**South Carolina General Assembly**

119th Session, 2011-2012

**A318, R309, H4824**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Rep. Rutherford

Document Path: l:\council\bills\nbd\12059ac12.docx

Introduced in the House on February 22, 2012

Introduced in the Senate on May 1, 2012

Passed by the General Assembly on June 6, 2012

Governor's Action: June 18, 2012, Signed

Summary: Reinstatement of suspended driver's license

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/22/2012 House Introduced and read first time ([House Journal‑page 173](file:///h:\hj%20archive\2012\02-22-12.docx))

2/22/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 173](file:///h:\hj%20archive\2012\02-22-12.docx))

4/19/2012 House Recalled from Committee on **Judiciary** ([House Journal‑page 26](file:///h:\hj%20archive\2012\04-19-12.docx))

4/20/2012 Scrivener's error corrected

4/26/2012 House Read second time ([House Journal‑page 114](file:///h:\hj%20archive\2012\04-26-12.docx))

4/26/2012 House Roll call Yeas‑100 Nays‑0 ([House Journal‑page 115](file:///h:\hj%20archive\2012\04-26-12.docx))

4/27/2012 House Read third time and sent to Senate ([House Journal‑page 3](file:///h:\hj%20archive\2012\04-27-12.docx))

5/1/2012 Senate Introduced and read first time ([Senate Journal‑page 11](file:///h:\sj%20archive\2012\05-01-12.docx))

5/1/2012 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 11](file:///h:\sj%20archive\2012\05-01-12.docx))

5/31/2012 Senate Committee report: Favorable **Transportation** ([Senate Journal‑page 12](file:///h:\sj%20archive\2012\05-31-12.docx))

6/5/2012 Senate Read second time ([Senate Journal‑page 49](file:///h:\sj%20archive\2012\06-05-12.docx))

6/5/2012 Senate Roll call Ayes‑37 Nays‑2 ([Senate Journal‑page 49](file:///h:\sj%20archive\2012\06-05-12.docx))

6/6/2012 Senate Read third time and enrolled ([Senate Journal‑page 4](file:///h:\sj%20archive\2012\06-06-12.docx))

6/12/2012 Ratified R 309

6/18/2012 Signed By Governor

6/25/2012 Effective date 06/18/12

9/5/2012 Act No. 318

**VERSIONS OF THIS BILL**

[2/22/2012](file:///p:\pprever\2011-12\4824_20120222.docx)

[4/19/2012](file:///p:\pprever\2011-12\4824_20120419.docx)

[4/20/2012](file:///p:\pprever\2011-12\4824_20120420.docx)

[5/31/2012](file:///p:\pprever\2011-12\4824_20120531.docx)

(A318, R309, H4824)

**A JOINT RESOLUTION** **TO PROVIDE THAT THE DRIVER’S LICENSE OF A PERSON IS REINSTATED ON THIS ACT’S EFFECTIVE DATE IF THE PERSON’S DRIVER’S LICENSE WAS SUSPENDED PURSUANT TO FORMER SECTION 56‑1‑745 OF THE 1976 CODE DUE TO A CONTROLLED SUBSTANCE VIOLATION AND CHARGED PRIOR TO APRIL 12, 2011, AND CONVICTED ON OR AFTER APRIL 12, 2011, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MUST NOT REIMBURSE SUCH PERSON WHOSE DRIVER’S LICENSE SUSPENSION ENDED AND WHO PAID A REINSTATEMENT FEE BEFORE THIS ACT’S EFFECTIVE DATE.**

Whereas, Section 1 of Act 13 of 2011, repealed Section 56‑1‑745 of the 1976 Code, which suspended the driver’s license of a person convicted of a controlled substance violation; and

Whereas, Section 2 of Act 13 of 2011, stated that the repeal of this statute (Section 56‑1‑745) ‘does not affect pending actions . . . or liabilities’ or does not ‘alter, discharge, release, or extinguish any penalty, forfeiture, or liability incurred under the repealed . . . law’; and

Whereas, Section 2 of Act 13 of 2011, further states that ‘After. . . the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws’; and

Whereas, the South Carolina Department of Motor Vehicles (DMV) interpreted Section 2 of Act 13 of 2011, to mean that the charge of a person whose controlled substance violation and criminal charge occurred before April 12, 2011, was a pending charge and accordingly applied Section 56‑1‑748 and suspended that person’s driver’s license; and

Whereas, members of the General Assembly have stated that the provisions of Section 2 of Act 13 of 2011, do not accurately reflect the intentions of the General Assembly in enacting Act 13 of 2011; and

Whereas, members of the General Assembly have stated that the intention of the General Assembly was to discontinue the suspension of the driver’s license of a person who was charged with a controlled substance violation before April 12, 2011, but whose conviction occurred on or after April 12, 2011; and

Whereas, in order to carry out the intentions of the General Assembly, it is necessary to enact the following language. Now, therefore,

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

**Driver’s license reinstatement relating to certain controlled substance violations**

SECTION 1. (A) Notwithstanding the provisions of Act 13 of 2011, the suspension by the Department of Motor Vehicles of the driver’s license of a person convicted of a controlled substance violation, pursuant to former Section 56‑1‑745 of the 1976 Code, for which the person was charged before April 12, 2011, and whose conviction or guilty plea or nolo contendere was entered on or after April 12, 2011, is reversed and the person’s driving privilege must be reinstated on this act’s effective date.

(B) The department must not pay or reimburse a person for a reinstatement fee or other costs or fees incurred by the person as a result of the suspension of the person’s driver’s license if the person’s driver’s license suspension was due to being charged with a controlled substance violation before April 12, 2011, and convicted on or after April 12, 2011, and the suspension ended and the person paid the reinstatement fee or incurred other costs or fees before this act’s effective date.

**Time effective**

SECTION 2. This joint resolution takes effect upon approval by the Governor.

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

\_\_\_\_\_\_\_\_\_\_