**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3773**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Crosby, Chumley, Brannon, Crawford, Sabb, Daning, Knight and Sottile

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Introduced in the House on March 2, 2011

Currently residing in the House Committee on **Judiciary**

Summary: South Carolina State Police

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/2/2011 House Introduced and read first time ([House Journal‑page 6](file:///h:\hj%20archive\2011\03-02-11.docx))

3/2/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 6](file:///h:\hj%20archive\2011\03-02-11.docx))

**VERSIONS OF THIS BILL**

[3/2/2011](file:///p:\pprever\2011-12\3773_20110302.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 2 TO TITLE 23 SO AS TO CREATE THE SOUTH CAROLINA STATE POLICE; TO AMEND SECTION 1‑3‑240, AS AMENDED, RELATING TO THE REMOVAL OF CERTAIN STATE OFFICERS BY THE GOVERNOR, SO AS TO DELETE THE TERM THE “DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY” AND REPLACE IT WITH THE TERM “DIRECTOR OF THE STATE POLICE”; TO AMEND SECTION 1‑7‑920, RELATING TO THE MEMBERS OF THE COMMISSION ON PROSECUTION COORDINATION, SO AS TO DELETE THE TERM “DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY” AND REPLACE IT WITH THE TERM “DIRECTOR OF THE STATE POLICE”; TO AMEND SECTION 1‑30‑10, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, SO AS TO DELETE THE TERM “DEPARTMENT OF PUBLIC SAFETY” AND REPLACE IT WITH THE TERM “STATE POLICE”; TO AMEND SECTION 1‑30‑90, RELATING TO THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO SUBSTITUTE THE TERM “DIVISION OF PUBLIC SAFETY” FOR THE TERM “DEPARTMENT OF PUBLIC SAFETY”; TO AMEND SECTION 2‑13‑240, AS AMENDED, RELATING TO THE DISTRIBUTION OF THE CODE OF LAWS OF SOUTH CAROLINA TO VARIOUS ENTITIES, SO AS TO DELETE THE TERM “DEPARTMENT OF PUBLIC SAFETY” AND REPLACE IT WITH THE TERM “STATE POLICE”; TO AMEND SECTIONS 5‑3‑90, 5‑7‑110, 9‑11‑180, AS AMENDED, 10‑11‑80, AS AMENDED, 11‑35‑710, AS AMENDED, 12‑28‑1910, AS AMENDED, 12‑28‑2325, 12‑45‑70, AS AMENDED, 13‑7‑70, AS AMENDED, 13‑7‑160, AS AMENDED, 14‑1‑206, AS AMENDED, 14‑1‑207, AS AMENDED, 14‑1‑208, AS AMENDED, 14‑1‑212, 16‑3‑1410, AS AMENDED, 17‑5‑130, 17‑22‑350, AND 23‑1‑230, RELATING TO THE SCOPE OF THE PROVISIONS THAT PROVIDE FOR THE STRUCTURE, ORGANIZATION, POWERS, AND DUTIES OF MUNICIPAL GOVERNMENTS, THE DEPARTMENT OF PUBLIC SAFETY’S CONTRIBUTIONS INTO THE STATE RETIREMENT SYSTEM ON BEHALF OF ACTIVE HIGHWAY PATROL MEMBER EMPLOYEES, PARKING ON CERTAIN STATE PARKING LOTS, STATE PROCUREMENT CODE EXEMPTIONS, THE INSPECTION OF FUEL AND SHIPPING PAPERS, LAW ENFORCEMENT ASSISTANCE PROVIDED TO THE DEPARTMENT OF REVENUE BY THE DEPARTMENT OF PUBLIC SAFETY, PAYING TAXES AND THE DELEGATION OF COLLECTION OF TAXES, RULES AND REGULATIONS REGARDING THE TRANSPORTATION OF MATERIALS, REGULATIONS RELATING TO THE TRANSPORTATION OF NUCLEAR MATERIALS, COURT ASSESSMENTS AND SURCHARGES, VICTIM ASSISTANCE SERVICES, QUALIFICATIONS AND AGE REQUIREMENTS FOR CORONERS, TRAFFIC EDUCATION PROGRAM FEES, AND THE FIRST RESPONDERS ADVISORY COMMITTEE, ALL SO AS TO DELETE THE TERM “DEPARTMENT OF PUBLIC SAFETY” AND REPLACE IT WITH THE TERM “STATE POLICE” OR “DIVISION OF PUBLIC SAFETY”; TO AMEND CHAPTER 6, TITLE 23, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO REESTABLISH IT AS A DIVISION OF THE STATE POLICE; TO AMEND SECTIONS 23‑23‑30, AS AMENDED, 23‑25‑20, 24‑5‑340, 36‑9‑410, 38‑55‑530, AS AMENDED, 38‑55‑570, AS AMENDED, 38‑73‑470, AS AMENDED, 38‑77‑1120, 39‑9‑230, AS AMENDED, 43‑5‑1250, AS AMENDED, 44‑4‑130, AS AMENDED, 54‑17‑60, 56‑1‑286, AS AMENDED, 56‑1‑460, AS AMENDED, 56‑1‑1320, 56‑1‑1760, 56‑1‑2220, 56‑1‑2230, 56‑3‑662, 56‑3‑663, AS AMENDED, 56‑3‑840, AS AMENDED, 56‑5‑330, 56‑5‑380, 56‑5‑765, 56‑5‑1270, 56‑5‑1300, 56‑5‑1320, 56‑5‑1330, 56‑5‑1340, 56‑5‑1350, 56‑5‑1520, 56‑5‑2930, AS AMENDED, 56‑5‑2933, AS AMENDED, 56‑5‑2945, AS AMENDED, 56‑5‑2951, AS AMENDED, 56‑5‑2953, AS AMENDED, 56‑5‑3660, 56‑5‑3670, 56‑5‑3680, 56‑5‑3690, 56‑5‑3900, 56‑5‑4030, 56‑5‑4035, 56‑5‑4070, 56‑5‑4075, 56‑5‑4140, AS AMENDED, 56‑5‑4160, AS AMENDED, 56‑5‑4170, 56‑5‑4840, 56‑5‑4880, 56‑5‑4970, 56‑5‑5015, 56‑5‑5080, 56‑5‑5120, 56‑5‑5140, 56‑5‑5810, AS AMENDED, 56‑5‑5870, 56‑5‑5880, 56‑5‑6170, 56‑5‑6525, AS AMENDED, 56‑5‑6560, 56‑5‑6565, 56‑7‑10, 56‑7‑12, 56‑7‑30, AS AMENDED, 56‑9‑350, 56‑10‑45, 56‑10‑552, 56‑11‑20, 56‑11‑40, 56‑15‑420, 56‑19‑420, AS AMENDED, 56‑35‑50, 57‑3‑180, 58‑23‑50, AS AMENDED, 58‑23‑1120, AS AMENDED, 59‑67‑20, 59‑67‑260, 59‑67‑570, 61‑6‑2900, 61‑6‑4250, 61‑6‑4290, 63‑19‑1860, 63‑19‑1880, RELATING TO THE SOUTH CAROLINA LAW ENFORCEMENT TRAINING COUNCIL, THE SOUTH CAROLINA LAW ENFORCEMENT OFFICERS HALL OF FAME COMMITTEE, RESERVE DETENTION OFFICERS, UNLAWFUL SALE OR DISPOSAL OF PERSONAL PROPERTY SUBJECT TO A SECURITY INTEREST, INSURANCE FRAUD AND REPORTING IMMUNITY, THE DISPOSITION OF UNINSURED MOTOR PREMIUMS, MOTOR VEHICLE THEFT AND MOTOR VEHICLE INSURANCE FRAUD‑REPORTING IMMUNITY ACT, THE IMPLEMENTATION OF THE METRIC SYSTEM, THE STATEWIDE NETWORK OF MASS TRANSIT SYSTEMS, THE EMERGENCY HEALTH POWERS ACT, ACCOUNT BALANCES RELATING TO HUNTING AND FISHING LICENSES, ACTIVITIES OF THE MARITIME SECURITY COMMISSION AND THE NAVAL MILITIA, MOTOR VEHICLE DRIVER’S LICENSES, THE REGISTRATION AND LICENSING OF MOTOR VEHICLES, THE REGULATION OF TRAFFIC TRAVELING ALONG THE STATE’S HIGHWAYS, THE ISSUANCE OF TRAFFIC TICKETS, VERIFICATION OF MOTOR VEHICLE INSURANCE, THE CONFISCATION OF REGISTRATION CERTIFICATES AND LICENSE PLATES, THE UNINSURED ENFORCEMENT FUND, THE ROAD TAX ON MOTOR CARRIERS, THE PROMULGATION OF REGULATIONS RELATING TO MOTOR VEHICLE DEALER AND WHOLESALER LICENSES, MOTOR VEHICLE CERTIFICATES OF TITLE, DIESEL IDLING RESTRICTIONS, PERMITS ISSUED BY THE DEPARTMENT OF TRANSPORTATION, MOTOR VEHICLE CARRIERS, THE TRANSPORTATION OF SCHOOL CHILDREN, THE ALCOHOLIC BEVERAGE CONTROL ACT, THE CONDITIONAL RELEASE OF A JUVENILE, AND THE APPOINTMENT OF JUVENILE PROBATION COUNSELORS, ALL SO AS TO DELETE THE TERM “DEPARTMENT OF PUBLIC SAFETY” AND REPLACE IT WITH THE TERM “STATE POLICE” OR “DIVISION OF PUBLIC SAFETY”; TO AMEND SECTIONS 23‑3‑10, 23‑3‑680, AND 23‑3‑690, ALL RELATING TO THE CREATION OF SLED, SO AS TO PROVIDE THAT ITS DUTIES AND FUNCTIONS ARE TRANSFERRED TO THE STATE POLICE.

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

SECTION 1. Title 23 of the 1976 Code is amended by adding:

“CHAPTER 2

South Carolina State Police

Section 23‑2‑10. (A) The South Carolina State Police is established as an administrative agency of state government which is comprised of a Division of Public Safety, and a State Law Enforcement Division.

(B) The functions, powers, duties, responsibilities, and authority statutorily exercised by the following offices, sections, departments, or divisions of the following state agencies as existing on the effective date of this act are transferred to and devolved on the department to include the Department of Public Safety, and the State Police. All rules, regulations, standards, orders, or other actions of these entities shall remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act, or otherwise provided.

Section 23‑2‑20. (A) The Governor, with the advice and consent of the Senate, shall appoint the director of the department who shall serve a term of four years. The director only may be removed pursuant to the provisions of Section 1‑3‑240(C). He shall receive such compensation as may be established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the annual general appropriation act. The term of office for the first appointment under the provisions of this section shall be February 1, 2012 for a term of two years. The Governor shall submit the name of his appointee to the Senate by December first of the year prior to the date on which the term begins. A person appointed by the Governor with the advice and consent of the Senate to fill a vacancy shall serve for the unexpired term only. This shall not prohibit the Governor from reappointing a person who is appointed to fill a vacancy as director of the department. All subsequent appointments shall be made in the manner of the original appointment for a term of four years.

(B) The director must administer the affairs of the department and must represent the department in its dealings with other state agencies, local governments, special purpose districts, and the federal government. The director must appoint a deputy director for each division and employ such other personnel for each division and prescribe their duties, powers, and functions as he considers necessary and as may be authorized by statute and for which funds have been authorized in the annual general appropriation act.

(C) The deputy director for each division shall serve at the pleasure of the director and the director shall recommend the salary for each deputy director as allowed by statute or applicable law.”

SECTION 2. Section 1‑3‑240(C)(1)(h) of the 1976 Code, as last amended by Act 137 of 2005, is further amended to read:

“(h) Director of the ~~Department of Public Safety~~ State Police;”

SECTION 3. Section 1‑7‑920 of the 1976 Code is amended to read:

“Section 1‑7‑920. The commission is composed of the following persons for terms as indicated:

(1) the Chairmen of the Senate and House Judiciary Committees for the terms for which they are elected or their legislative designees;

(2) the Chief of the South Carolina Law Enforcement Division for the term for which he is appointed;

(3) the Director of the ~~Department of Public Safety~~ State Police shall serve during the term for which he is appointed;

(4) a director of a Judicial Circuit Pretrial Intervention Program appointed by the Governor for a term of two years;

(5) a Judicial Circuit Victim‑Witness Assistance Advocate appointed by the Governor for a term of two years; and

(6) five judicial circuit solicitors appointed by the Governor for a term of four years. However, upon initial appointment, the Governor shall select one for a two‑year term, two for a three‑year term, and two for a four‑year term. If a solicitor appointed to the commission is not ~~re‑elected~~ reelected, a vacancy occurs and it must be filled pursuant to the provisions of Section 1‑7‑930.”

SECTION 4. Section 1‑30‑10(A)(16) of the 1976 Code is amended to read:

“(16) Department of Public Safety”

SECTION 5. Section 1‑30‑90 of the 1976 Code is amended to read:

“Section 1‑30‑90. The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities, as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the ~~Department~~ Division of Public Safety to be initially divided into divisions for Highway Patrol, State Police, and Training and Continuing Education.

(A) Law Enforcement Hall of Fame, formerly provided for in Section 23‑25‑10, et seq.;

(B) State Highway Patrol, formerly provided for in Section 23‑5‑10, et seq.;

(C) Public Service Commission Safety Enforcement, formerly provided in Section 58‑3‑310;

(D) Law Enforcement Training Council, formerly provided for in Section 23‑23‑30, et seq.;

(E) Public Safety Division, formerly of the Governor’s Office.”

SECTION 6. Section 2‑13‑240(a)(69) of the 1976 Code is amended to read:

“(69) ~~Department of Public Safety, five~~ the State Police;”

SECTION 7. Section 5‑3‑90 of the 1976 Code is amended to read:

Section 5‑3‑90. Any municipality increasing its territory shall file a notice with the Secretary of State, Department of Transportation, and the ~~Department~~ Division of Public Safety describing its new boundaries. The notice shall include a written description of the boundary, along with a map or plat which clearly defines the new territory added.”

SECTION 8. Section 5‑7‑110 of the 1976 Code is amended to read:

“Section 5‑7‑110. Any municipality may appoint or elect as many police officers, regular or special, as may be necessary for the proper law enforcement in such municipality and fix their salaries and prescribe their duties.

Police officers shall be vested with all the powers and duties conferred by law upon constables, in addition to the special duties imposed upon them by the municipality.

Any such police officers shall exercise their powers on all private and public property within the corporate limits of the municipality and on all property owned or controlled by the municipality wheresoever situated; provided, that the municipality may contract with any public utility, agency or with any private business to provide police protection beyond the corporate limits. Should the municipality provide police protection beyond its corporate limits by contract, the legal description of the area to be served shall be filed with the ~~State Law Enforcement Division~~ State Police, and the office of the county sheriff ~~and the Department of Public Safety~~.”

SECTION 9. Section 9‑11‑180 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“Section 9‑11‑180. The ~~Department of Public Safety~~ State Police is hereby authorized to pay into the Police Officers’ Retirement System fund prior to July 1, 1967, on behalf of active highway patrol member employees, an amount equal to the sum such members would be required to contribute to the fund for creditable prior service pursuant to Section 9‑11‑170. The amounts paid into the fund shall be used for the payment of retirement benefits under the Police Officers’ Retirement System or shall be refunded to the ~~Department of Public Safety~~ State Police. None of the ~~moneys~~ monies paid into the fund pursuant to this section shall be disbursed in any other manner to patrol member employees upon termination of employment with the department nor shall any such funds be paid to a patrol member employee’s surviving beneficiary as a residual credit to any patrol member employee’s account which may have existed upon his death. Provided, however, that the interest accruing after July 1, 1967 on the amount paid into the fund may be credited to the patrol member employee’s account just as if he had made the contribution for creditable prior service for his account. Any time that the Police Officers’ Retirement System closes the account of an active patrol member employee because of death or termination of employment with the department the System shall refund to the department the amount that it has paid into the fund on behalf of patrol member employees for creditable prior service under the Supplemental Allowance Program of the System.”

SECTION 10. Section 10‑11‑80(1) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“(1) Parking lots which are situated on the property of the State shall be reserved for the employees of the State. The parking lots referred to by this section shall be policed by the ~~Department~~ Division of Public Safety and no person not authorized by this section shall be allowed to occupy such parking lots. Parking lots referred to in this section are confined to those located in the City of Columbia.”

SECTION 11. Section 11‑35‑710(1) of the 1976 Code, as last amended by Act 459 of 1996, is further amended to read:

“(1) the construction, maintenance, and repair of bridges, highways, and roads; vehicle and road equipment maintenance and repair; and other emergency‑type parts or equipment utilized by the Department of Transportation or the ~~Department~~ Division of Public Safety;”

SECTION 12. Section 12‑28‑1910(B) of the 1976 Code is amended to read:

“(B) Inspections to determine violations under this chapter may be conducted by the ~~Department~~ Division of Public Safety, agents of the Department of Revenue, motor carrier inspectors in this State in addition to their duties otherwise defined, and other law enforcement officers through procedures established by the Department of Revenue. Agents of the Department of Revenue have the same power and authority provided to authorized personnel under the applicable statute.”

SECTION 13. Section 12‑28‑2325 of the 1976 Code is amended to read:

“Section 12‑28‑2325. The ~~Department~~ Division of Public Safety and law enforcement agents, upon request of the Department of Revenue, may assist in the enforcement of all laws relating to the inspection of petroleum products.”

SECTION 14. Section 12‑45‑70(C) of the 1976 Code, as last amended by Act 386 of 2006, is further amended to read:

“(C) The county official charged with the collection of taxes shall send a list of the institutions collecting the taxes to the ~~Department~~ Division of Public Safety. Each institution shall certify to the ~~Department~~ Division of Public Safety that the taxes have been paid, and the ~~Department~~ Division of Public Safety may accept certification instead of the tax receipt given to the taxpayer if that certification contains the information required in Section 12‑37‑2650.”

SECTION 15. Section 13‑7‑70(4)(a) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“(a) Rules and regulations adopted by the department pursuant to this section may be enforced, within their respective jurisdiction, by any authorized representative of the department, the ~~Department~~ Division of Public Safety, and the Department of Transportation, and the Public Service Commission, according to mutual understandings between such bodies of their respective responsibilities and authority.”

SECTION 16. Section 13‑7‑160C of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

“C. Rules and regulations adopted by the department pursuant to this section may be enforced, within their respective jurisdiction, by any authorized representative of the department, the ~~Department~~ Division of Public Safety and the Public Service Commission, according to mutual understandings between such bodies of their respective responsibilities and authority.”

SECTION 17. Section 14‑1‑206(C)(3) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(3) .45 percent to the ~~Department~~ Division of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the ~~Department~~ Division of Public Safety, the department may retain, carry forward, and expend the surplus to defray the costs of maintaining and operating the Hall of Fame;”

SECTION 18. Section 14‑1‑207(C)(3) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(3) .60 percent to the ~~Department~~ Division of Public Safety to defray the cost of erecting and maintaining the South Carolina Law Enforcement Officers Hall of Fame. When funds collected pursuant to this item exceed the necessary costs and expenses of the South Carolina Law Enforcement Officers Hall of Fame operation and maintenance as determined by the ~~Department~~ Division of Public Safety ~~department~~, the division may retain, carry forward, and expend the surplus to defray the costs of maintaining and operating the Hall of Fame;”

SECTION 19. Section 14‑1‑208(C)(9)(a) of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“(a) 9.16 percent to the ~~Department~~ Division of Public Safety for the programs established pursuant to Section 56‑5‑2953(E); and”

SECTION 20. Section 14‑1‑212(B)(1)(j) of the 1976 Code, as added by Act 353 of 2008, is amended to read:

“(j) 14.44 percent to the ~~Department~~ Division of Public Safety for the Highway Patrol Division for equipment, vehicle purchases, and associated vehicle expenses, including maintenance and gasoline.”

SECTION 21. Section 16‑3‑1410(14) of the 1976 Code, as last amended by Act 271 of 2008, is further amended to read:

“the administrator of the Office of Justice Programs, ~~Department~~ Division of Public Safety, or his designee;”

SECTION 22. Section 17‑5‑130(B) and (F) of the 1976 Code, is amended to read:

“(B) Each person serving as coroner in his first term is required to complete a basic training session to be determined by the ~~Department~~ Division of Public Safety. This basic training session must be completed no later than the end of the calendar year following his election as coroner. A person appointed to fill the unexpired term in the office of coroner must complete a basic training session to be determined by the ~~department~~ division within one calendar year of the date of appointment. This section must not be construed to require an individual to repeat the basic training session if he has successfully completed the session prior to his election or appointment as coroner. A coroner who is unable to attend this training session when offered because of an emergency or extenuating circumstances must, within one year from the date the disability or cause terminates, complete the standard basic training session required of coroners. A coroner who does not fulfill the obligations of this subsection is subject to suspension by the Governor until the coroner completes the training session.

(F) The Director of the ~~Department~~ Division of Public Safety must appoint a Coroners Training Advisory Committee to assist in the determination of training requirements for coroners and deputy coroners. The committee must consist of no fewer than five coroners and at least one physician trained in forensic pathology as recommended by the South Carolina Coroners Association. The members of the committee must serve without compensation.”

SECTION 23. Section 17‑22‑350(B)(3) of the 1976 Code, as added by Act 176 of 2008, is amended to read:

“(3) .44 percent to the ~~Department~~ Division of Public Safety’s South Carolina Law Enforcement Officers Hall of Fame;”

SECTION 24. Section 23‑1‑230(A)(1)(c) and (H) of the 1976 Code is amended to read:

“(c) the Director of the ~~Department~~ Division of Public Safety;

(H) The First Responders Advisory Committee shall receive clerical and related assistance from the staff of the ~~South Carolina~~ State Law Enforcement Division, the ~~Department~~ Division of Public Safety, and the Office of Information Resources.”

SECTION 25. Chapter 6, Title 23 of the 1976 Code is amended to read:

“CHAPTER 6

~~Department~~ Division

of Public Safety

Section 23‑6‑10. ~~For the purposes of this title, the following words, phrases, and terms are defined as follows:~~

~~(1) “Department” means the Department of Public Safety.~~

~~(2) “Director” means the chief administrative officer of the Department of Public Safety.~~ Reserved

Section 23‑6‑20. (A) ~~The Department of Public Safety is established as an administrative agency of state government which~~ There is created within the State Police the Division of Public Safety. The Division of Public Safety is comprised of ~~a~~ the South Carolina Highway Patrol Division, ~~a South Carolina State Police Division,~~ and ~~a~~ the Division of Training and Continuing Education.

(B) The functions, powers, duties, responsibilities, and authority statutorily exercised by the following offices, sections, departments, or divisions of the following state agencies as existing on the effective date of this act are transferred to and devolved on the ~~department~~ Division of Public Safety to include the South Carolina Highway Patrol and the Safety Office Section of the Division of Finance and Administration of the South Carolina Department of Highways and Public Transportation; the Safety Enforcement Officers of the Office of Enforcement within the Transportation Division of the South Carolina Public Service Commission and the Governor’s Office of Public Safety, together with all assets, liabilities, records, property, personnel, unexpended appropriations, and other funds shall be transferred to the control of the department. All rules, regulations, standards, orders, or other actions of these entities shall remain in effect unless specifically changed or voided by the department in accordance with the Administrative Procedures Act, or otherwise provided.

Section 23‑6‑30. The ~~department~~ Division of Public Safety shall have the following duties and powers:

(1) carry out highway and other related safety programs;

(2) engage in driver training and safety activities;

(3) enforce the traffic, motor vehicle, commercial vehicle, and related laws;

(4) enforce size, weight, and safety enforcement statutes relating to commercial motor vehicles;

(5) operate a comprehensive law enforcement personnel training program;

(6) promulgate such rules and regulations in accordance with the Administrative Procedures Act and Article 7 of this chapter for the administration and enforcement of the powers delegated to the department by law, which shall have the full force and effect of law;

(7) operate such programs and disseminate information and material so as to continually improve highway safety;

(8) receive and disburse funds and grants, including any donations, contributions, funds, grants, or gifts from private individuals, foundations, agencies, corporations, or the state or federal governments, for the purpose of carrying out the programs and objectives of this chapter; and

(9) do all other functions and responsibilities as required or provided for by law.

Section 23‑6‑40. (A) The ~~Governor, with the advice and consent of the Senate,~~ Director of the State Police shall appoint the colonel as the ~~director~~ Director of the Division of Public Safety. ~~The director may only be removed pursuant to the provisions of Section 1‑3‑240(C). He shall receive such compensation as may be established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the annual general appropriation act. The term of office for the first appointment under the provisions of this section shall be February 1, 1994 for a term of two years. The Governor shall submit the name of his appointee to the Senate by December first of the year prior to the date on which the term begins. A person appointed by the Governor with the advice and consent of the Senate to fill a vacancy shall serve for the unexpired term only. This shall not prohibit the Governor from reappointing a person who is appointed to fill a vacancy as director of the department. All subsequent appointments shall be made in the manner of the original appointment for a term of four years.~~

(B) The director must administer the affairs of the ~~department~~ division ~~and must represent the department in its dealings with other state agencies, local governments, special purpose districts, and the federal government~~. ~~The director must appoint a deputy director for each division and employ such other personnel for each division and prescribe their duties, powers, and functions as he considers necessary and as may be authorized by statute and for which funds have been authorized in the annual general appropriation act.~~

(C) The deputy director for each division of the Division of Public Safety shall serve at the pleasure of the director ~~and the director shall recommend the salary for each deputy director as allowed by statute or applicable law~~.

Section 23‑6‑50. The ~~director~~ Director of the State Police shall annually cause the ~~department~~ Division of Public Safety to be audited. The audit must be conducted by a certified public accountant or firm of certified public accountants to be selected by the State Auditor. The ~~department~~ division may undergo an Agreed Upon Procedures audit in lieu of audited financial statements. The audit shall be in coordination with the State Auditor’s Office and will be in accordance with generally accepted accounting principles and must comprise all financial records and controls. The audit must be completed by November ~~1~~ first following the close of the fiscal year. The costs and expenses of the audit must be paid by the department out of its funds.

Notwithstanding any other provision of law, all revenue generated by the ~~department~~ division from the sale of vehicles, various equipment, less the cost of disposition incurred by the State Budget and Control Board Division of Operations, gasoline and insurance claims, during the prior fiscal year may be retained and carried forward into the current fiscal year and expended for the purpose of purchasing like items. Any unexpended balance on June ~~30~~ thirtieth of the prior fiscal year authorized to be expended or used for any federal grant program may be retained and carried forward to the current fiscal year and used for matching committed or unanticipated grant funds, or both. ~~The Department of Motor Vehicles is authorized to carry forward and expend all motor carrier registration fees collected pursuant to Chapter 23 of Title 58 for fiscal years 1996‑1997, 1997‑1998, 1998‑1999 into fiscal year 1999‑2000.~~

Notwithstanding any other provision of law, revenue received from the sale of publications, postal reimbursement, photo copying, electronic data from traffic collisions, sale of miscellaneous refuse and recyclable materials, insurance claim receipts, coin operated telephones, and revenue from building management services, and the ~~Department~~ Division of Public Safety training series shall be retained by the ~~department~~ division and expended in budgeted operations for professional training, fees and dues, clothing allowance, and other related services or programs as the Director of the ~~Department~~ Division of Public Safety may deem necessary. In order to complete projects begun in a prior fiscal year, the ~~department~~ division is authorized to expend federal and earmarked funds in the following fiscal year for expenditures incurred in the prior fiscal year.

Section 23‑6‑90. The ~~department~~ division may employ, equip, and provide such officers as may be necessary to maintain the security of the Governor’s Mansion Compound, and other governmental facilities, including the State Capitol Building, the facilities of the Capitol Complex, and other state buildings. The director must determine the most efficient and effective method of placing these officers within a law enforcement division in the department.

Article 3

Highway Patrol Division

Section 23‑6‑100. (A) There is created a South Carolina Highway Patrol Division and a South Carolina State Police Division within the ~~Department~~ Division of Public Safety. The South Carolina Highway Patrol Division shall have such troopers, officers, agents and employees as the department may deem necessary and proper for the enforcement of the traffic and other related laws, and the South Carolina State Police Division shall have such troopers, officers, agents and employees as the ~~department~~ Division of Public Safety may deem necessary and proper for the enforcement of the commercial motor carrier related laws, the enforcement of which is devolved upon the ~~department~~ division. Such officers and troopers shall be commissioned by the Governor upon the recommendation of the Director of the ~~Department~~ Division of Public Safety. Such commissions may be terminated at the pleasure of the director.

(B) The ~~department~~ Division of Public Safety must provide the officers of the Highway Patrol and of the State Police with distinctive uniforms and suitable arms and equipment for use in the performance of their duties. Such officers and troopers shall at all times, when in the performance of their duties, wear complete uniforms with badges conspicuously displayed on the outside of their uniforms.

(C) The commanding officers of the South Carolina Highway Patrol and the South Carolina State Police respectively, with the approval of the director of the ~~department~~ Division of Public Safety, shall prescribe a unique and distinctive official uniform, with appropriate insignia to be worn by all officers when on duty and at such other times as the director shall order, and a distinctive color or colors and appropriate emblems for all motor vehicles used by the Highway Patrol and the State Police except those designated by the ~~director~~ Director of the Division of Public Safety. No other law enforcement agency, private security agency, or any person shall wear a similar uniform and insignia which may be confused with the uniform and insignia of the Highway Patrol or State Police. An emblem must not be used on a nondepartment motor vehicle, nor may such vehicle be painted in a color or in any manner which would cause the vehicle to be similar to a Highway Patrol or State Police vehicle or readily confused with it.

(D) The ~~director~~ Director of the Division of Public Safety shall file with the Legislative Council for publication in the State Register a description and illustration of the official highway patrol uniform with insignia and the emblems of the official highway patrol and motor vehicles including a description of the color of such uniforms and vehicles and a description and illustration of the official state police uniform with insignia and the emblems of the official state police and motor vehicles including a description of the color of such uniforms and vehicles.

(E) The South Carolina Highway Patrol Division shall transfer the service sidearm of an active duty trooper killed in the line of duty to the trooper’s surviving spouse upon request at no charge once the sidearm has been rendered permanently inoperable.

Section 23‑6‑110. In order to carry out the provisions of Section 23‑6‑100 in an orderly and economical manner it is intended that all serviceable uniforms be continued in use until such time as the ~~director~~ Director of the Division of Public Safety considers it necessary for them to be replaced. These provisions shall also apply to the emblems for motor vehicles.

Section 23‑6‑120. Every officer and trooper commissioned pursuant to this chapter shall file a bond, or be covered by a surety bond, with the ~~department~~ division in the amount of not less than two thousand dollars, subscribed by a duly licensed surety company, which shall be conditioned on the faithful performance of his duties. The duties include but are not limited to the prompt and proper accounting of all funds coming into his hands, the payment of any judgment recovered against him in any court of competent jurisdiction upon a cause of action arising out of breach or abuse of official duty or power, or the payment of damages sustained by any member of the public from any unlawful act of such officer or trooper. Coverage under such bond shall not include damage to persons or property arising out of the negligent operation of a motor vehicle. Such bond may be individual, schedule or blanket and on a form approved by the Attorney General. The premiums on such bonds shall be paid by the department.

Section 23‑6‑130. Any violation of Section 23‑6‑100 may be enjoined by the court of common pleas upon petition of the director after due notice to the person violating the provisions of Section 23‑6‑100 and after a hearing on the petition.

Section 23‑6‑140. The patrol of the highways of the State and the enforcement of the laws of the State relative to highway traffic, traffic safety, and motor vehicles shall be the primary responsibility of the troopers and officers of the South Carolina Highway Patrol. The troopers and officers of the State Police shall have the primary responsibility for the enforcement of laws relating to commercial motor carriers relating to size, weight, permits, licensing, and inspections for size and weight tolerance and safety. All officers and troopers shall have the same power to serve criminal processes against offenders as sheriffs of the various counties and also the same power as such sheriffs to arrest without warrants and to detain persons found violating or attempting to violate any laws of the State relative to highway traffic, motor vehicles or commercial motor carriers. These officers and troopers shall also have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State.

Section 23‑6‑145. A commissioned officer or a uniformed officer of the ~~department~~ Division of Public Safety may, upon reasonable belief that any vehicle is being operated in violation of any provision of statutory law, require the driver thereof to stop and exhibit the registration card issued for the vehicle, the individual’s driver’s license, and submit to an inspection of such vehicle and license.

Section 23‑6‑150. When any person is apprehended by a officer upon a charge of violating any laws of the State relative to highway traffic, motor vehicles or commercial motor carriers such person shall immediately be served with an official summons. The person charged may deposit bail with the arresting officer in lieu of being immediately brought before the proper magistrate, recorder, or other judicial officer to enter into a formal recognizance or make direct the deposit of a proper sum of money in lieu of a recognizance or incarceration. The apprehending officer may accept a sum of money as bail, not less than the minimum nor more than the maximum fine, but in no case to exceed two hundred dollars, to be in due course turned over to the judicial officer as money for bail. The bail deposited shall be in lieu of entering into a recognizance for his appearance for trial as set in the aforesaid summons or being incarcerated by the arresting officer and held for further action by the appropriate judicial officer. A receipt for the sum so deposited shall be given to such person by the arresting officer. The summons duly served as herein provided shall give the judicial officer jurisdiction to dispose of the matter. Upon receipt of the fixed sum of money the officer may release the person so charged as above provided for his further appearance before the proper judicial officer as provided for and required by the summons.

Section 23‑6‑170. No officer or trooper may be promoted to a higher rank until such time as the council adopts a promotion policy for commissioned personnel and officers as provided for in Section 23‑6‑520.

Section 23‑6‑180. The ~~Department~~ Division of Public Safety is directed to keep permanent records of all ~~Highway Patrolmen~~ highway patrolmen who are killed in the line of duty or die in any other manner while actively employed as well as records of those who are retired.

Section 23‑6‑185. Notwithstanding any other provisions of law, enforcement by the State Transport Police Division, of Articles 3 and 5, Chapter 23 ~~of~~, Title 58, shall be funded from the motor carrier registration fees collected by the Department of Motor Vehicles that previously were collected by the Public Service Commission and the ~~Department~~ Division of Public Safety. Additionally, the State Transport Police is authorized to expend the motor carrier registration fees to build or renovate weigh stations. All unexpended funds from prior years collected pursuant to this section may be retained and carried forward by the department for the same purposes.

Section 23‑6‑187. The ~~department~~ Division of Public Safety may charge a witness fee of one hundred thirty dollars per hour, up to one thousand dollars per day for each trooper trained in Advanced Accident Investigation testifying in civil matters which do not involve the State as a party in interest. The fee shall be charged in addition to any court prescribed payment due as compensation or reimbursement for judicial appearances and deposited into a designated revenue account. The ~~department~~ Division of Public Safety is authorized to receive, expend, retain, and carry forward these funds.

Section 23‑6‑190. All monies collected in the ~~Department~~ Division of Public Safety Building Fund, as established in Section 56‑3‑840 that exceed the annual bond payment and the amount needed for building repair must be utilized by the department to support the Highway Patrol.

Section 23‑6‑191. The ~~Department~~ Division of Public Safety may pay the cost of physical examinations for ~~department~~ division personnel who are required to receive physical examinations prior to or after receiving a law enforcement commission.

Section 23‑6‑193. The ~~department~~ Division of Public Safety may collect, expend, retain, and carry forward all funds received from other state or federal agencies as reimbursement for expenditures incurred when personnel and equipment are mobilized and expenses incurred due to an emergency.

Section 23‑6‑195. The ~~department~~ Division of Public Safety may provide meals to employees of the department who are not permitted to leave assigned duty stations and are required to work during deployment, emergency simulation exercises, and when the Governor declares a state of emergency.

Article 5

~~Department~~ Division of Public Safety Special Constable

Section 23‑6‑200. For purposes of this article:

(1) ‘Former law enforcement officer’ means:

(a) an officer who was previously commissioned by the Governor and who during his law enforcement career worked for the ~~department~~ division;

(b) an officer who was commissioned by the Governor, and whose agency, office, or unit was transferred to the ~~department~~ division pursuant to governmental restructuring, including former retired officers;

(c) an officer who was previously commissioned by the Governor whose agency, office, or unit was transferred to the ~~department~~ division pursuant to governmental restructuring or any subsequent restructuring, including former retired officers; or

(d) other formerly commissioned law enforcement officers or retired officers in good standing from any law enforcement agency, state constables, or volunteer state constables serving without compensation whose appointment is certified by the State Law Enforcement Division as having completed the requisite training to maintain an active commission.

(2) ‘~~Department~~ Division of Public Safety Special Constable’ means a commission authorized by the ~~department~~ division for a former law enforcement officer as defined in (1).

(3) ‘Director’ means the chief administrative officer of the ~~Department~~ Division of Public Safety.

(4) ‘~~Department~~ Division’ means ~~Department~~ Division of Public Safety.

Section 23‑6‑210. (A) The director is authorized to establish programs for the commissioning of former law enforcement officers of the ~~department~~ division. An individual commissioned pursuant to this section shall receive a ~~Department~~ Division of Public Safety Special Constable commission.

(B) The powers and duties of these special constables shall be determined by the director and specified in writing, and individuals commissioned pursuant to this section shall be subject to removal by the director at any time. Before assuming their duties, special constables shall take the oath of office required by law and successfully complete a course of training specified by the director.

(C) A constable shall be entitled to enforce the laws of this State and exercise the duties of his office throughout the State except as may be limited in subsection (B).

(D) The course of training required in subsection (B) does not apply to former officers holding a valid commission issued by another agency or governmental entity, except that all officers shall meet any annual continuing training requirements established by the director in order to maintain their commissions.

Section 23‑6‑220. (A) Constables may not receive compensation including, but not limited to, salary for services rendered absent specific statutory authorization.

(B) Any uniforms and equipment issued by the ~~department~~ division shall remain the property of the ~~department~~ division, but may, in the discretion of the ~~director~~ division, be entrusted to the care and control of the constables. A constable assisting a full‑time ~~department~~ division law enforcement officer shall wear uniforms or other insignia which identify the constable as a special law enforcement officer assisting the ~~department~~ division.

(C) Workers’ compensation benefits may be provided on an as needed basis for special constables by the director in the same manner as benefits are provided for full‑time officers. For purposes of compensation or benefits arising from duty‑related injury or death, special constables shall be considered as employees of the ~~department~~ division.

Section 23‑6‑230. Identification cards registering a special constable must be issued by the ~~Department~~ Division of Public Safety for all individuals commissioned pursuant to this article.

Section 23‑6‑240. Notwithstanding any other provision of law, constables who have received the required training shall be authorized by the director to carry pistols on and about their persons unless otherwise restricted by the director in writing. However, the director, after hearing and for cause, may deny such privilege to any constable pursuant to this section who is guilty of using his pistol at any time in a manner inconsistent with accepted law enforcement procedures as determined by the director or who has been convicted of any crime for which a penalty of imprisonment for more than one year may be imposed. The term ‘conviction’ shall include a plea of guilty, a plea of nolo contendere, or forfeiture of bail.

Article 11

~~South Carolina Public Safety~~ Division of Public Safety Coordinating Council

Section 23‑6‑500. There is created a council to administer certain responsibilities of the ~~Department~~ Division of Public Safety and coordinate certain activities between the ~~department~~ division, the South Carolina Law Enforcement Division and municipal and county law enforcement agencies. The council is to be known as the ~~South Carolina~~ Division of Public Safety Coordinating Council.

Section 23‑6‑510. The council is composed of the following persons for terms as indicated:

(1) the Governor or his designee, to serve as chairman, for the term of the Governor;

(2) the Chief of the South Carolina Law Enforcement Division for the term of office for which he is appointed;

(3) the Chairman of the Senate Judiciary Committee for his term of office in the Senate or his designee;

(4) the Chairman of the House of Representatives Judiciary Committee for his term of office in the House of Representatives or his designee;

(5) the Director of the ~~Department~~ Division of Public Safety;

(6) a sheriff appointed by the Governor for the term of office for which he is elected;

(7) a municipal police chief appointed by the Governor for a term of two years; and

(8) a victim representative appointed by the Governor for a term of four years.

Any vacancy occurring must be filled in the manner of the original appointment for the unexpired portion of the term.

Section 23‑6‑520. The council has the following duties to:

(1) recommend a hiring and promotion policy for commissioned personnel or officers to be administered under the sole authority of the director;

(2) establish a process for the solicitation of applications for public safety grants and to review and approve the disbursement of funds available under Section 402 ~~of~~, Chapter 4 ~~of~~, Title 1 of the Federal Highway Safety Program, public law 89‑564 in a fair and equitable manner;

(3) coordinate the use of ~~department~~ division personnel by other state or local agencies or political subdivisions;

(4) advise and consult on questions of jurisdiction and law enforcement and public safety activities between the ~~Department~~ Division of Public Safety, the South Carolina Law Enforcement Division and law enforcement agencies of local political subdivisions.

Section 23‑6‑530. The council may elect such other officers as it deems necessary from its membership and the members of the council shall serve without pay but are authorized, as eligible, to receive the usual per diem, mileage and subsistence provided for by law.”

SECTION 26. Section 23‑23‑30(A)(6) of the 1976 Code as added by Act 317 of 2006, is amended to read:

“(6) the Director of the South Carolina ~~Department~~ Division of Public Safety;”

SECTION 27. Section 23‑25‑20 of the 1976 Code is amended to read:

“Section 23‑25‑20. (A) The South Carolina Law Enforcement Officers Hall of Fame shall hereafter be administered as an office of the ~~Department~~ Division of Public Safety.

(B) There is created a South Carolina Law Enforcement Officers Hall of Fame Advisory Committee. The committee shall consist of the following ex officio members:

(1) the Director of the ~~Department~~ Division of Public Safety, who shall serve as chairman; t~~he Chief of the State Law Enforcement Division;~~

(2) the Chief of the State Law Enforcement Division;

(3) the Director of the Department of Corrections;

(4) the Secretary of the South Carolina Sheriffs’ Association;

(5) the Executive Director of the South Carolina Law Enforcement Officers Association;

(6) the President of the South Carolina Police Chiefs Association, or his designee; and

(7) a representative of the Natural Resources Enforcement Division, to be appointed by the Director of the Department of Natural Resources.

(C) Members of the advisory committee may designate persons to represent them at meetings they are unable to attend.”

SECTION 28. Section 24‑5‑340 of the 1976 Code is amended to read:

“Section 24‑5‑340. Additional requirements beyond those set out in this article may be imposed by the local political entity through the responsible authority.

Upon request by the director and assurance by the director that minimum requirements have been met, identification cards registering a reserve’s status may be issued by the ~~Department~~ Division of Public Safety.”

SECTION 29. Section 36‑9‑410(B)(4) of the 1976 Code, as added by Act 265 of 2004, is amended to read:

“(4) to personal property titled by the ~~Department~~ Division of Public Safety or the Law Enforcement Division of the South Carolina Department of Natural Resources.”

SECTION 30. Section 38‑55‑530(A) of the 1976 Code is amended to read:

“(A) ‘Authorized agency’ means any duly constituted criminal investigative department or agency of the United States or of this State; the Department of Insurance; the Department of Revenue; the ~~Department of Public Safety~~ State Police; the Department of Motor Vehicles; the Workers’ Compensation Commission; the State Accident Fund; the Second Injury Fund; the Employment Security Commission; the Department of Consumer Affairs; the Human Affairs Commission; the Department of Health and Environmental Control; the Department of Social Services; the Department of Health and Human Services; the Department of Labor, Licensing and Regulation; all other state boards, commissions, and agencies; the Office of the Attorney General of South Carolina; or the prosecuting attorney of any judicial circuit, county, municipality, or political subdivision of this State or of the United States, and their respective employees or personnel acting in their official capacity.”

SECTION 31. Section 38‑55‑570(C) of the 1976 Code is amended to read:

“(C) Any authorized agency provided with or obtaining information relating to a suspected false statement or misrepresentation as provided for above may release or provide the information to any other authorized agency. The Department of Insurance, the Department of Revenue, the ~~Department~~ Division of Public Safety, and the Department of Motor Vehicles shall report, but not adjudicate, all cases of suspected or reported false statement or misrepresentation to the Insurance Fraud Division of the Office of Attorney General of South Carolina for appropriate investigation or prosecution, or both. The Workers’ Compensation Commission may refer such cases as provided in Section 42‑9‑440.”

SECTION 32. Section 38‑73‑470 of the 1976 Code, as last amended by Act 324 of 2002, is further amended to read:

“Section 38‑73‑470. Two dollars of the yearly premium for uninsured motorist coverage is directed to be paid to the ~~South Carolina Department~~ Division of Public Safety to be placed on deposit with the State Treasurer in the ‘Uninsured Enforcement Fund’, payable on a quarterly basis, to provide for the costs of enforcing and administering the provisions of Article 3, Chapter 10, Title 56. Of the two dollars collected, eighty cents must be distributed to the South Carolina Highway Patrol and one dollar twenty cents must be distributed to the Department of Motor Vehicles. Interest earned by the ‘Uninsured Fund’ must be retained by that fund. There is no requirement for an insurer or an agent to offer underinsured motorist coverage at limits less than the statutorily required bodily injury or property damage limits.”

SECTION 33. Section 38‑77‑1120(a)(1) of the 1976 Code is amended to read:

“(1) the ~~South Carolina~~ State Law Enforcement Division, the ~~Department~~ Division of Public Safety, the sheriff’s department of any county of this State, and any duly constituted criminal investigative department or agency of another state of the United States;”

SECTION 34. Section 39‑9‑230 of the 1976 Code, as last amended by Act 501 of 1994, is further amended to read:

“Section 39‑9‑230. The Commissioner of Agriculture has general advisory authority over the implementation of the metric system in this State. To assist in the implementation there is created a nine member advisory committee including the executive officers or their designated staff member from the State Law Enforcement Division, the State Commission on Higher Education, the State Board for Technical and Comprehensive Education, the State Department of Education, the South Carolina Department of Transportation, ~~State Department~~ Division of Public Safety, the Department of Commerce, one member appointed by the Governor who is associated with the textile industry and serves without compensation, and one member appointed by the Governor from his staff. If a designated member ceases to be on the staff of the state agencies provided in this section, he no longer is a member of the advisory committee, and the executive officer shall serve or designate another member of his staff to serve on the committee. Members of the committee serve until this section and Section 39‑9‑240 have been implemented fully. The Commissioner of Agriculture, with the assistance and recommendations of the committee, shall:

(1) formulate a suggested program necessary to plan for the gradual implementation in the commerce of this State to the metric system;

(2) provide to the General Assembly recommendations for achieving conversion of units of measurement as used in this State to the metric system;

(3) encourage all state departments, divisions, agencies, boards, and commissions having authority or responsibility in matters concerning standards of weights and measurement to initiate planning for the gradual conversion to and implementation of the metric system of weights and measures of this State.”

SECTION 35. Section 43‑5‑1250 of the 1976 Code, as added by Act 102 of 1995, is amended to read:

“Section 43‑5‑1250. To promote independence and assist AFDC families in participating in the Department of Social Services employment and training program and in getting to their place of employment, reliable transportation services are needed. The department in conjunction with the ~~Department~~ Division of Public Safety shall endorse local efforts to develop a statewide network of mass transit systems.”

SECTION 36. Section 44‑4‑130(Q) of the 1976 Code is amended to read:

“(Q) ‘Public safety authority’ means the ~~Department~~ Division of Public Safety, the State Law Enforcement Division, or designated persons authorized to act on behalf of the ~~Department~~ Division of Public Safety, the State Law Enforcement Division including, but not limited to, local governmental agencies that act principally to protect or preserve the public safety, or full‑time commissioned law enforcement persons.”

SECTION 37. Section 54‑17‑60 of the 1976 Code, as added by Act 90 of 2003, is amended to read:

“Section 54‑17‑60. The Maritime Security Commission and the Naval Militia must coordinate their activities with federal, state, and local agencies responsible for maritime homeland security and Naval Militia functions as they relate to this title. These agencies shall include, but are not limited to, the State Law Enforcement Division, the Departments of Natural Resources, ~~Public Safety, and~~ Transportation, the Division of Public Safety and the Military Department, and their several state agencies; state, county, and municipal police departments including marine police components; and the South Carolina Army and Air National Guard.”

SECTION 38. Section 56‑1‑286(K)(1) of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“(1) obtain a temporary alcohol license by filing with the department a form for this purpose. A one‑hundred‑dollar fee must be assessed for obtaining a temporary alcohol license. Twenty‑five dollars of the fee must be retained by the ~~Department~~ Division of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray its expenses. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the administrative hearing provided for in this section or the final decision or disposition of the matter; and”

SECTION 39. Section 56‑1‑460(C) of the 1976 Code is amended to read:

“(C) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the ~~Department~~ Division of Public Safety for the Highway Patrol.”

SECTION 40. Section 56‑1‑1320(B) of the 1976 Code is amended to read:

“(B) Ninety‑five dollars of the collected fee must be credited to the General Fund of the State for use of the ~~Department~~ Division of Public Safety in the hiring, training, and equipping of members of the South Carolina Highway Patrol and Transportation Police and in the operations of the South Carolina Highway Patrol and Transportation Police.”

SECTION 41. Section 56‑1‑1760 of the 1976 Code is amended to read:

“Section 56‑1‑1760. Every licensee shall have his license in his immediate possession at all times when operating a moped and shall display it upon demand of any officer or agent of the ~~Department~~ Division of Public Safety or any police officer of the State.”

SECTION 42. Section 56‑1‑2220(G) of the 1976 Code, as added by Act 232 of 2008, is amended to read:

“(G) The records required by this section are subject to inspection by the ~~Department~~ Division of Public Safety.”

SECTION 43. Section 56‑1‑2230(E) of the 1976 Code, as added by Act 232 of 2008, is amended to read:

“(E) Fines collected pursuant to this section must be credited to the ~~Department~~ Division of Public Safety’s Transport Police Division.”

SECTION 44. Section 56‑3‑662 of the 1976 Code is amended to read:

“Section 56‑3‑662. The Department of Motor Vehicles shall charge a fee of five dollars for each identifier. The five‑dollar identifier fee must be remitted to the general fund. The Department of Motor Vehicles may promulgate regulations pursuant to this section. The five‑dollar fee collected pursuant to this section must be placed in a special restricted account by the Comptroller General to be used by the ~~Department~~ Division of Public Safety for the administration and enforcement of the provisions contained in Articles 3 and 5 ~~of~~, Chapter 23, Title 58, and for the building or renovation of weigh stations. All unexpended funds from prior years collected under this section may be retained and carried forward by the ~~Department~~ Division of Public Safety and used for these purposes.”

SECTION 45. Section 56‑3‑663 of the 1976 Code is amended to read:

“Section 56‑3‑663. The Department of Motor Vehicles is authorized to enter into reciprocal agreements with the regulatory agencies of other states having jurisdiction and authority over motor carriers to provide for base state agreements in which the registration of interstate carriers operating in participating states may be accomplished by registration in one base state. Carriers registering in this State under these agreements are subject to the jurisdiction and authority of the ~~Department~~ Division of Public Safety and the Department of Motor Vehicles for enforcement purposes. When the carrier’s base state is South Carolina, the Department of Motor Vehicles may require further filings of certificates of insurance, surety bonds, and other documents to show the carrier’s qualifications to operate. Participating carriers shall register their authority directly with the Department of Motor Vehicles and not with other state or local agencies.”

SECTION 46. Section 56‑3‑840 of the 1976 Code, as last amended by Act 353 of 2008, is further amended to read:

“Section 56‑3‑840. The owner of every vehicle required to be registered and licensed under the provisions of this chapter who fails to register and license the vehicle and pay the specified fees or renewal, when and as required, upon registering the vehicle shall pay to the Department of Motor Vehicles a delinquency penalty fee of ten dollars, if the owner is delinquent less than fifteen days. If the owner is delinquent by fifteen days but less than thirty days, he shall pay a delinquency penalty of twenty‑five dollars. If the owner is delinquent by more than thirty days but less than ninety days, he shall pay a delinquency penalty fee of fifty dollars to the department. If the owner is delinquent by more than ninety days, he shall pay a delinquency penalty fee of seventy‑five dollars to the department. However, there is no delinquency penalty fee for campers and travel trailers subject to the registration fee under Section 56‑3‑720.

A person who drives, moves, or operates on a highway a vehicle for which a registration and license are required but have not been obtained within thirty days of the date when required is guilty of a misdemeanor.

All monies collected pursuant to this section, not to exceed the actual revenues collected in fiscal year 1999‑2000, must be annually deposited to a separate account and held in reserve for the ~~Department~~ Division of Public Safety. Notwithstanding any other provision of law, these monies must be deposited to the credit of the ~~department~~ division into a special fund in the office of the State Treasurer designated as the ‘~~Department~~ Division of Public Safety Building Fund’. The ~~Department~~ Division of Public Safety must use these monies and other unobligated monies for the purpose of issuing revenue bonds or for entering into a lease purchase agreement for a headquarters facility, including the renovation of existing facilities. The ~~Department~~ Division of Public Safety is authorized to initiate and direct a capital project to purchase or construct a new headquarters facility. Projects funded under this section other than for the construction or purchase of a new headquarters facility, including but not limited to, the expansion or renovation of an existing facility, must be approved by a joint resolution provided that if the ~~Department~~ Division of Public Safety employs a lease purchase agreement to build or purchase a new headquarters facility, the lease purchase agreement must be approved by the State Budget and Control Board. The cost of a headquarters facility must not exceed thirty million dollars unless a parking facility or garage is required.”

SECTION 47. Section 56‑5‑330 of the 1976 Code is amended to read:

“Section 56‑5‑330. ‘Safety glass’ shall mean any product composed of glass, so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken or such other or similar product as may be approved by the ~~Department~~ Division of Public Safety.”

SECTION 48. Section 56‑5‑380 of the 1976 Code is amended to read:

“Section 56‑5‑380. Every county and municipality in this State and any other local board or body having authority to maintain any public highways or to regulate the traffic thereon, but not including the ~~Department~~ Division of Public Safety, is a ‘local authority’.”

SECTION 49. Section 56‑5‑765(A) and (B) of the 1976 Code is amended to read:

“(A) When a motor vehicle or motorcycle of a law enforcement agency, except a motor vehicle or motorcycle of the ~~Department~~ Division of Public Safety, is involved in a traffic collision that: (1) results in an injury or a death, or (2) involves a ~~privately‑owned~~ privately owned motor vehicle or motorcycle, regardless of whether another motor vehicle or motorcycle is involved, the State Highway Patrol must investigate the collision and must file a report with findings on whether the agency motor vehicle or motorcycle was operated properly within the guidelines of appropriate statutes and regulations.

(B) When a motor vehicle or motorcycle of the ~~Department~~ Division of Public Safety is involved in a traffic collision that: (1) results in an injury or a death, or (2) involves a ~~privately‑owned~~ privately owned motor vehicle or motorcycle, regardless of whether another motor vehicle or motorcycle is involved, the sheriff of the county in which the collision occurred must investigate the collision, regardless of whether the collision occurred within an incorporated jurisdiction, and must file a report with findings on whether the ~~Department~~ Division of Public Safety’s motor vehicle or motorcycle was operated properly within the guidelines of appropriate statutes and regulations.”

SECTION 50. Section 56‑5‑1270 of the 1976 Code is amended to read:

“Section 56‑5‑1270. The operator or owner of a motor vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of one thousand dollars or more which was not investigated by a law enforcement officer, within fifteen days after the accident, shall forward a written report and verification of liability insurance coverage of the accident to the Department of Motor Vehicles, the proof and report to be in a manner prescribed by the Department of Motor Vehicles and the ~~Department~~ Division of Public Safety. The completed and verified form must be returned by the operator or owner to the Department of Motor Vehicles within fifteen days from the accident date. Failure to forward the accident report verified in the proper manner in respect to liability insurance coverage for the operation of the vehicle involved in the accident is prima facie evidence that the vehicle was uninsured.

Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident that results in injury to or death of any person or total property damage to an apparent extent of one thousand dollars or more either at the time of and at the scene of the accident or after the accident by interviewing participants or witnesses, within twenty‑four hours after completing the investigation, must forward a written report of the accident to the Department of Motor Vehicles including the names of interviewed participants and witnesses. If a two‑wheeled motorized vehicle is involved in the accident and the operator or a passenger of the vehicle suffers a head injury, the injury must be indicated on the report.”

SECTION 51. Section 56‑5‑1300 of the 1976 Code is amended to read:

“Section 56‑5‑1300. The ~~Department~~ Division of Public Safety shall prepare and upon request supply to police departments, coroners, sheriffs, garages and other suitable agencies or individuals forms for accident reports required hereunder, appropriate with respect to the persons required to make such reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved. Every accident report required to be made in writing shall be made on the appropriate form approved by the ~~Department~~ division and shall contain all of the information required therein unless not available.”

SECTION 52. Section 56‑5‑1320 of the 1976 Code is amended to read:

“Section 56‑5‑1320. Every coroner or other official performing like functions shall on or before the tenth day of each month report in writing to the ~~Department~~ Division of Public Safety the death of any person within his jurisdiction during the preceding calendar month as the result of a traffic accident, giving the time and place of the accident and the circumstances relating thereto.”

SECTION 53. Section 56‑5‑1330 of the 1976 Code is amended to read:

“Section 56‑5‑1330. The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in Section 56‑5‑1270 or struck by any bullet shall report to the ~~Department~~ Division of Public Safety within twenty‑four hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle.”

SECTION 54. Section 56‑5‑1340 of the 1976 Code is amended to read:

“Section 56‑5‑1340. All accident reports made by persons involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department of Motor Vehicles, ~~Department~~ Division of Public Safety, or other State agencies having use for the records for accident prevention purposes. The Department of Motor Vehicles may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident and may upon request disclose to any person who has suffered injury to his person or property any information contained on any report regarding the existence of insurance. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the Department of Motor Vehicles shall furnish, upon demand of any person who has, or claims to have, made such a report or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the Department of Motor Vehicles solely to prove a compliance or a failure to comply with the requirement that such a report be made to the Department of Motor Vehicles.”

SECTION 55. Section 56‑5‑1350 of the 1976 Code is amended to read:

“Section 56‑5‑1350. The ~~Department~~ Division of Public Safety must tabulate and may analyze all accident reports as required in Section 56‑5‑1270 and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.”

SECTION 56. Section 56‑5‑1520(I) of the 1976 Code is amended to read:

“(I) In expending the funds credited to the state general fund from fines generated under subsection (G), the ~~Department~~ Division of Public Safety first shall consider the need for additional highway patrolmen.”

SECTION 57. Section 56‑5‑2930(F) of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“(F) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the ~~Department~~ Division of Public Safety for the Highway Patrol.”

SECTION 58. Section 56‑5‑2933(F) of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“(F) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the ~~Department~~ Division of Public Safety for the Highway Patrol.”

SECTION 59. Section 56‑5‑2945(C) of the 1976 Code is amended to read:

“(C) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the ~~Department~~ Division of Public Safety for the Highway Patrol.”

SECTION 60. Section 56‑5‑2951(B)(1) of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“(1) obtain a temporary alcohol license by filing with the Department of Motor Vehicles a form for this purpose. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty‑five dollars of the fee must be retained by the ~~Department~~ Division of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray its expenses. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the administrative hearing provided for in subsection (F) or the final decision or disposition of the matter. If the suspension is upheld at the administrative hearing, the temporary alcohol license remains in effect until the Department of Motor Vehicles issues the hearing officer’s decision and sends notice to the person that he is eligible to receive a restricted license pursuant to subsection (H); and”

SECTION 61. Section 56‑5‑2953(D),(E) and (F) of the 1976 Code is amended to read:

“(D) SLED is responsible for purchasing, maintaining, and supplying all necessary video recording equipment for use at the breath test sites. SLED also is responsible for monitoring all breath test sites to ensure the proper maintenance of video recording equipment. The ~~Department~~ Division of Public Safety is responsible for purchasing, maintaining, and supplying all ~~videotaping~~ video recording equipment for use in all law enforcement vehicles used for traffic enforcement. The ~~Department~~ Division of Public Safety also is responsible for monitoring all law enforcement vehicles used for traffic enforcement to ensure proper maintenance of video recording equipment.

(E) Beginning one month from the effective date of this section, all of the funds received in accordance with Section 14‑1‑208(C)(9) must be expended by SLED to equip all breath test sites with video recording devices and supplies. Once all breath test sites have been equipped fully with video recording devices and supplies, eighty‑seven and one‑half percent of the funds received in accordance with Section 14‑1‑208(C)(9) must be expended by the ~~Department~~ Division of Public Safety to purchase, maintain, and supply video recording equipment for vehicles used for traffic enforcement. The remaining twelve and one‑half percent of the funds received in accordance with Section 14‑1‑208(C)(9) must be expended by SLED to purchase, maintain, and supply video recording equipment for the breath test sites. Funds must be distributed by the State Treasurer to the ~~Department~~ Division of Public Safety and SLED on a monthly basis. The ~~Department~~ Division of Public Safety and SLED are authorized to carry forward any unexpended funds received in accordance with Section 14‑1‑208(C)(9) as of June thirtieth of each year and to expend these carried forward funds for the purchase, maintenance, and supply of video recording equipment. The ~~Department~~ Division of Public Safety and SLED must report the revenue received under this section and the expenditures for which the revenue was used as required in the ~~department’s~~ Divison of Public Safety’s and SLED’s annual appropriation request to the General Assembly.

(F) The ~~Department~~ Division of Public Safety and ~~the~~ SLED must promulgate regulations necessary to implement the provisions of this section.”

SECTION 62. Section 56‑5‑3660 of the 1976 Code is amended to read:

“Section 56‑5‑3660. It shall be unlawful for any person under the age of twenty‑one to operate or ride upon a two‑wheeled motorized vehicle unless he wears a protective helmet of a type approved by the ~~Department~~ Division of Public Safety. Such a helmet must be equipped with either a neck or chin strap and be reflectorized on both sides thereof. The department is hereby authorized to adopt and amend regulations covering the types of helmets and the specifications therefor and to establish and maintain a list of approved helmets which meet the specifications as established hereunder.”

SECTION 63. Section 56‑5‑3670 of the 1976 Code is amended to read:

“Section 56‑5‑3670. It shall be unlawful for any person under the age of twenty‑one to operate a two‑wheeled motorized vehicle unless he wears goggles or a face shield of a type approved by the ~~Department~~ Division of Public Safety. The ~~department~~ division is hereby authorized to adopt and amend regulations covering types of goggles and face shields and the specifications therefor and to establish and maintain a list of approved goggles and face shields which meet the specifications as established hereunder.”

SECTION 64. Section 56‑5‑3680 of the 1976 Code is amended to read:

“Section 56‑5‑3680. The provisions of Section 56‑5‑3670 with respect to goggles and face shields shall not apply to the operator of a two‑wheeled motorized vehicle equipped with a wind screen meeting specifications established by the ~~Department~~ Division of Public Safety. The ~~department~~ division is hereby authorized to adopt and amend regulations covering types of wind screens and specifications therefor.”

SECTION 65. Section 56‑5‑3690 of the 1976 Code is amended to read:

“Section 56‑5‑3690. It shall be unlawful to sell, offer for sale or distribute any protective helmets, goggles or face shields for use by the operators of two‑wheeled motorized vehicles, or protective helmets for the use of passengers thereon, unless they are of a type and specification approved by the ~~Department~~ Division of Public Safety and appear on the list of approved devices maintained by the ~~department~~ division.”

SECTION 66. Section 56‑5‑3900(B)(2) of the 1976 Code is amended to read:

“(2) the child is secured or restrained by a seat belt manufactured in compliance with Federal Motor Vehicle Safety Standard No. 208, installed to support a load of not less than five thousand pounds for each belt, and of a type approved by the ~~Department~~ Division of Public Safety;”

SECTION 67. Section 56‑5‑4030(B) of the 1976 Code is amended to read:

“(B) The total outside width of a vehicle or the load on it may not exceed one hundred two inches exclusive of safety devices approved by the ~~Department~~ Division of Public Safety.”

SECTION 68. Section 56‑5‑4035 of the 1976 Code is amended to read:

“Section 56‑5‑4035. The Department of Transportation may, under such terms and conditions as it may deem to be in the public interest for safety on the highways and in addition to any other permits required by Title 56, issue annual permits for vehicles transporting culvert pipe on public highways. No permit shall be issued for loads exceeding a width of one hundred six inches, exclusive of safety devices approved by the ~~Department~~ Divisionof Public Safety. The fee for each permit shall be fifteen dollars for each vehicle hauling such loads.

Any person violating the provisions of this section or any regulation promulgated by authority hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed two hundred dollars or imprisoned for a term not to exceed thirty days.”

SECTION 69. Section 56‑5‑4070(A) and (B) of the 1976 Code is amended to read:

“(A) Two or three unit vehicle combinations may be operated on the National System of Interstate and Defense Highways, on those qualifying federal‑aid highways so designated by the United States Secretary of Transportation, and on other highways as designated by the Department of Transportation in accordance with Section 56‑5‑4075. The ~~Department~~ Division of Public Safety may require warning devices which may be necessary to protect public safety. When in use on the National System of Interstate and Defense Highways and ‘other qualifying highways’:

(1) No trailer or semitrailer may be operated in a two unit truck tractor‑trailer or truck tractor‑semitrailer combination in excess of fifty‑three feet, inclusive of the load carried on it. A fifty‑three foot long trailer must be equipped with a rear underride guard, and the distance between the kingpin of the vehicle and the center of the rear axle assembly or to the center of the tandem axle assembly if equipped with two axles may be no greater than forty‑one feet.

(2) A trailer or semitrailer, operating in a three unit combination, may not exceed a length of twenty‑eight and one‑half feet, inclusive of the load carried on it.

(3) Auto and boat transporters may not have an overall length in excess of seventy‑five feet, exclusive of front and rear overhang. However, front overhang may not exceed three feet, and rear overhang may not exceed four feet.

(4) Saddle mounts and full mounts may not have an overall length in excess of seventy‑five feet.

(B) No motor vehicle, exclusive of truck tractors being used in two or three unit combinations on the National System of Interstate and Defense Highways, on those qualifying federal‑aid highways so designated by the United States Secretary of Transportation, and on other highways as designated by the Department of Transportation in accordance with Section 56‑5‑4075, may exceed a length of forty feet extreme overall dimension, inclusive of front and rear bumpers and load carried on it, except buses as approved by the ~~Department~~ Division of Public Safety, or motor homes which may not exceed forty‑five feet in length, if the turning radius of the motor home is forty‑eight feet or less.”

SECTION 70. Section 56‑5‑4075 of the 1976 Code is amended to read:

“Section 56‑5‑4075. The ~~Department~~ Division of Public Safety and the Department of Transportation may promulgate regulations as necessary to implement the provisions of this article. Regulations may be promulgated to make designations as are necessary to provide for those vehicles which operate on the National System of Interstate and Defense Highways and ‘other qualifying highways’ pursuant to Sections 56‑5‑4030 and 56‑5‑4070 reasonable access to:

(a) terminals, facilities for food, fuel, repairs, and rest;

(b) points of loading and unloading for household goods carriers and auto transporters; and

(c) specific industrial, commercial, warehousing, and similar sites, only after consulting with and considering the views of the local governments through whose jurisdictions such specific site access would pass.

The Department of Transportation may cooperate with the United States Government by providing information to accomplish uniformity in designating ‘other qualifying highways’. The information may only be provided after safety and operational requirements of the citizens of this State have been studied by the Department of Transportation. Any proposals by the Department of Transportation to add highways, other than those provided for in (a), (b), and (c) of this section, to the network of ‘qualifying highways’ designated by the U. S. Secretary of Transportation must be approved by the General Assembly before they become effective.

The Governor may petition the Secretary of Transportation of the United States to remove any highway federally designated under the Surface Transportation Assistance Act of 1982 [49 ~~USCS~~ U.S.C. Appx Sections 2301, et seq.], as amended by Congress, and not considered safe.”

SECTION 71. The first two paragraphs of Section 56‑5‑4140(A)(4) of the 1976 Code are amended to read:

“(4) Vehicles with an overall maximum gross weight in excess of 75,185 pounds may operate upon any highway or section of highway in the Interstate System up to an overall maximum of 80,000 pounds in accordance with the following:

The weight imposed upon the highway by any group of two or more consecutive axles may not, unless specially permitted by the ~~Department~~ Division of Public Safety exceed an overall gross weight produced by the application of the following formula:

W = 500 (LN/N‑1 + 12N + 36).”

SECTION 72. Section 56‑5‑4160 of the 1976 Code, as last amended by Act 234 of 2008, is further amended to read:

“Section 56‑5‑4160. (A) An officer or agent of the ~~Department~~ Division of Public Safety having reason to believe that the weight of a vehicle and load is unlawful may require the driver to stop and submit to a weighing of the vehicle and load either by means of portable or stationary scales and may require that the vehicle be driven to the nearest public scales. Whenever an officer upon weighing a vehicle and load determines that the weight is unlawful, he may require the driver to stop the vehicle in a suitable place and remain standing until the portion of the load necessary to reduce the axle weight, or gross weight of the vehicle, or both, to the limits permitted under this chapter is removed. All material unloaded must be cared for by the owner or operator of the vehicle at his own risk. In determining whether the limits established by Section 56‑5‑4130 or 56‑5‑4140 have been exceeded, the scaled weights of the gross weight of vehicles and combinations of vehicles are considered to be not closer than ten percent to the true gross weight, except as otherwise provided in Section 56‑5‑4140.

(B) A person who operates a vehicle on a public highway whose axle weight is in excess of the limits imposed by Section 56‑5‑4130 or 56‑5‑4140 is guilty of a misdemeanor and, upon conviction, must be fined five cents per pound or imprisoned not more than thirty days, or both. If a vehicle does not exceed the gross weight limits provided for by this article, and the axle weight limits are not exceeded by more than five percent including enforcement tolerances, the fine imposed is reduced by fifty percent with a minimum fine of twenty‑five dollars.

(C) A person who operates a vehicle found to exceed the excess gross weight limitations imposed by Section 56‑5‑4130 or 56‑5‑4140 is guilty of a misdemeanor and, upon conviction, shall pay to the ~~Department~~ Division of Public Safety a fine based on the following scale:

(1) 500‑3,500 pounds: four cents per pound over weight limit;

(2) 3,501‑6000 pounds: six cents per pound over weight limit, beginning with the first pound in excess;

(3) 6,001 pounds and over: ten cents per pound over weight limit, beginning with the first pound in excess.

The fine imposed pursuant to items (1) and (2) must be equal to one‑half the rate for vehicles transporting raw farm or forest products from the farm or forest to the first market, or by fully enclosed motor vehicles designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters, or by motor vehicles operating open top trailers used for hauling recyclables, scrap, and waste materials from sites without facilities for weighing, when operating for those purposes. If an operator is found to be in violation of both gross and axle limits, only one citation may be issued, the fine being for the greater of the two, for that load. No fine may be issued for violation of the vehicle registration statutes if that vehicle is registered for the maximum allowable weight for that class of vehicle as provided in Section 56‑5‑4140.

If the operator of the vehicle, upon conviction, fails to remit the fine imposed by this subsection to the ~~Department~~ Division of Public Safety, the owner of the vehicle is responsible for remitting the fine. The court is prohibited from suspending any portion of this fine.

(D)(1) A person who operates a vehicle found to have out‑of‑service violations, other than violations of brakes out of adjustment and lighting violations which can be repaired at the scene, detected during a roadside inspection, is guilty of a misdemeanor and, upon conviction, shall pay to the ~~Department~~ Division of Public Safety a fine of two hundred dollars.

(2)(a) An individual who operates a commercial motor vehicle on a public highway whose vehicle or driver is in violation of the out‑of‑service order as defined in 49 ~~CFR~~ C.F.R. 390.5 is guilty of a misdemeanor and, upon conviction, must be fined five hundred dollars.

(b) A company or individual who operates or allows a commercial motor vehicle to be operated on a public highway in violation of a motor carrier operation out‑of‑service order, or order to cease operation, is guilty of a misdemeanor and, upon conviction, must be fined one thousand dollars.

(3) If the operator of the vehicle, upon conviction, fails to remit the fine imposed by this subsection to the ~~Department~~ Division of Public Safety, the owner of the vehicle is responsible for remitting the fine. The court is prohibited from suspending any portion of this fine.

(E) At the time that a uniform size, weight, and safety citation is issued pursuant to this section, the officer or agent who is authorized to issue the citation must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the ~~Department~~ Division of Public Safety or to receive a hearing in ~~magistrate’s~~ magistrates court. If the individual at the time the citation is issued elects to pay his fine directly to the department within twenty‑eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the ~~department~~ division may designate. The fine must be deposited in full or other arrangements satisfactory to the ~~department~~ division for payment must be made before the operator is allowed to move the vehicle.

(F) Magistrates have jurisdiction of all contested violations of this section. All monies collected pursuant to Section 56‑5‑4160 must be forwarded to the ~~Department~~ Division of Public Safety as provided for in this section. A magistrate, within forty‑five days, must forward all monies collected to the department for deposit in the account established in this section. The department shall use these monies to establish and maintain automated data bases, to upgrade and refurbish existing weigh stations, to purchase and maintain portable scales, to hire additional State Transport Police Officers, to purchase equipment for State Transport Police Officers, and to procure other commercial motor vehicle safety measures, and fund other commercial motor vehicle safety programs that the department considers necessary. The fine may be deposited with the arresting officer or a person the department may designate. The fine must be deposited in full or other arrangements satisfactory to the department for payment must be made before the operator is allowed to move the vehicle. If there is no conviction, the fine must be returned to the owner promptly.

‘Conviction’, as used in this section, also includes the entry of a plea of guilty or nolo contendere and the forfeiture of bail or collateral deposited to secure a defendant’s presence in the court.

If the fine is not paid in full to the ~~Department~~ Division of Public Safety within forty‑five days after conviction, the license and registration of the vehicle found to violate Section 58‑23‑1120 or Regulations 38‑423 et seq. or exceed the limits imposed by Section 56‑5‑4130 or 56‑5‑4140 must be suspended. The owner of the vehicles immediately shall return the license and registration of the vehicle to the Department of Motor Vehicles. If a person fails to return them as provided in this section, the Department of Motor Vehicles may secure possession of them by a commissioned trooper or officer. The suspension continues until the fine is paid in full.

(G) The ~~Department~~ Division of Public Safety shall provide a separate uniform citation to be used by the State Transport Police Division of the ~~Department~~ Division of Public Safety. The uniform citation must be used for all size, weight, idling, and safety violations which the State Transport Police Division of the ~~Department~~ Division of Public Safety is primarily responsible for enforcing.

(H) The issuance of a uniform citation to the operator of a vehicle for a violation of this section, Section 58‑23‑1120, or Regulation 38‑423, et seq., constitutes notice to the owner of the violation. The uniform citation must include the following language in bold letters to be printed across the bottom of the citation ‘THE ISSUANCE OF A UNIFORM CITATION NOTICE TO THE OPERATOR OF A VEHICLE CONSTITUTES NOTICE TO THE OWNER OF A SIZE, WEIGHT, IDLING, OR SAFETY VIOLATION’.

(I) An individual who fails to conduct a safety inspection of a vehicle as required by Part 396 of the Federal Motor Carrier Safety Regulations or fails to have in his possession documentation that an inspection has been performed must be fined one hundred dollars per vehicle operated in violation of this subsection.

(J) Motor carriers, officers, or agents in charge of them, who fail or refuse to permit authorized State Transport Police representatives or employees to examine and inspect their books, records, accounts, and documents, or their plants, property, or facilities, as provided by law and with reasonable notice, are guilty of a misdemeanor. Each day of such failure or refusal constitutes a separate offense and each offense is punishable by a fine of one thousand dollars.

(K) Notwithstanding any other provision of law, all fines collected pursuant to this section must be deposited into an account in the Office of the State Treasurer and called the ‘Size, Weight, and Safety Revitalization Program Fund for Permanent Improvements’. Monies credited to the fund may only be expended as authorized in item (F) of this section.

(L) Notwithstanding any other provision of law, the maximum gross vehicle weight and axle weight limit for a vehicle or combination of vehicles equipped with an idle reduction system, as provided for in 23 U.S.C. 127, may be increased by an amount equal to the weight of the system, not to exceed four hundred pounds. Upon request by a law enforcement officer, the vehicle operator must provide proof that the system is fully functional and that the vehicle’s gross weight increase allowed pursuant to this section is attributable only to the system.”

SECTION 73. Section 56‑5‑4170(C) and (F) of the 1976 Code is amended to read:

“(C) The ~~Department~~ Division of Public Safety State Transport Police, if requested by the State Ports Authority, may as a public safety service, enter upon, and perform courtesy inspections of vehicles for purposes of identifying and tagging vehicles which may require mechanical work before being tendered for use on public highways.

(F) The ~~Department~~ Division of Public Safety shall develop and maintain a separate database on roadside vehicle inspection reports for power unit defects and for defects on any vehicle tendered to the motor carrier. The database may be used to identify and monitor those entities whose responsibility it is to provide any vehicle to motor carriers in roadworthy conditions as prescribed by the FMCSR. Roadside vehicle inspection reports noting defects on any vehicle where there is not ownership by the motor carrier must not be used or applied against the motor carrier when this information may affect the motor carrier’s overall record of compliance with the FMCSR.”

SECTION 74. Section 56‑5‑4840 of the 1976 Code is amended to read:

“Section 56‑5‑4840. It shall be unlawful for any person to sell, offer for sale or use any device or equipment which tends to change the original design or performance of any head lamps or any other lamps or reflectors required by law to be attached to motor vehicles, trailers or semitrailers unless the equipment or device has been approved by the ~~director~~ Director of the ~~Department~~ Division of Public Safety.”

SECTION 75. Section 56‑5‑4880 of the 1976 Code is amended to read:

“Section 56‑5‑4880. (a) The ~~Department~~ Division of Public Safety is authorized to require an inspection of the braking system on any motor‑driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in Section 56‑5‑4860, or which in its opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(b) The Department of Motor Vehicles may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the ~~Department~~ Division of Public Safety determines that the braking system thereon does not comply with the provisions of this section.

(c) No person shall operate on any highway any vehicle referred to in this section in the event the ~~Department~~ Division of Public Safety has disapproved the braking system upon such vehicle.”

SECTION 76. Section 56‑5‑4970 of the 1976 Code is amended to read:

“Section 56‑5‑4970. Any authorized emergency vehicle may be equipped with a siren, whistle or bell capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the ~~Department~~ Division of Public Safety, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which latter event the driver of such vehicle shall sound such siren when necessary to warn pedestrians and other drivers of the approach thereof.”

SECTION 77. Section 56‑5‑5015(E) of the 1976 Code is amended to read:

“(E) Each vehicle equipped with an after‑factory sunscreening device, whether installed by a consumer or professional window tinter, at all times must bear a certificate of compliance. The certificate of compliance must be of a size and form prescribed by the ~~Department~~ Division of Public Safety. Each certificate of compliance must be properly attached to the vehicle on the inside and lower right hand corner of each window containing an after‑factory installed sunscreen device and must contain the following information:

(1) the percentage of light transmission allowed by the sunscreening device;

(2) the identity of the installer by name, address, and telephone number; and

(3) date of installation.”

SECTION 78. Section 56‑5‑5080 of the 1976 Code is amended to read:

“Section 56‑5‑5080. As an alternative it shall be deemed a compliance with Sections 56‑5‑5060 and 56‑5‑5070 in the event the person operating any motor vehicle described therein shall carry in such vehicle three portable reflector units on standards of a type approved by the ~~Department~~ Division of Public Safety. No portable reflector unit shall be approved unless it is so designed and constructed as to include two reflectors, one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within five hundred to fifty feet under normal atmospheric conditions at nighttime when directly in front of lawful upper beams of head lamps.”

SECTION 79. Section 56‑5‑5120 of the 1976 Code is amended to read:

“Section 56‑5‑5120. In the alternative it shall be deemed a compliance with ~~Sections~~ Section 56‑5‑5090, 56‑5‑5100 or 56‑5‑5110 in the event three portable reflector units on standards of a type approved by the ~~Department~~ Division of Public Safety are displayed at the times and under the conditions specified in said sections, either during the daytime or at nighttime, and such portable reflector units shall be placed on the roadway in the locations as described with reference to the placing of electric lanterns and lighted flares.”

SECTION 80. Section 56‑5‑5140 of the 1976 Code is amended to read:

“Section 56‑5‑5140. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section. Such vehicle shall be marked or placarded on each side and the rear with the word ‘Explosive’ in letters not less than eight inches high or there shall be displayed on the rear of such vehicle a red flag not less than twenty‑four inches square marked with the word ‘Danger’ in white letters six inches high. Every such vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use and placed at a convenient point on the vehicle so used.

The ~~Department~~ Division of Public Safety shall promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as it shall deem advisable for the protection of the public.”

SECTION 81. Section 56‑5‑5810(e) of the 1976 Code is amended to read:

“(e) ‘Colored tag’ means any type of notice affixed to an abandoned or derelict vehicle advising the owner or the person in possession that it has been declared an abandoned or derelict vehicle and will be treated as such. The tag shall be of sufficient size to be easily discernable and shall contain such information as the ~~Department~~ Division of Public Safety deems necessary to carry out the provisions of this article.”

SECTION 82. Section 56‑5‑5870 of the 1976 Code is amended to read:

“Section 56‑5‑5870. The ~~Department~~ Division of Public Safety, or any county or municipality may contract with any federal, other state, county, or municipal authority or private enterprise for tagging, collection, storage, transportation, or any other services necessary to prepare derelict or abandoned vehicles for recycling or other methods of disposal. Publicly‑owned properties, when available, shall be provided as temporary collecting areas for the motor vehicles defined herein.”

SECTION 83. Section 56‑5‑5880 of the 1976 Code is amended to read:

“Section 56‑5‑5880. All officers, employees, and agents of any person under contract with the ~~Department~~ Division of Public Safety, county, or municipality, are authorized to go on private property for the purposes of enforcing this article. No agent or employee of any federal, state, county, or municipal government or other political subdivision, no person or occupant of the premises from which any derelict or abandoned motor vehicle shall be removed, nor any person or firm contracting for the removal of or disposition of any such motor vehicle shall be held criminally or civilly liable in any way arising out of or caused by carrying out or enforcing any provisions of this article unless such person is guilty of ~~willfulness~~ wilfullness, wantonness, or recklessness.”

SECTION 84. Section 56‑5‑6170 of the 1976 Code is amended to read:

“Section 56‑5‑6170. The ~~Department~~ Division of Public Safety shall administer and enforce the provisions of this chapter with respect to State highways, and law enforcement officers generally ~~shall also~~ also shall enforce this chapter within their respective jurisdictions. No police officer in investigating a traffic accident shall necessarily deem the fact that an accident has occurred as giving rise to the presumption that a violation of a law has occurred. Arrests and criminal prosecution for violation of this chapter shall be based upon evidence of a violation of the law.”

SECTION 85. Section 56‑5‑6525(A) of the 1976 Code, as last amended by Act 147 of 2005, is further amended to read:

“(A) The ~~Department~~ Division of Public Safety or any other law enforcement agency must not use a ‘Click It or Ticket’ campaign or a similar endeavor of systematic checkpoints or roadblocks as a law enforcement tool where the principal purpose is to detect and issue a ticket to a violator of the provisions of this article on either a primary or secondary basis.”

SECTION 86. Section 56‑5‑6560(A) and (B) of the 1976 Code, as added by Act 147 of 2005, is amended to read:

“(A) Any time a motor vehicle is stopped by a state or local law enforcement officer without a citation being issued or an arrest being made, the officer who initiated the stop must complete a data collection form designed by the ~~Department~~ Division of Public Safety that must include information regarding the age, gender, and race or ethnicity of the driver of the vehicle. This information may be gathered and transmitted electronically under the supervision of the department which shall develop and maintain a database storing the information collected. The department must promulgate rules and regulations with regard to the collection and submission of the information gathered.

(B) The ~~Department~~ Division of Public Safety shall develop and maintain a database for the information submitted to the department under subsection (A) and prepare a report to be posted on the department’s website regarding motor vehicle stops using the collected information.”

SECTION 87. Section 56‑5‑6565 of the 1976 Code, as added by Act 147 of 2005, is amended to read:

“Section 56‑5‑6565.(A) The ~~Department~~ Division of Public Safety shall develop and implement education programs designed to create awareness of the state’s safety belt laws and to increase safety belt use in rural and ethnically diverse areas throughout the State. The ~~Department~~ Division of Public Safety, when securing consultant, contractor, and subcontractor services for developing and implementing programs related to safety belt laws, shall select providers that have experience working with the communities the provider is procured to target. The ~~Department~~ Division of Public Safety shall confer with members of the targeted communities for input on the development of effective safety education programs and on the identification of providers that have the appropriate experience with the targeted communities.

(B) The Department of Transportation may develop additional programs to promote safety belt use or may coordinate with the ~~Department~~ Division of Public Safety to fund and carry out the programs jointly. If there is coordination between the two departments, the ~~Department~~ Division of Public Safety has final authority on all issues including, but not limited to, program content and dissemination, allocation of funds, and procurement procedures.

(C) The ~~Department~~ Division of Public Safety may use available federal funds or private sector contributions to meet the requirements of subsection (A). The General Assembly may provide funds to supplement federal or private sector funds used by the ~~Department~~ Division of Public Safety or the Department of Transportation to develop and implement the programs described in subsection (A). The General Assembly shall provide the ~~Department~~ Division of Public Safety the funds necessary to meet the requirements of subsection (A), if federal or private sector funds are unavailable.”

SECTION 88. The final undesignated paragraph of Section 56‑7‑10 of the 1976 Code, as last amended by Act 68 of 2005, is further amended to read:

“No other ticket may be used for these offenses. The service of the uniform traffic ticket shall vest all traffic, recorders’, and magistrates’ courts with jurisdiction to hear and to dispose of the charge for which the ticket was issued and served. This ticket will be designed by the department and approved by the Attorney General within thirty days of submission by the department. A law enforcement agency may utilize computers and other electronic devices to issue uniform traffic citations and store information resulting from the issuance of a traffic citation if this method of issuing a citation has been approved by the ~~Department~~ Division of Public Safety.”

SECTION 89. Section 56‑7‑12(A) of the 1976 Code is amended to read:

“(A) When the operator or owner of an individual private passenger automobile as defined in Section 38‑77‑30(5.5) is issued a traffic ticket for a moving violation by a law enforcement officer, he may be furnished a written request form to be completed by him and his insurance company or the agent issuing the policy to verify liability insurance coverage. The form must be prescribed by the Department of Motor Vehicles and the ~~Department~~ Division of Public Safety.”

SECTION 90. Section 56‑7‑30(A) of the 1976 Code, as last amended by Act 68 of 2005, is further amended to read:

“(A) The ~~Department~~ Division of Public Safety shall have the traffic tickets printed. Law enforcement agencies shall order tickets from the ~~Department~~ Division of Public Safety and shall record the identifying numbers of the tickets received by them. The cost of the tickets must be paid by the law enforcement agency. The Department of Motor Vehicles records and audit copy must be forwarded to the Department of Motor Vehicles within ten days of the disposition of the case by final trial court action or by nolle prosequi. The head of each law enforcement agency is responsible for the forwarding of the driver records and audit copies to the Department of Motor Vehicles and for conducting an annual inventory on December thirty‑first of all tickets received but not disposed of by final trial court action or by nolle prosequi, and for forwarding the results of the inventory on a form prescribed by the Department of Motor Vehicles to the Department of Motor Vehicles within ten days of the completion of the inventory.”

SECTION 91. The first undesignated paragraph of Section 56‑9‑350 of the 1976 Code is amended to read:

Section 56‑9‑350. The operator or owner of a motor vehicle involved in an accident resulting in property damage of four hundred dollars or more, or in bodily injury or death, must be furnished a written request form at the time of the accident, or as soon after the accident as possible, by the investigating officer for completion and verification of liability insurance coverage, the form to be in a manner prescribed by the Department of Motor Vehicles and the ~~Department~~ Division of Public Safety.”

SECTION 92. Section 56‑10‑45(A) of the 1976 Code is amended to read:

“(A) The ~~Department~~ Division of Public Safety and the Department of Motor Vehicles each may enter into agreements with other municipal and county law enforcement agencies for the collection of suspended or revoked drivers’ licenses, motor vehicle registrations, and motor vehicle plates. The contracting department must assess a fifty dollar fine for each item recovered pursuant to this section in addition to any other fines assessed. Upon collection, this fine must be returned on a quarterly basis to the general fund of the municipality or county which initiated the enforcement action.”

SECTION 93. Section 56‑10‑552 of the 1976 Code is amended to read:

“Section 56‑10‑552. (A) All funds collected as provided in Section 38‑73‑470 must be directed to the ~~director~~ Director of the ~~Department~~ Division of Public Safety for the establishment and maintenance of a special fund, to be known as the ‘Uninsured Enforcement Fund’, to be used by the ~~Department~~ Division of Public Safety for the purpose of enforcement and administration of Article 3, Chapter 10, Title 56.

(B) Fifty percent of the reinstatement fee as provided by Section 56‑10‑510(1) must be transferred by the ~~Department~~ Division of Public Safety and recorded to the Uninsured Enforcement Fund to be used by the ~~Department~~ Division of Public Safety as provided by subsection (A) of this section. The remaining fifty percent of the reinstatement fee as provided by Section 56‑10‑510 must be retained in the Uninsured Motorist Fund to be used as provided in Sections 56‑10‑550, 38‑77‑151, and 38‑77‑154.”

SECTION 94. Section 56‑11‑20 of the 1976 Code is amended to read:

“Section 56‑11‑20. The Department of Motor Vehicles and the ~~Department~~ Division of Public Safety each shall enforce this chapter with respect to the possession of correct registration and display of the proper identification marker. Notwithstanding other provisions of this chapter, the department may enter into an agreement with other states in a registration and identification marker reciprocal agreement known as the International Fuel Tax Agreement (IFTA). Qualified vehicles operating in accordance with this agreement are not required to purchase other fuel markers in member states.”

SECTION 95. Section 56‑11‑40 of the 1976 Code is amended to read:

“Section 56‑11‑40. The Department of Motor Vehicles, the ~~Department~~ Division of Public Safety, and their agents and representatives have the right at any reasonable time to examine the books and records of any motor carrier.”

SECTION 96. Section 56‑15‑420 of the 1976 Code, as added by Act 9 of 2005, is amended to read:

“Section 56‑15‑420. The ~~Department~~ Division of Public Safety shall promulgate regulations to implement the provisions contained in this article.”

SECTION 97. Section 56‑19‑420(B)(2) of the 1976 Code is amended to read:

“(2) the remainder must be allocated to the ~~Department~~ Division of Public Safety and used to support highway patrol programs.”

SECTION 98. Section 56‑35‑50 of the 1976 Code, as added by Act 234 of 2008, is amended to read:

“Section 56‑35‑50. (A) The State Transport Police Division of the ~~Department~~ Division of Public Safety is primarily responsible for enforcing the provisions of this chapter. An officer or agent of the State Transport Police that observes a vehicle operator violating the provisions of this chapter is authorized to issue a citation to the offender. The provisions of this chapter do not apply to a commercial diesel vehicle idling on the premises of a restricted access facility or in areas on the private property of a business that are generally designed and intended for commercial vehicle access, loading or unloading when the facility or business is located at least five hundred feet away from any church, school, playground, daycare facility, or hospital.

(B) The officer must inform the individual receiving the citation that he has the option, at that time, to elect to pay his fine directly to the ~~Department~~ Division of Public Safety or to receive a hearing in magistrates court. If the individual at the time the citation is issued elects to pay his fine directly to the ~~Department~~ Division of Public Safety within twenty‑eight days, as specified on the citation, no assessments may be added to the original fine pursuant to this section. The fine may be deposited with the arresting officer or a person the ~~Department~~ Division of Public Safety may designate. Within forty‑five days of collection, fifty dollars of the monies collected by the ~~Department~~ Division of Public Safety must be forwarded to the Department of Health and Environmental Control for deposit in the Diesel Idling Reduction Fund, twenty‑five dollars of the monies collected must be deposited into an account to be used by the ~~Department~~ Division of Public Safety’s State Transport Police Division in support of the Idling Restrictions for Commercial Diesel Vehicles program which at the end of a fiscal year does not lapse to the general fund, but is instead carried forward to the succeeding fiscal year.

(C)(1) Magistrates have jurisdiction of all contested violations of this chapter. Where a contested hearing is requested, any fine imposed is subject to all assessments and surcharges applicable by law. The fine, surcharges, and assessments shall be distributed as set forth in the applicable law.

(2) If the fine is not paid in full to the ~~Department~~ Division of Public Safety within forty‑five days after conviction, the driver’s license of the vehicle operator found in violation of this chapter must be suspended. The suspension continues until the fine is paid in full.

(D) The State Transport Police shall use the citation form referenced in Section 56‑1‑4160(G) for idling violations. The ~~Department~~ Division of Public Safety must electronically transmit to the Department of Motor Vehicles all tickets issued pursuant to this section. The ~~Department~~ Division of Public Safety and the Department of Motor Vehicles must work together to develop an electronic exchange of information over the next two years.”

SECTION 99. Section 57‑3‑180 of the 1976 Code is amended to read:

“Section 57‑3‑180. All persons to whom open‑end permits are issued shall file with the Department of Transportation before the twenty‑first day of each January, April, July, and October reports showing the number of trips made during the preceding quarter ending on December thirty‑first, March thirty‑first, June thirtieth, and September thirtieth, respectively, the dates of the trips, and other information the department may require. The fee of ten dollars a trip, required to be paid pursuant to Section 56‑3‑710, must be paid to the Department of Transportation with each report filed. However, the fee for additional trips of less than twelve miles distance made under the open‑end permits is one dollar a trip. Persons to whom open‑end permits are issued shall maintain full and complete records of all oversize mobile homes, modular home units, or utility buildings moved, the records to be open to audit and inspection by the Department of Transportation and the ~~Department~~ Division of Public Safety .”

SECTION 100. Section 58‑23‑50 of the 1976 Code, as last amended by Act 425 of 1996, is further amended to read:

“Section 58‑23‑50. (A) Articles 1 to 11 of this chapter do not apply to:

(1) motor vehicles used exclusively for transporting persons to and from schools, Sunday Schools, churches, or religious services, or to or from picnics or upon special prearranged excursions;

(2) the United States mail carriers operating star routes, while engaged solely in carrying mail;

(3) farmers or dairymen hauling dairy or farm products;

(4) persons transporting agricultural livestock and poultry feeds, including ingredients;

(5) other persons engaged in hauling perishable products of the farm or dairy products for hire from the farm to the first market when sold in South Carolina;

(6) lumber haulers engaged in transporting lumber from the forest to shipping points in this State;

(7) haulers engaged in transporting logs, chips, or wood residues which are subject to the South Carolina Unmanufactured Forest Products Trucking Regulations which are promulgated and adopted by the ~~Department~~ Division of Public Safety Transport Police Division;

(8) a vehicle engaged in hauling, towing, or transporting wrecked or damaged vehicles;

(9) vehicles used in ridesharing;

(10) single‑source lessors of vehicles and drivers who lease the motor vehicles and drivers to uncertificated motor vehicle carriers that conduct transportation of property (other than used household goods) in furtherance of and within the scope of their nontransportation primary enterprises, when the period of the lease is for thirty days or more, the lessee maintains insurance coverage for the protection of the public, a copy of the lease is carried in the motor vehicle during the period of the lease, and there is displayed on both sides of the motor vehicle a placard identifying the lessee.

(B) For the purposes of this section, perishable products of the farm include hay and straw.”

SECTION 101. Section 58‑23‑1120 of the 1976 Code, as last amended by Act 318 of 2006, is further amended to read:

“Section 58‑23‑1120. Each for‑hire motor carrier of household goods or hazardous waste for disposal must comply with orders and regulations prescribed by the Public Service Commission. The Office of Regulatory Staff may employ the necessary law enforcement personnel to enforce the provisions which apply to holders of certificates A, B, C, and certificates E and F of Public Convenience and Necessity.

The ~~Department~~ Division of Public Safety may promulgate regulations to ensure the safe operation of motor carriers. The Transport Police Division of the ~~Department~~ Division of Public Safety has exclusive authority in this State for enforcement of the commercial motor vehicle carrier laws, which include Federal Motor Carrier Safety Regulations, Hazardous Material Regulations, and size and weight laws and regulations.”

SECTION 102. Section 59‑67‑20 of the 1976 Code is amended to read:

“Section 59‑67‑20. The State Board of Education, by and with the advice of the ~~Department~~ Division of Public Safety, shall adopt and enforce regulations not inconsistent with Chapter 5 ~~of~~, Title 56 to govern the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this State and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. Any officer or employee of any school district who violates any of such regulations or fails to include the obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such school district.”

SECTION 103. Section 59‑67‑260 of the 1976 Code is amended to read:

“Section 59‑67‑260. The ~~Department~~ Division of Public Safety shall have the operation of school buses spot checked periodically and report all infractions of the laws or misconduct of any kind on the part of the drivers to the chairman of the board of trustees of the school that may be affected thereby.”

SECTION 104. Section 59‑67‑570 of the 1976 Code is amended to read:

“Section 59‑67‑570. The State Board of Education may adopt such rules and regulations as may be necessary to carry out the intent and purposes of this article. Such rules and regulations shall have the full force and effect of law. But rules and regulations that affect the functions of the ~~Department~~ Division of Public Safety under this article or the operation of buses on the highways shall be adopted only jointly with the ~~Department~~ Division of Public Safety.”

SECTION 105. Section 61‑6‑2900 of the 1976 Code is amended to read:

Section 61‑6‑2900. Alcoholic liquors must be shipped or moved from a point outside this State to a point inside the State only by railroad companies, steamship companies, express companies, or truck companies authorized to do business in the State as common carriers by the ~~Department~~ Division of Public Safety, by wholesalers licensed by the department, or by registered producers in their own trucks. Alcoholic liquors must be shipped or moved only to the warehouse of the food manufacturer licensed pursuant to Section 61‑6‑710, or the registered producer in care of the producer representative who is registered to handle the property of the registered producer originating the shipment. The shipment of alcoholic liquors must be either stored in the warehouse of the food manufacturer licensed pursuant to Section 61‑1‑710 or in a licensed warehouse of the registered producer or, after delivery to the producer representative is complete, may then be shipped to a licensed wholesaler by common carriers described in this section, by wholesalers licensed by the department or by registered producers in their own trucks. Shipments of alcoholic liquors from a licensed producer’s warehouse to a licensed South Carolina wholesaler may be made in a vehicle owned or operated by the wholesaler. If alcoholic liquors are stored in the warehouse of a registered producer, or after delivery to the producer representative is complete, they may be shipped to a licensed wholesaler or to a point outside this State. Before any shipment or transfer, the food manufacturer or producer representative, as appropriate, must apply to the department, on forms prescribed by the department, for permission to ship or transfer the alcoholic liquors, and the food manufacturer or producer representative must have received a certificate of approval of the shipment or transfer.”

SECTION 106. Section 61‑6‑4250 of the 1976 Code is amended to read:

Section 61‑6‑4250. The clerk of court of each county in the State must, at the conclusion of each term of the court of general sessions in the county, forward to the department a certificate on forms prescribed and furnished by the department showing the name of each person who is convicted, pleads guilty, enters a plea of nolo contendere, or forfeits bond for the violation of any provision of this article except Section 61‑6‑4720. The department must maintain a file of these violations. A copy of the department’s records pertaining to the convictions, certified as correct by the director or his designee, is admissible in all courts as prima facie evidence of the facts recited in the records. The department must, upon receipt of a record of conviction, plea of guilty, plea of nolo contendere, or forfeiture of bond for the violation of the provisions of this article prohibiting the transportation of alcoholic liquors, forward to the ~~Department~~ Division of Public Safety a certified copy of the record.”

SECTION 107. Section 61‑6‑4290 of the 1976 Code is amended to read:

“Section 61‑6‑4290. The ~~Department~~ Division of Public Safety, upon notice that a person has been convicted, pleaded guilty, forfeited bond, or entered a plea of nolo contendere for the violation of any provision of this article prohibiting the transportation of alcoholic liquors, must suspend the driver’s license of the person for a period of six months for a first offense, for a period of one year for a second offense, and for a period of two years for a third and subsequent offense. During the period of the suspension under this section, no vehicle may be registered in the person’s name under the laws of this State.”

SECTION 108. Section 63‑19‑1860(B) of the 1976 Code is amended to read:

“(B) An aftercare counselor or probation or parole agent who has successfully completed Class I or II law enforcement officer training and received a certificate from the ~~Department~~ Division of Public Safety pursuant to the provisions of Article 9, Chapter 6 ~~of~~, Title 23 has the power, when commissioned by the department, to take a juvenile conditionally released from the custody of the department and subject to the jurisdiction of the releasing entity into custody upon the issuance of a warrant for violating the conditions of his release.”

SECTION 109. Section 63‑19‑1880(D) of the 1976 Code is amended to read:

“(D) A probation counselor who has successfully completed Class I or II law enforcement officer training and received a certificate from the ~~Department~~ Division of Public Safety pursuant to the provisions of Article 9, Chapter 6 ~~of~~, Title 23 has the authority, when commissioned by the department, in the execution of his duties, to take a child under the jurisdiction of the family court into custody pursuant to an order issued by the court directing that the child be taken into custody.”

SECTION 110. Section 23‑3‑10 of the 1976 Code is amended to read:

“Section 23‑3‑10. There is created within the State Police the ~~South Carolina~~ State Law Enforcement Division (SLED). The division must be headed by a chief appointed by the ~~Governor with the advice and consent of the Senate and shall hold office until his successor is appointed and qualified. The term of the chief is six years. On the effective date of the provisions of this section providing for a six‑year term for the chief, a successor to the chief serving on this date must be appointed as provided herein. Nothing herein prevents the chief serving on this date from being reappointed to additional six‑year terms. The chief may only be removed pursuant to the provisions of Section 1‑3‑240 of the 1976 Code~~ Director of the State Police. The agents and officers of the division must be commissioned by the Governor upon the recommendation of the ~~chief~~ director. The agents and officers shall have that rank or title as may be provided under the State Employees Classification System. The ~~chief~~ director may appoint other personnel considered necessary and as provided for in the annual appropriations act. All agents and officers commissioned by the Governor are subject to discharge for cause which must be subject to review as is now provided by law for other state employees.”

SECTION 111. Section 23‑3‑680 of the 1976 Code is amended to read:

“Section 23‑3‑680. ~~SLED~~ The State Police shall promulgate regulations to carry out the provisions of this article.”

SECTION 112. Section 23‑3‑690 of the 1976 Code is amended to read:

“Section 23‑3‑690. ~~SLED~~ The State Police shall promulgate regulations for sample testing and analysis and for sample collection, identification, handling, transporting, and shipment which must be complied with by the agency having jurisdiction over the offender.”

SECTION 113. Whenever the term Department of Public Safety appears in the 1976 Code, it shall mean the Public Safety Division of the State Police and the Code Commissioner is directed to change these references at a time and in a manner that is timely and cost effective. Whenever the terms State Law Enforcement Division or SLED appear in the 1976 Code, they shall mean the State Law Enforcement Division of the State Police and the Code Commissioner is directed to change these references at a time and in a manner that is timely and cost effective.

SECTION 114. This act takes effect upon approval by the Governor.

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