**A** **BILL**

TO AMEND SECTION 56‑5‑2930, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO PROVIDE THAT THIS SECTION ALSO APPLIES TO THE DRIVER OF A LAWN MOWER WHO IS UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

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

SECTION 1. Section 56‑5‑2930(A) of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

“(A) It is unlawful for a person to drive a motor vehicle or lawn mower within this State while under the influence of alcohol to the extent that the person’s faculties to drive a motor vehicle are materially and appreciably impaired, under the influence of any other drug or a combination of other drugs or substances which cause impairment to the extent that the person’s faculties to drive a motor vehicle are materially and appreciably impaired, or under the combined influence of alcohol and any other drug or drugs or substances which cause impairment to the extent that the person’s faculties to drive a motor vehicle are materially and appreciably impaired. A person who violates the provisions of this section is guilty of the offense of driving under the influence and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows:

(1) for a first offense, by a fine of four hundred dollars or imprisonment for not less than forty‑eight hours nor more than thirty days. However, in lieu of the forty‑eight hour minimum imprisonment, the court may provide for forty‑eight hours of public service employment. The minimum forty‑eight hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty‑eight hour sentence. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy‑two hours nor more than thirty days. However, in lieu of the seventy‑two hour minimum imprisonment, the court may provide for seventy‑two hours of public service employment. The minimum seventy‑two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days. However, in lieu of the thirty‑day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty‑day minimum sentence. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, and 22‑3‑550, a first offense charged for this item may be tried in magistrates court;

(2) for a second offense, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not less than five days nor more than one year. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not less than thirty days nor more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of not less than three thousand five hundred dollars nor more than six thousand five hundred dollars and imprisonment for not less than ninety days nor more than three years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars;

(3) for a third offense, by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not less than sixty days nor more than three years. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for not less than ninety days nor more than four years. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not less than six months nor more than five years; or

(4) for a fourth or subsequent offense, by imprisonment for not less than one year nor more than five years. If the person’s alcohol concentration is at least ten one‑hundredths of one percent but less than sixteen one‑hundredths of one percent, then the person must be punished by imprisonment for not less than two years nor more than six years. If the person’s alcohol concentration is sixteen one‑hundredths of one percent or more, then the person must be punished by imprisonment for not less than three years nor more than seven years.”

SECTION 2. This act takes effect upon approval by the Governor.

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