**A** **BILL**

TO AMEND SECTION 56‑1‑440 OF THE 1976 CODE, RELATING TO PENALTIES FOR DRIVING A MOTOR VEHICLE WITHOUT A DRIVER’S LICENSE, TO INCREASE THE FINE FOR FIRST AND SUBSEQUENT OFFENSES; AND TO AMEND SECTION 56‑1‑480, RELATING TO PERMITTING AN UNLICENSED DRIVER TO DRIVE, TO INCREASE THE PENALTY.

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

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

“Section 56‑1‑440. (A) A person who drives a motor vehicle on a public highway of this State without a driver’s license in violation of Section 56‑1‑20 is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not less than ~~fifty~~ three hundred dollars nor more than one ~~hundred~~ thousand dollars or imprisoned for no less than thirty days and no more than six months, or both, and, upon conviction of a second ~~offense~~ and subsequent offenses, be fined ~~five hundred~~ no less than one thousand dollars and no more than two thousand five hundred dollars or imprisoned for not less than forty five days and no more than one year, or both, and for a third and subsequent offense ~~must be imprisoned for not less than forty‑five days nor more than six months~~ shall be guilty of a felony punishable by imprisonment for a minimum of six months and not more than two years. However, a charge of driving a motor vehicle without a driver’s license must be dismissed if the person provides proof of being a licensed driver at the time of the violation to the court on or before the date this matter is set to be disposed of by the court.

(B) The summary courts are vested with jurisdiction to hear and dispose of cases involving a violation of this section.

(C) A person in violation of this section who, by operation of a motor vehicle, causes the death of another person is guilty of a felony punishable by imprisonment for not more than fifteen years or a fine of not less than two thousand five hundred dollars or more than ten thousand dollars, or both.

(D) A person in violation of this section who, by operation of a motor vehicle, causes serious injury or the serious impairment of a bodily function of another person is guilty of a felony punishable by imprisonment for not more than five years or a fine of not less than one thousand dollars or more than five thousand dollars, or both.

(E) Conviction under this section does not bar any related conviction from the criminal code for the same violation.”

SECTION 2. Section 56‑1‑480 of the 1976 Code is amended to read:

“Section 56‑1‑480. (A) No person shall knowingly authorize or permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized to do so by this article or in violation of any of the provisions of this article.

(B) Any person who violates this section is guilty of a misdemeanor and must be fined not less than one hundred dollars and not more than one thousand dollars, or imprisoned for not less than fifteen days and not more than six months, or both.

(C) If a person permitted to operate a motor vehicle in violation of this subsection causes the serious impairment of a bodily function of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than two years, or a fine of not less than one thousand dollars or more than five thousand dollars, or both. If a person permitted to operate a motor vehicle in violation of this subsection causes the death of another person by operation of that motor vehicle, the person knowingly permitting the operation of that motor vehicle is guilty of a felony punishable by imprisonment for not more than five years or a fine of not less than one thousand dollars or more than five thousand dollars, or both.

(D) Conviction under this section does not bar any related conviction from the criminal code for the same violation.”

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

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