driver education, and not ~~less~~ fewer than six hours of actual behind‑the‑wheel driving; and

(2) require that the local school districts must provide driver education and training courses to an unemancipated minor between the ages of seventeen and eighteen years in the custody of the Department of Social Services when that student meets the eligibility standards provided for in regulation for all students and upon verification by the Department of Social Services that the student has been approved to participate in the course.”

SECTION 5. This act takes effect upon approval by the Governor.

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