**Wednesday, February 27, 2013**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

The Psalmist declared:

“Your word is a lamp to my feet and a light for my path.”

(Psalm 119:105)

Join me as we bow in prayer, please:

Holy God, how challenging and difficult are the issues that confront these leaders in this day and time. The resulting pressures on them and their aides have to be so great. We ask, O Lord, that You clearly illumine the way which these Senators are to follow, that You light their paths in a manner that results in their arriving at the best decisions and actions for everyone in South Carolina. And may these leaders themselves always feel confident of Your gracious guidance. We pray this in Your loving name, dear Lord.

Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**REGULATIONS RECEIVED**

The following were received and referred to the appropriate committee for consideration:

Document No. 4334

Agency: Board of Architectural Examiners

Chapter: 11

Statutory Authority: 1976 Code Sections 40-1-70 and 40-3-60

SUBJECT: Officers, Meetings, Applications and Fees, Renewals, and Continuing Education

Received by Lieutenant Governor February 27, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration February 3, 2014

Document No. 4335

Agency: Board of Cosmetology

Chapter: 35

Statutory Authority: 1976 Code Sections 40-1-70, 40-13-60, and 40‑13‑80

SUBJECT: Administrative Citations and Penalties

Received by Lieutenant Governor February 27, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration February 3, 2014

Document No. 4336

Agency: Board of Cosmetology

Chapter: 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

SUBJECT: Requirements of Licensure in the Field of Cosmetology (Educational Requirements)

Received by Lieutenant Governor February 27, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration February 3, 2014

Document No. 4337

Agency: Board of Cosmetology

Chapter: 35

Statutory Authority: 1976 Code Sections 40-1-70 and 40-13-60

SUBJECT: Requirements of Licensure in the Field of Cosmetology (Sanitation and Salons)

Received by Lieutenant Governor February 27, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration February 3, 2014

Document No. 4338

Agency: Manufactured Housing Board

Chapter: 79

Statutory Authority: 1976 Code Sections 40-1-70 and 40-29-200(B)(1)

SUBJECT: Financial Responsibility

Received by Lieutenant Governor February 27, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration February 3, 2014

**REGULATION RESUBMITTED**

The following was received:

Document No. 4168

Agency: South Carolina Perpetual Care Cemetery Board

Chapter: 21

Statutory Authority: 1976 Code Sections 40-8-10, et seq.

SUBJECT: Perpetual Care Cemetery Board

Received by Lieutenant Governor January 8, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 8, 2013

Senate Referred to LCI Committee February 2, 2011

Senate Requested Withdrawal May 5, 2011

120 Day Period Tolled

Withdrawn and Resubmitted January 10, 2012

Senate Committee Requested Withdrawal January 10, 2012

120 Day Period Tolled

Withdrawn due to end of two-year session June 8, 2012

Resubmitted with no substantive changes January 8, 2013

Received by Lt. Gov & Speaker May 5, 2013

Senate Committee Requested Withdrawal February 21, 2013

120 Day Period Tolled

Withdrawn and Resubmitted February 27, 2013

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 4282

Agency: Board of Chiropractic Examiners

Chapter: 25

Statutory Authority: 1976 Code Sections 40-1-70 and 40-9-30

SUBJECT: Requirements of Licensure for Chiropractors

Received by Lieutenant Governor January 8, 2013

Referred to Medical Affairs Committee

Legislative Review Expiration May 8, 2013

Committee Requested Withdrawal February 21, 2013

120 Day Period Tolled

Withdrawn and Resubmitted February 26, 2013

Document No. 4328

Agency: Occupational Therapy Board

Chapter: 94

Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-10, et seq.

SUBJECT: Requirements of Licensure for Occupational Therapists

Received by Lieutenant Governor January 30, 2013

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration May 30, 2013

Committee Requested Withdrawal February 21, 2013

120 Day Period Tolled

Withdrawn and Resubmitted Feruary 27, 2013

**Leave of Absence**

On motion of Senator BRYANT, at 2:05 P.M., Senator VERDIN was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator COURSON, at 2:05 P.M., Senator GREGORY was granted a leave of absence for today.

**Leave of Absence**

At 3:30 P.M., Senator GROOMS requested a leave of absence beginning at 3:45 P.M. and lasting until 10:00 P.M.

**Leave of Absence**

On motion of Senator SETZLER, at 6:00 P.M., Senator MATTHEWS was granted a leave of absence for the balance of the day.

**Doctor of the Day**

Senators BRYANT and O’DELL introduced Dr. Marshall Meadors of Anderson, S.C., Doctor of the Day.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 137 Sens. Cromer, Grooms

S. 237 Sen. Young

S. 382 Sens. Pinckney, Hembree, Cromer, Matthews

S. 401 Sen. Coleman

**Privilege of the Chamber**

On motion of Senator BRYANT, Chairman of the Committee on Invitations, and on behalf of Senator SHEALY, with unanimous consent, the Privilege of the Chamber, to that area behind the rail, was granted to Richard Culliver and his family.

**Motion to Ratify Adopted**

At 2:22 P.M., Senator COURSON asked unanimous consent to make a motion to invite the House of Representatives to attend the Senate Chamber for the purpose of ratifying Acts at 3:00 P.M.

There was no objection and a message was sent to the House accordingly.

**Expression of Personal Interest**

Senator GROOMS rose for an Expression of Personal Interest.

**Point of Order**

Senator LEATHERMAN raised a Point of Order under Rule 13 that the time limitation for an Expression of Personal Interest was five minutes.

The PRESIDENT stated that the time had expired.

**Expression of Personal Interest**

Senator SHANE MARTIN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**RECALLED, AMENDED AND READ THE SECOND TIME**

S. 352 -- Senators Massey and Nicholson: A BILL TO AMEND SECTION 7‑7‑390, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DESIGNATION OF VOTING PRECINCTS IN MCCORMICK COUNTY, SO AS TO ADD THE “MONTICELLO” PRECINCT, TO DESIGNATE A MAP NUMBER ON WHICH THE NAMES OF THESE PRECINCTS MAY BE FOUND AND MAINTAINED BY THE OFFICE OF RESEARCH AND STATISTICS OF THE STATE BUDGET AND CONTROL BOARD, AND TO CORRECT ARCHAIC LANGUAGE.

Senator LARRY MARTIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary.

Senator LARRY MARTIN asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill. The question then was the second reading of the Bill.

Senators MASSEY and NICHOLSON proposed the following amendment (JUD0352.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 27 and 28, in Section 7-7-390, as contained in SECTION 1, and inserting therein the following:

/ “Section 7‑7‑390. In McCormick County there are the following voting precincts ~~numbered and named as follows~~: /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The question then was the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 0; Abstain 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Ford

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

Matthews McElveen McGill

Nicholson O'Dell Peeler

Pinckney Rankin Reese

Scott Shealy Thurmond

Turner Williams Young

**Total--42**

**NAYS**

**Total--0**

**ABSTAIN**

Sheheen

**Total--1**

The Bill was read the second time, passed and ordered to a third reading.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 433 -- Senators Peeler, Leatherman, Courson, Hayes, L. Martin, Alexander, Fair, Grooms, Verdin, Cromer, O'Dell, Rankin, Bryant, Campsen, Cleary, Campbell, Massey, Bright, Davis, S. Martin, Gregory, Bennett, Corbin, Hembree, Shealy, Thurmond, Turner and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR WESLEY DONEHUE FOR AGGRESSIVELY PURSUING HIS GOALS AND FOR HIS DEDICATION AND COMMITMENT TO COMMUNITY AFFAIRS, AND TO CONGRATULATE HIM FOR BEING NAMED TO THE 2013 STATE NEWSPAPER’S 20 UNDER 40.

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Senators PEELER and CAMPSEN spoke on the Resolution.

The Senate Resolution was adopted.

S. 434 -- Senator Nicholson: A SENATE RESOLUTION TO EXTEND HEARTIEST CONGRATULATIONS AND BEST WISHES TO MR. LUTHER C. SHELTON, JR. ON THE OCCASION OF HIS NINETIETH BIRTHDAY AND TO WISH HIM MANY MORE YEARS OF HEALTH AND HAPPINESS.

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The Senate Resolution was adopted.

S. 435 -- Senator Verdin: A SENATE RESOLUTION TO HONOR THE LIFE OF HEAVEN CAROL PHIPPS, INFANT DAUGHTER OF TONYA PHIPPS AND STEVE NELSON, TO EXPRESS PROFOUND SORROW OF THE MEMBERS OF THE SENATE UPON HER UNTIMELY DEATH, AND TO EXTEND DEEPEST SYMPATHY TO HER LOVING FAMILY.

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The Senate Resolution was adopted.

S. 436 -- Senators Leatherman and Malloy: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-40-237 SO AS TO ALLOW A LOCAL SCHOOL DISTRICT TO SPONSOR A CHARTER SCHOOL LOCATED IN A CONTIGUOUS SCHOOL DISTRICT IF THE SCHOOL SERVES PREDOMINANTLY AT-RISK STUDENTS.

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Read the first time and referred to the Committee on Education.

S. 437 -- Senators Cleary, Reese, Rankin, Campsen, Hembree, Davis, McGill, Thurmond, Campbell and Cromer: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VALUATION AND CLASSIFICATION OF PROPERTY FOR PURPOSES OF THE PROPERTY TAX, SO AS TO PROVIDE THAT THE OWNER-OCCUPANT OF RESIDENTIAL PROPERTY QUALIFIES FOR THE FOUR PERCENT ASSESSMENT RATIO ALLOWED OWNER-OCCUPIED RESIDENTIAL PROPERTY, IF THE OWNER IS OTHERWISE QUALIFIED AND THE RESIDENCE IS NOT RENTED FOR MORE THAN ONE HUNDRED DAYS A YEAR, AND TO DELETE OTHER REFERENCES TO RENTAL OF THESE RESIDENCES; AND TO AMEND SECTION 12-54-240, RELATING TO DISCLOSURE OF RECORDS, REPORTS, AND RETURNS WITH THE DEPARTMENT OF REVENUE, SO AS TO PROVIDE VERIFICATION THAT THE FEDERAL SCHEDULE E CONFORMS WITH THE SAME DOCUMENT REQUIRED BY A COUNTY ASSESSOR IS NOT PROHIBITED.

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Read the first time and referred to the Committee on Finance.

S. 438 -- Senators L. Martin and Campbell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-15-70 SO AS TO PROVIDE FOR THE FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONTRACTS BY STIPULATING THAT STATE OR LOCAL ENTITIES, OFFICIALS, AND EMPLOYEES, IN REGARD TO A PUBLIC BUILDING, MAY NOT REQUIRE OR PROHIBIT A BIDDER, OFFEROR, CONTRACTOR, OR SUBCONTRACTOR FROM ENTERING INTO OR ADHERING TO AN AGREEMENT WITH ONE OR MORE LABOR ORGANIZATIONS IN REGARD TO THE PROJECT AND MAY NOT OTHERWISE DISCRIMINATE AGAINST A BIDDER, OFFEROR, CONTRACTOR, OR SUBCONTRACTOR FOR BECOMING OR REFUSING TO BECOME A SIGNATORY TO AN AGREEMENT WITH ONE OR MORE LABOR ORGANIZATIONS IN REGARD TO THE PROJECT, TO PROVIDE THAT STATE AND LOCAL ENTITIES, OFFICIALS, AND EMPLOYEES SHALL NOT AWARD A GRANT, TAX ABATEMENT, OR TAX CREDIT CONDITIONED UPON THE INCLUSION OF SUCH AGREEMENTS IN THE AWARD, AND TO PROVIDE EXCEPTIONS TO AND EXEMPTIONS FROM THESE PROVISIONS.

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Read the first time and referred to the Committee on Finance.

S. 439 -- Senators Fair, Hutto and Jackson: A BILL TO AMEND SECTION 63-13-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT IN CHILDCARE FACILITIES, SO AS TO ALSO PROHIBIT SUCH EMPLOYMENT OF A PERSON WHO HAS BEEN CONVICTED OF UNLAWFUL CONDUCT TOWARD A CHILD, CRUELTY TO CHILDREN, OR CHILD ENDANGERMENT.

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Read the first time and referred to the Committee on Judiciary.

S. 440 -- Senators Fair, Hutto and Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63-19-1435 SO AS TO PROVIDE THAT THE USE OF RESTRAINTS ON JUVENILES APPEARING IN COURT ARE PROHIBITED UNLESS THE RESTRAINTS ARE NECESSARY TO PREVENT HARM OR IF THE JUVENILE IS A FLIGHT RISK AND THERE ARE NO LESS RESTRICTIVE ALTERNATIVES AVAILABLE; TO GIVE A JUVENILE’S ATTORNEY THE RIGHT TO BE HEARD BEFORE THE COURT ORDERS THE USE OF RESTRAINTS; AND IF RESTRAINTS ARE ORDERED, TO REQUIRE THE COURT TO MAKE FINDINGS OF FACT IN SUPPORT OF THE ORDER.

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Read the first time and referred to the Committee on Judiciary.

S. 441 -- Senators Fair, Hutto and Jackson: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-15-386 SO AS TO CREATE THE OFFENSE OF SEXTING FOR A PERSON LESS THAN EIGHTEEN YEARS OF AGE; TO PROVIDE FOR CIVIL FINES AND COSTS FOR COMMITTING A FIRST OR SECOND OFFENSE; TO PROVIDE FOR A MISDEMEANOR AND A CRIMINAL FINE AND COSTS FOR COMMITTING THREE OR MORE OFFENSES; TO PROHIBIT THE ARREST OR PLACEMENT IN THE CUSTODY OF THE DEPARTMENT OF JUVENILE JUSTICE OR OTHER CONFINEMENT FOR COMMITTING A FIRST OR SECOND OFFENSE, WITH CERTAIN EXCEPTIONS; TO PROHIBIT PROSECUTION OF A PERSON WHO HAS COMMITTED A FIRST OR SECOND SEXTING OFFENSE UNDER THIS SECTION OF COMMITTING CERTAIN OTHER CRIMES; TO PROHIBIT PLACEMENT ON THE SEX OFFENDER REGISTRY FOR COMMITTING AN OFFENSE UNDER THIS SECTION; TO PROVIDE FOR CONTEMPT OF COURT AND REQUIRED COMMUNITY SERVICE FOR FAILURE TO PAY FINES FOR FIRST AND SECOND OFFENSES; AND TO VEST EXCLUSIVE JURISDICTION TO HEAR ALLEGED OFFENSES IN THE MUNICIPAL AND MAGISTRATES COURT.

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Read the first time and referred to the Committee on Judiciary.

S. 442 -- Senators Fair, Hutto and Jackson: A BILL TO AMEND SECTION 63-13-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE REGULATION OF CHILDCARE FACILITIES, SO AS TO DEFINE “SCHOOL VACATION AND SCHOOL HOLIDAY CAMPS FOR CHILDREN”; AND BY ADDING SECTION 63-13-220 SO AS TO MAKE CERTAIN EMPLOYEE CRIMINAL BACKGROUND CHECKS PROVISIONS APPLICABLE TO EMPLOYEES AND VOLUNTEERS WHO WORK AT SCHOOL VACATION AND SCHOOL HOLIDAY CAMPS; TO HAVE A CAREGIVER PRESENT AT ALL TIMES AT SCHOOL VACATION AND SCHOOL HOLIDAY CAMPS WHO IS CERTIFIED IN BASIC FIRST AID AND INFANT-CHILD CARDIOPULMONARY RESUSCITATION; AND TO HAVE A LIFEGUARD PRESENT AT ALL TIMES FOR SCHOOL VACATION AND SCHOOL HOLIDAY CAMPS THAT ALLOW CHILDREN TO HAVE ACCESS TO A BODY OF WATER.

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Read the first time and referred to the Committee on Judiciary.

S. 443 -- Senators Fair, Hutto and Jackson: A BILL TO AMEND SECTION 19-1-180, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ADMISSIBILITY OF OUT-OF-COURT STATEMENTS MADE BY CHILDREN UNDER CERTAIN CIRCUMSTANCES, SO AS TO ALLOW THE ADMISSIBILITY OF HEARSAY STATEMENTS MADE TO FORENSIC INTERVIEWERS; TO DEFINE FORENSIC INTERVIEWER; AND TO PROVIDE FOR TRAINING AND CONTINUING EDUCATION REQUIREMENTS FOR FORENSIC INTERVIEWERS.

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Read the first time and referred to the Committee on Judiciary.

S. 444 -- Senators O'Dell and Sheheen: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE ADJUTANT GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED; AND TO AMEND SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT AND INSPECTOR GENERAL, SO AS TO DELETE AN OBSOLETE REFERENCE TO INSPECTOR GENERAL, TO MAKE A CONFORMING CHANGE TO THE RANK OF THE ADJUTANT GENERAL, TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS AMENDMENT, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR-YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY FOLLOWING THE GENERAL ELECTION, WHICH MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS AMENDMENT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR THE OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE.

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Read the first time and referred to the Committee on Judiciary.

S. 445 -- Senators O'Dell, Sheheen and Setzler: A BILL TO AMEND SECTION 1-3-240, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REMOVAL OF OFFICERS BY THE GOVERNOR, SO AS TO ADD THE ADJUTANT GENERAL TO THE LIST OF OFFICERS OR ENTITIES THE GOVERNING BOARD OF WHICH MAY BE REMOVED BY THE GOVERNOR ONLY FOR CERTAIN REASONS CONSTITUTING CAUSE; TO AMEND SECTION 25-1-320, RELATING TO THE STATE ADJUTANT GENERAL, SO AS TO PROVIDE THAT BEGINNING UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE 2014 GENERAL ELECTION, THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A FOUR-YEAR TERM COMMENCING ON THE FIRST WEDNESDAY FOLLOWING THE SECOND TUESDAY IN JANUARY THAT FOLLOWS THE GENERAL ELECTION THAT MARKS THE MIDTERM OF THE GOVERNOR, EXCEPT THAT THE INITIAL TERM OF THE FIRST ADJUTANT GENERAL APPOINTED PURSUANT TO THIS ACT MUST BE FOR TWO YEARS SO AS TO ALLOW SUBSEQUENT TERMS TO BE STAGGERED WITH THAT OF THE GOVERNOR, AND TO ESTABLISH CERTAIN QUALIFICATIONS FOR THE OFFICE OF ADJUTANT GENERAL; TO AMEND SECTION 25-1-340, AS AMENDED, RELATING TO VACANCIES IN THE OFFICE OF ADJUTANT GENERAL, SO AS TO DELETE A REFERENCE TO THE ELIGIBILITY REQUIREMENTS OF CONSTITUTIONAL OFFICERS; AND TO PROVIDE THAT THE ABOVE PROVISIONS ARE EFFECTIVE UPON THE RATIFICATION OF AMENDMENTS TO SECTION 7, ARTICLE VI, AND SECTION 4, ARTICLE XIII OF THE CONSTITUTION OF THIS STATE DELETING THE REQUIREMENT THAT THE STATE ADJUTANT GENERAL BE ELECTED BY THE QUALIFIED ELECTORS OF THIS STATE.

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Read the first time and referred to the Committee on Judiciary.

S. 446 -- Senator Massey: A BILL TO RATIFY AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR MUST BE ELECTED JOINTLY WITH THE GOVERNOR IN A MANNER PRESCRIBED BY LAW; TO ADD SECTION 37 TO ARTICLE III OF THE CONSTITUTION OF THIS STATE, TO PROVIDE THAT THE SENATE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; TO DELETE SECTIONS 9 AND 10 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE LIEUTENANT GOVERNOR BEING PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, TO REMOVE INCONSISTENT PROVISIONS; TO AMEND SECTION 11 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE REMOVAL OF THE LIEUTENANT GOVERNOR FROM OFFICE BY IMPEACHMENT, DEATH, RESIGNATION, DISQUALIFICATION, DISABILITY, OR REMOVAL FROM THE STATE, TO PROVIDE THAT THE GOVERNOR SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, A SUCCESSOR TO FULFILL THE UNEXPIRED TERM; AND TO AMEND SECTION 12 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DISABILITY OF THE GOVERNOR, TO CONFORM APPROPRIATE REFERENCES.

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Read the first time and referred to the Committee on Judiciary.

S. 447 -- Senator Fair: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “SOUTH CAROLINA STOP METHAMPHETAMINE PRODUCTION ACT”; BY ADDING SECTION 44-53-362 SO AS TO PROVIDE A PRACTITIONER WITH CONTROLLED SUBSTANCES PRESCRIPTIVE AUTHORITY IMMUNITY FROM CIVIL AND CRIMINAL LIABILITY FOR PRESCRIBING SUCH DRUG IN THE ABSENCE OF GROSS NEGLIGENCE; TO AMEND SECTION 44-53-230, RELATING TO DRUGS DESIGNATED AS SCHEDULE III CONTROLLED SUBSTANCES, SO AS TO INCLUDE EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE IN THIS DESIGNATION; TO AMEND SECTION 44-53-376, RELATING TO THE CRIMINAL OFFENSE OF DISPOSING OF WASTE FROM THE PRODUCTION OF METHAMPHETAMINE, SO AS TO REQUIRE A LOCAL GOVERNMENTAL ENTITY THAT LOCATES OR SEIZES A METHAMPHETAMINE LABORATORY OR DUMPSITE TO REPORT SUCH ACTION TO THE STATE LAW ENFORCEMENT DIVISION; TO AMEND SECTION 44-53-398, AS AMENDED, RELATING TO THE OVER-THE-COUNTER SALE AND PURCHASE OF EPHEDRINE, PSEUDOEPHEDRINE, AND PHENYLPROPANOLAMINE, INCLUDING, AMONG OTHER THINGS, REQUIREMENTS FOR PACKAGING, RETAIL SALE AND PURCHASE AMOUNTS, AND LOGGING AND TRANSMITTING SALES AND PURCHASE INFORMATION, SO AS TO DELETE ALL PROVISIONS REGULATING THE SALE AND PURCHASE REQUIREMENTS OF THESE CONTROLLED SUBSTANCES EXCEPT THE FELONY CRIMINAL OFFENSE, PENALTIES FOR VIOLATIONS, AND LEGITIMATE MEDICAL EXCEPTIONS FOR POSSESSION, MANUFACTURING, DELIVERING, DISTRIBUTING, DISPENSING, ADMINISTERING, PURCHASING, OR SELLING THESE CONTROLLED SUBSTANCES; TO AMEND SECTION 44-53-1640, RELATING TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL PRESCRIPTION MONITORING PROGRAM FOR SCHEDULE II, III, AND IV CONTROLLED SUBSTANCES, SO AS TO PROVIDE THAT INFORMATION SUBMITTED TO THIS MONITORING PROGRAM MUST BE SUBMITTED IN ACCORDANCE WITH CERTAIN NATIONAL PHARMACY AUTOMATION AND EXCHANGE OF INFORMATION STANDARDS; TO AMEND SECTION 44-53-1650, RELATING TO THE CONFIDENTIALITY OF INFORMATION SUBMITTED TO THE PRESCRIPTION MONITORING PROGRAM, INCLUDING PROCEDURES FOR RELEASING THIS INFORMATION, SO AS TO PROVIDE THAT LAW ENFORCEMENT MAY OBTAIN INFORMATION ON EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE SALES AND PURCHASES WITHOUT CONDUCTING A SPECIFIC DRUG RELATED INVESTIGATION ON A DESIGNATED PERSON; TO AMEND CHAPTER 32, TITLE 56, RELATING TO THE MOTOR VEHICLE DAMAGE DISCLOSURE ACT, SO AS TO REQUIRE A PERSON SELLING A MOTOR VEHICLE THAT WAS THE SITE OF A METHAMPHETAMINE LABORATORY OR DUMPSITE TO DISCLOSE THIS INFORMATION IN WRITING TO THE PURCHASER OF THE VEHICLE; TO AMEND SECTION 63-7-920, RELATING TO CHILD ABUSE AND NEGLECT INVESTIGATIONS AND PLACEMENT, SO AS TO PROHIBIT THE DEPARTMENT OF SOCIAL SERVICES FROM PLACING A CHILD WHO HAS BEEN EXPOSED TO METHAMPHETAMINE USE, MANUFACTURE, SALE, DISTRIBUTION, OR TRAFFICKING WITH A RELATIVE OR ASSOCIATE INVOLVED IN SUCH ILLEGAL ACTIVITY; AND TO REPEAL SECTION 23-3-1200 RELATING TO THE STATE LAW ENFORCEMENT DIVISION SERVING AS THE DEPOSITORY OF CERTAIN SCHEDULE II CONTROLLED SUBSTANCE INFORMATION.

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Read the first time and referred to the Committee on Medical Affairs.

S. 448 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-47-938 SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PHYSICIAN MAY ENTER A SUPERVISORY RELATIONSHIP WITH A PHYSICIAN ASSISTANT; TO AMEND SECTION 40-47-910, RELATING TO DEFINITIONS IN THE PHYSICIAN ASSISTANTS PRACTICE ACT, SO AS TO ADD AND REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 40-47-940, RELATING TO APPLICATION FOR LICENSURE, SO AS TO DELETE CERTAIN APPLICATION REQUIREMENTS; TO AMEND SECTION 40-47-945, RELATING TO CONDITIONS FOR GRANTING PERMANENT LICENSURE, SO AS TO DELETE REQUIREMENTS THAT AN APPLICANT APPEAR BEFORE THE BOARD WITH HIS SUPERVISING PHYSICIAN AND HIS SCOPE OF PRACTICE GUIDELINES, AND TO DELETE THE PROHIBITION AGAINST THE APPROVAL OF A SUPERVISING PHYSICIAN OF ON-THE-JOB TRAINING OR TASKS NOT LISTED ON THE APPLICATION FOR LIMITED LICENSURE AS A PHYSICIAN ASSISTANT; TO AMEND SECTION 40-47-955, RELATING TO PHYSICAL PRESENCE REQUIREMENTS OF THE SUPERVISING PHYSICIAN OF A PHYSICIAN ASSISTANT, SO AS TO DELETE EXISTING REQUIREMENTS CONCERNING ON-SITE SETTINGS AND TO PROVIDE WHERE AND HOW A PHYSICIAN ASSISTANT MAY PRACTICE, TO REVISE PROVISIONS CONCERNING OFF-SITE SETTINGS, AND TO REVISE CERTAIN REQUIREMENTS OF A SUPERVISING PHYSICIAN; TO AMEND SECTION 40-47-960, RELATING TO MINIMUM REQUIREMENTS FOR SCOPE OF PRACTICE GUIDELINES FOR PHYSICIAN ASSISTANTS, SO AS TO INCLUDE THE IMMEDIATE CONSULTATION BETWEEN THE PHYSICIAN ASSISTANT AND HIS PRIMARY OR SUPERVISING PHYSICIAN; TO AMEND SECTION 40-47-965, RELATING TO THE AUTHORITY OF A PHYSICIAN ASSISTANT TO REQUEST OR RECEIVE PROFESSIONAL SAMPLES OF DRUGS AUTHORIZED UNDER HIS SCOPE OF PRACTICE GUIDELINES, SO AS TO DELETE THE PROHIBITION AGAINST REQUESTING OR RECEIVING PROFESSIONAL SAMPLES OF SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40-47-970, RELATING TO THE PRESCRIBING OF DRUGS BY A PHYSICIAN ASSISTANT, SO AS TO AS TO DELETE A PROHIBITION AGAINST PRESCRIBING SCHEDULE II CONTROLLED SUBSTANCES; TO AMEND SECTION 40-47-975, RELATING TO THE AUTHORITY OF A SUPERVISING PHYSICIAN TO REQUEST PERMISSION FROM THE BOARD FOR A PHYSICIAN ASSISTANT UNDER HIS SUPERVISION TO RECEIVE ON-THE-JOB TRAINING, SO AS TO DELETE EXISTING LANGUAGE AND PROVIDE THAT A SUPERVISING PHYSICIAN MAY DETERMINE WHETHER A PHYSICIAN ASSISTANT UNDER HIS SUPERVISION NEEDS ADDITIONAL TRAINING OR EDUCATION, THAT THE PHYSICIAN AND PHYSICIAN ASSISTANT MAY JOINTLY DETERMINE THE MEANS OF PROVIDING THIS TRAINING OR EDUCATION, AND THAT CERTAIN RELATED INFORMATION MUST BE SUBMITTED TO THE BOARD OF MEDICAL EXAMINERS AND THE PHYSICIAN ASSISTANT COMMITTEE FOR THE APPROVAL OF EACH; TO AMEND SECTION 40-47-995, RELATING TO THE TERMINATION OF A SUPERVISORY RELATIONSHIP BETWEEN A PHYSICIAN AND PHYSICIAN ASSISTANT, SO AS TO PROVIDE THAT UPON THIS TERMINATION THE PRACTICE OF THE PHYSICIAN ASSISTANT MUST CEASE UNTIL NEW SCOPE OF PRACTICE GUIDELINES, RATHER THAN A NEW APPLICATION, ARE SUBMITTED BY A NEW SUPERVISING PHYSICIAN TO THE BOARD; AND TO REPEAL SECTION 40-47-980 RELATING TO THE TREATMENT OF PATIENTS IN CHRONIC CARE AND LONG-TERM CARE FACILITIES.

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Read the first time and referred to the Committee on Medical Affairs.

S. 449 -- Fish, Game and Forestry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES, RELATING TO SEASONS, LIMITS, METHODS OF TAKE AND SPECIAL USE RESTRICTIONS ON WILDLIFE MANAGEMENT AREAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4297, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Read the first time and ordered placed on the Calendar without reference.

S. 450 -- Senators Hutto, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Ford, Gregory, Grooms, Hayes, Hembree, Jackson, Johnson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO COMMEND MAYOR RICHARD ALTON MCCOLLUM OF BAMBERG FOR HIS LIFETIME OF DEDICATED PUBLIC SERVICE, TO CONGRATULATE HIM UPON HIS RETIREMENT AS MAYOR OF BAMBERG, AND TO WISH HIM MUCH SUCCESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 451 -- Senators Bright, Bryant, Davis, Corbin, Grooms and Shealy: A BILL TO AMEND CHAPTER 2, TITLE 12 OF THE 1976 CODE, RELATING TO TAXATION, BY ADDING SECTION 12-2-110, TO PROVIDE THAT PRIVATE CHILDCARE FACILITIES, PRIVATE SCHOOLS, AND HOME SCHOOLS BE TAXED IN THE SAME MANNER AS A PUBLIC FACILITY PROVIDING LIKE SERVICES.

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Senator BRIGHT spoke on the Bill.

Read the first time and referred to the Committee on Finance.

S. 452 -- Senators Scott, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Ford, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McElveen, McGill, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR RENOWNED NEW YORK CITY RESTAURATEUR MELBA WILSON FOR HER SUCCESSFUL CAREER, TO WELCOME HER TO THE PALMETTO STATE, AND TO EXTEND THANKS FOR HER PARTICIPATION IN THE FIRST ANNUAL SOUTH CAROLINA CORNBREAD FESTIVAL.

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The Senate Resolution was adopted.

S. 453 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JOHN QUINCY “JOHNNY” HUDSON, JR. OF AIKEN COUNTY AND TO COMMEND HIM FOR FORTY YEARS OF DEVOTED SERVICE AS AN ELECTED MEMBER OF THE WAGENER TOWN COUNCIL AND FOR HIS LIFELONG DEDICATION TO SERVING OTHERS.

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The Senate Resolution was adopted.

S. 454 -- Senators Bright and Bryant: A BILL TO AMEND SECTION 16-23-420 OF THE 1976 CODE, RELATING TO POSSESSION OF A FIREARM ON ANY PREMISES OR PROPERTY OWNED, OPERATED, OR CONTROLLED BY A PRIVATE OR PUBLIC COLLEGE, UNIVERSITY, TECHNICAL COLLEGE, OR OTHER POST-SECONDARY INSTITUTION, TO PROVIDE THAT A PERSON AUTHORIZED TO CARRY A CONCEALED WEAPON PURSUANT TO ARTICLE 4, CHAPTER 31, TITLE 23, WHO IS A REGISTERED STUDENT, EMPLOYEE, OR FACULTY MEMBER OF THE INSTITUTION, MAY POSSESS A FIREARM ON ANY PREMISES OR PROPERTY OWNED, OPERATED, OR CONTROLLED BY THE INSTITUTION, AND A PRIVATE COLLEGE, UNIVERSITY, TECHNICAL COLLEGE, OR OTHER POST-SECONDARY INSTITUTION MAY POST A SIGN STATING “NO CONCEALABLE WEAPONS ALLOWED” WHICH SHALL CONSTITUTE NOTICE TO A PERSON HOLDING A PERMIT ISSUED PURSUANT TO ARTICLE 4, CHAPTER 31, TITLE 23 THAT CONCEALABLE WEAPONS NOT BE BROUGHT UPON THE PREMISES.

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Senator BRIGHT spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

S. 455 -- Senators Bright and Bryant: A BILL TO AMEND SECTION 23-31-215 OF THE 1976 CODE, RELATING TO ISSUANCE OF A CONCEALED WEAPONS PERMIT, TO PROVIDE THAT A CONCEALED WEAPONS PERMIT IS VALID UNTIL THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION DETERMINES THE RENEWAL APPLICATION IS DENIED.

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Senator BRIGHT spoke on the Bill.

Read the first time and referred to the Committee on Judiciary.

H. 3378 -- Reps. Sandifer, Whitmire and Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-1-90 SO AS TO ENACT THE “VOLUNTEER SERVICE PERSONNEL APPRECIATION ACT” AND TO ALLOW THE GOVERNING BODY OF A LOCAL GOVERNMENT TO AUTHORIZE THE DISTRIBUTION OF CERTAIN REWARDS TO THREE ENUMERATED CATEGORIES OF VOLUNTEER SERVICE PERSONNEL SO LONG AS ALL PERSONNEL IN A RESPECTIVE CATEGORY ARE TREATED EQUALLY.

Read the first time and referred to the Committee on Judiciary.

H. 3525 -- Reps. Hayes, Barfield, Clemmons, H. A. Crawford, George, Goldfinch, Hardee, Hardwick and Ryhal: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF SOUTH CAROLINA HIGHWAYS 9 AND 410 IN HORRY COUNTY “LIEUTENANT JOHN RONALD FLOYD INTERSECTION” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERSECTION THAT CONTAIN THE WORDS “LIEUTENANT JOHN RONALD FLOYD INTERSECTION”.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 3574 -- Medical, Military, Public and Municipal Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS, RELATING TO DEFINITIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4237, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Read the first time and referred to the Committee on Medical Affairs.

H. 3614 -- Reps. Rutherford, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO CONGRATULATE AUTHOR LOVELL KOBIE WILKERSON III OF RICHLAND COUNTY ON THE PUBLICATION OF HIS NEW CHILDREN’S BOOK, QUEEN INFINITY, AND TO HONOR MR. WILKERSON AS RECIPIENT OF THE MOONBEAM CHILDREN’S BOOK AWARD BRONZE MEDAL FOR READING SKILLS AND LITERACY FOR QUEEN INFINITY.

The Concurrent Resolution was adopted, ordered returned to the House.

**REPORTS OF STANDING COMMITTEES**

Senator COURSON from the Committee on Education submitted a favorable report on:

S. 10 -- Senators L. Martin and Fair: A JOINT RESOLUTION TO AUTHORIZE SCHOOL TRUSTEES OF A SCHOOL DISTRICT, IN FISCAL YEAR 2012‑2013, TO SELL OR LEASE SCHOOL PROPERTY, REAL OR PERSONAL, IN THE SCHOOL DISTRICT AT ANY TIME THEY DEEM IT EXPEDIENT TO DO SO AND APPLY THE PROCEEDS OF THE SALE OR LEASE TO THE SCHOOL FUND OF THE DISTRICT.

Ordered for consideration tomorrow.

Senator FAIR from the Committee on Corrections and Penology polled out S. 146 favorable with amendment:

S. 146 -- Senator Fair: A BILL TO AMEND CHAPTER 1, TITLE 24, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF CORRECTIONS, SO AS TO DEVOLVE ITS DUTIES, FUNCTIONS, AND RESPONSIBILITIES UPON THE DEPARTMENT OF COMMUNITY AND INSTITUTIONAL CORRECTIONS; BY ADDING CHAPTER 2 TO TITLE 24 SO AS TO ESTABLISH THE SOUTH CAROLINA DEPARTMENT OF COMMUNITY AND INSTITUTIONAL CORRECTIONS; TO AMEND SECTION 24‑19‑10, AS AMENDED, 24‑19‑20, 24‑19‑30, 24‑19‑40, 24‑19‑50, 24‑19‑60, 24‑19‑110, AS AMENDED, AND 24‑19‑160, RELATING TO THE CORRECTION AND TREATMENT OF YOUTHFUL OFFENDERS, SO AS TO SUBSTITUTE THE TERM “DEPARTMENT OF CORRECTIONS” FOR THE TERM “DEPARTMENT OF COMMUNITY AND INSTITUTIONAL CORRECTIONS”, TO SUBSTITUTE THE TERM “YOUTHFUL OFFENDER DIVISION” FOR THE TERM “YOUTHFUL OFFENDER PAROLE AND REENTRY SERVICES DIVISION, TO DELETE THE TERM “TREATMENT” AND ITS DEFINITION, TO PROVIDE A DEFINITION FOR THE TERM “CRIMINOGENIC RISKS AND NEEDS”, TO PROVIDE THAT THE DIVISION OF YOUTHFUL OFFENDER PAROLE AND REENTRY SERVICES SHALL CONSIDER ITS CLIENTS CRIMINOGENIC RISKS AND TO REVISE THE PROVISIONS RELATING TO THE HOUSING AND TREATMENT OF YOUTHFUL OFFENDERS, TO SUBSTITUTE THE TERM “DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES” FOR THE TERM “DEPARTMENT OF COMMUNITY AND INSTITUTIONAL CORRECTIONS”, TO MAKE TECHNICAL CHANGES, AND TO SUBSTITUTE THE TERM “PROBATION, PAROLE, AND PARDON SERVICES BOARD” FOR THE TERM “PAROLE AND PARDON SERVICES BOARD”; AND TO AMEND CHAPTER 21, TITLE 24, RELATING TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES, SO AS TO DEVOLVE ITS DUTIES, FUNCTIONS, AND RESPONSIBILITIES UPON THE DEPARTMENT OF COMMUNITY AND INSTITUTIONAL CORRECTIONS, TO REVISE THE DEFINITION OF THE TERM “HEARING OFFICER”, TO SUBSTITUTE THE TERM “BOARD OF PROBATION, PAROLE AND PARDON SERVICES” FOR THE TERM “BOARD OF PAROLE AND PARDON SERVICES”, TO REVISE THE BOARD’S DUTIES, AND TO PROVIDE THAT CERTAIN YOUTHFUL OFFENDERS SHALL NOT BE REQUIRED TO PAY SUPERVISION FEES.

**Poll of the Corrections and Penology Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 6**

**AYES**

Fair Campbell Massey

*Martin, Shane* Davis Johnson

McElveen Shealy Thurmond

Turner Young

**Total--11**

**NAYS**

**Total--0**

**NOT VOTING**

Pinckney Williams Nicholson

Gregory Matthews Allen

**Total--6**

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 163 -- Senators Campbell, McGill, O’Dell and Cleary: A BILL TO AMEND SECTION 12-62-50 OF THE 1976 CODE, RELATING TO THE TAX REBATE TO A MOTION PICTURE PRODUCTION COMPANY BY THE SOUTH CAROLINA FILM COMMISSION, TO PROVIDE THAT THE REBATE MAY NOT EXCEED TWENTY PERCENT OF THE TOTAL AGGREGATE PAYROLL FOR PERSONS SUBJECT TO INCOME TAX WITHHOLDINGS OF SOUTH CAROLINA AND MAY NOT EXCEED TWENTY-FIVE PERCENT FOR RESIDENTS OF SOUTH CAROLINA AND FOR PERSONS EMPLOYED WITH THE PRODUCTION WHEN TOTAL PRODUCTION COSTS IN THIS STATE EQUAL OR EXCEED ONE MILLION DOLLARS DURING THE TAXABLE YEAR; AND TO AMEND SECTION 12-62-60, RELATING TO REBATES TO MOTION PICTURE PRODUCTION COMPANIES, TO PROVIDE THAT THE DEPARTMENT MAY REBATE UP TO THIRTY PERCENT OF THE EXPENDITURES IN SOUTH CAROLINA IF THERE IS A MINIMUM IN‑STATE EXPENDITURE OF ONE MILLION DOLLARS.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 234 -- Senator Coleman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 67 TO TITLE 12 SO AS TO ENACT THE “SOUTH CAROLINA ABANDONED BUILDINGS REVITALIZATION ACT” WHICH PROVIDES THAT A TAXPAYER MAKING INVESTMENTS OF A CERTAIN SIZE IN REHABILITATING AN ABANDONED BUILDING MAY AT HIS OPTION RECEIVE SPECIFIED INCOME TAX CREDITS OR CREDITS AGAINST THE PROPERTY TAX LIABILITY.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 237 -- Senators Shealy, Setzler, Courson, Turner, Cromer and Massey: A BILL TO AMEND SECTION 10‑1‑161 OF THE 1976 CODE, RELATING TO STATE CAPITOL BUILDING FLAGS FLOWN AT HALF‑STAFF, TO PROVIDE THAT FLAGS ATOP THE STATE CAPITOL BUILDING MUST BE LOWERED TO HALF‑STAFF FOR MEMBERS OF THE UNITED STATES MILITARY SERVICES, WHO WERE RESIDENTS OF THIS STATE AND WHO LOST THEIR LIVES IN THE LINE OF DUTY, ON THE DAY WHEN THEIR NAMES ARE RELEASED TO THE GENERAL PUBLIC, AND THE FLAGS SHALL REMAIN AT HALF‑STAFF UNTIL AT LEAST DAWN THE SECOND DAY AFTER FUNERAL SERVICES ARE CONDUCTED.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 294 -- Senator Cleary: A BILL TO AMEND SECTION 6‑4‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXPENDITURE OF LOCAL ACCOMMODATION TAX REVENUES, SO AS TO CLARIFY THAT IN CERTAIN SITUATIONS, FUNDS MAY BE USED FOR BEACH RENOURISHMENT, AND TO ALLOW A MUNICIPALITY OR COUNTY, IN CERTAIN SITUATIONS, UPON A TWO‑THIRDS VOTE OF THE MEMBERSHIP OF THE LOCAL GOVERNING BODY, TO HOLD THE FUNDS FOR MORE THAN TWO YEARS IF THE FUNDS ARE DESIGNATED FOR THE CONTROL AND REPAIR OF WATERFRONT EROSION, INCLUDING BEACH RENOURISHMENT.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 303 -- Senator Campsen: A BILL TO AMEND SECTION 12‑37‑220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO INCLUDE CERTAIN TRUSTS IN EXEMPTING PROPERTY USED FOR THE HOLDING OF ITS MEETINGS WHEN NO PROFIT OR BENEFIT INURES TO THE BENEFIT OF ANY STOCKHOLDER OR INDIVIDUAL; AND TO AMEND SECTION 12‑24‑40, AS AMENDED, RELATING TO EXEMPTIONS FROM DEED RECORDING FEES, SO AS TO EXEMPT TRANSFERS FROM A TRUST ESTABLISHED FOR THE BENEFIT OF A RELIGIOUS ORGANIZATION TO THE RELIGIOUS ORGANIZATION.

Ordered for consideration tomorrow.

Senator LEATHERMAN from the Committee on Finance submitted a favorable with amendment report on:

S. 351 -- Senator O’Dell: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF THE BELTON NATIONAL GUARD ARMORY TO THE CITY OF BELTON.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable report on:

S. 391 -- Senators Matthews, Courson, Hayes, Jackson, Setzler, Williams, Nicholson and Scott: A SENATE RESOLUTION TO STRONGLY ENCOURAGE THE BOARD OF TRUSTEES OF SOUTH CAROLINA STATE UNIVERSITY TO DELAY ITS SEARCH AND SELECTION OF A PRESIDENT OF THE UNIVERSITY UNTIL AFTER THE MEMBERS TO SEATS REPRESENTING THE FIFTH, SIXTH, AND SEVENTH CONGRESSIONAL DISTRICTS AND AT‑LARGE SEATS NINE, ELEVEN, AND TWELVE ARE ELECTED DURING THE 2013 SOUTH CAROLINA LEGISLATIVE SESSION.

Ordered for consideration tomorrow.

Senator COURSON from the Committee on Education submitted a favorable with amendment report on:

H. 3453 -- Reps. Bingham, Allison, Anthony, Hayes and Atwater: A JOINT RESOLUTION TO REQUIRE LOCAL SCHOOL DISTRICTS TO DECIDE AND NOTIFY TEACHERS OF THEIR EMPLOYMENT FOR THE 2013‑2014 SCHOOL YEAR BY MAY 15, 2013; TO PROVIDE THAT A CONTINUING‑CONTRACT TEACHER WHO IS BEING RECOMMENDED FOR FORMAL EVALUATION THE FOLLOWING SCHOOL YEAR MUST BE NOTIFIED IN WRITING ON OR BEFORE THE DATE THE SCHOOL DISTRICT ISSUES THE WRITTEN OFFER OF EMPLOYMENT OR REEMPLOYMENT; TO REQUIRE TEACHERS WHO ARE REEMPLOYED BY WRITTEN NOTIFICATION TO NOTIFY THE DISTRICT BOARD OF THEIR ACCEPTANCE WITHIN TEN DAYS OF RECEIPT OF WRITTEN NOTIFICATION OF EMPLOYMENT; AND TO ALLOW DISTRICTS TO UNIFORMLY NEGOTIATE SALARIES OF CERTAIN RETIRED TEACHERS BELOW THE DISTRICT SALARY SCHEDULE.

Ordered for consideration tomorrow.

**Invitations Accepted**

On motion of Senator BRYANT, with unanimous consent, the following invitations were polled favorably from the Committee on Invitations and ordered placed on the Calendar:

**Poll of the Invitations Committee**

**Polled 11; Ayes 11; Nays 0; Not Voting 0**

**AYES**

Bryant                                 Alexander                          McGill

Reese                                  Ford                                   Verdin

Campsen                             Cromer                              Malloy

Cleary                                 Johnson

**Total--11**

**NAYS**

**Total--0**

Tuesday, March 5, 2013, 6:00 P.M. - 8:00 P.M.

Members of the Senate and Staff, Reception, The Clarion, by the ALEC

Wednesday, March 6, 2013, 8:00 A.M.- 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the PIEDMONT MUNICIPAL POWER SYSTEM

Wednesday, March 6, 2013, 12:00 P.M. - 2:00 P.M.

Members of the Senate and Staff, Luncheon, State House Grounds, by the SC FIREFIGHTERS ASSOCIATION

Wednesday, March 6, 2013, 6:00 P.M. - 8:00 P.M.

Members of the Senate and Staff, Reception, Municipal Association of SC, by the AMERICAN ADVERTISING FEDERATION

Wednesday, March 6, 2013, 6:00 P.M. - 8:00 P.M.

Members of the Senate and Staff, Reception, The Palmetto Club, by the COLLEGE OF CHARLESTON

Thursday, March 7, 2013, 8:00 A.M. - 10:00 A.M.

Member of the Senate, Breakfast, Room 112, Blatt Building, by the CAMO COALITION AND SC WILDLIFE

Tuesday, March 12, 2013, 6:00 - 8:00 P.M.

Members of the Senate, Reception, The Marriott, by the GOVERNOR’S SCHOOL FOR MATH & SCIENCE TOWNES AWARD

Tuesday, March 19, 2013, 6:00 P.M. - 8:00 P.M.

Members of the Senate and Staff, Reception, Columbia Museum of Art, by the FLORENCE COUNTY NIGHT

Wednesday, March 20, 2013, 8:00 A.M. - 10:00 A.M.

Members of the Senate, Breakfast, Room 112, Blatt Building, by the SC CLEAN ENERGY BUSINESS ALLIANCE

Wednesday, March 20, 2013, 12:00 P.M. - 2:00 P.M. Members of the Senate, Luncheon, Room 112, Blatt Building, by the NATIONAL FEDERATION OF THE BLIND

Wednesday, March 20, 2013, 6:00 P.M. - 8:00 P.M.

Members of the Senate, Reception, Seawells, by the SC SUMMARY COURT JUDGES ASSOCIATION

Wednesday, March 20, 2013, 7:00 P.M. - 9:00 P.M.

Members of the Senate, Reception, Blue Marlin Vista Room, by the ALCOA MT. HOLLY

Thursday, March 21, 2013, 8:00 A.M. - 10:00 A.M.

Members of the Senate and Staff, Breakfast, Room 112, Blatt Building, by the SC VOCATIONAL REHABILITATION ASSOCIATION

**Appointments Reported**

Senator LARRY MARTIN from the Committee on Judiciary submitted a favorable report on:

Initial Appointment, South Carolina State Ethics Commission, with the term to commence June 30, 2008, and to expire June 30, 2013

5th Congressional District:

Twana N. Burris-Alcide, 591 Lakeside Drive, Rock Hill, SC 29730 *VICE* Vacant

Received as information.

Initial Appointment, South Carolina Board of Juvenile Parole, with the term to commence July 1, 2012, and to expire June 30, 2016

At-Large:

Barbara W. Mishoe, 154 South Main Street, Greeleyville, SC 29056 *VICE* New Seat

Received as information.

Initial Appointment, South Carolina Board of Juvenile Parole, with the term to commence July 1, 2012, and to expire June 30, 2016

Robert J. Reid, 19 Dingle Street, Charleston, SC 29403 *VICE* New Seat

Received as information.

Initial Appointment, South Carolina Board of Juvenile Parole, with the term to commence July 1, 2011, and to expire June 30, 2015

At-Large:

Carla J. Smalls, 261 Caedmons Creek Drive, Irmo, SC 29063 *VICE* New Seat

Received as information.

Initial Appointment, South Carolina Board of Juvenile Parole, with the term to commence July 1, 2010, and to expire June 30, 2014

At-Large:

Frank D. Wideman, 126 Stratford Road, Greenwood, SC 29649 *VICE* New Seat

Received as information.

Senator COURSON from the Committee on Education submitted a favorable report on:

Reappointment, South Carolina Public Charter School District Board of Trustees, with the term to commence May 3, 2011, and to expire May 3, 2014

Governor Appointed:

Donald L. McLaurin, 13 Water Street, Charleston, SC 29401

Received as information.

**HOUSE CONCURRENCES**

The following Resolutions were returned from the House with concurrence and received as information:

S. 251 -- Senators Scott, Massey, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Ford, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Matthews, McElveen, McGill, Nicholson, O’Dell, Peeler, Pinckney, Rankin, Reese, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PLEASANT LANE ROAD IN EDGEFIELD COUNTY FROM ITS INTERSECTION WITH UNITED STATES HIGHWAY 25 TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 378 “MAMIE J. REARDEN HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THE WORDS “MAMIE J. REARDEN HIGHWAY”.

S. 324 -- Senator L. Martin: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE OVER HIGHWAY 123 AT THE INTERSECTION OF HIGHWAY 123 AND ROAD 37-18 AS THE SAMUEL MAVERICK BRIDGE AND ERECT APPROPRIATE MARKERS OR SIGNS AT THE BRIDGE THAT CONTAIN THE WORDS “SAMUEL MAVERICK BRIDGE”.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**THIRD READING BILL**

The following Joint Resolution was read the third time and ordered sent to the House of Representatives:

S. 418 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF TRANSPORTATION, RELATING TO SPECIFIC INFORMATION SERVICE SIGNING, DESIGNATED AS REGULATION DOCUMENT NUMBER 4312, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 127 -- Senators Alexander and Ford: A BILL TO AMEND ARTICLE 6, CHAPTER 38, TITLE 44 OF THE 1976 CODE, RELATING TO HEAD AND SPINAL CORD INJURIES, BY ADDING ARTICLE 6 TO CREATE THE SOUTH CAROLINA BRAIN INJURY LEADERSHIP COUNCIL, TO PROVIDE FOR THE RESPONSIBILITIES AND DUTIES OF THE COUNCIL, TO PROVIDE FOR THE COMPOSITION AND APPOINTMENT OF THE COUNCIL, AND TO PROVIDE FOR THE POWERS AND AUTHORITY OF THE COUNCIL.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

The Committee on Medical Affairs proposed the following amendment (S-127), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 12-18 and inserting:

/ public policy concerning brain injuries to state policymakers; and

(7) serve as the statewide advisory board for implementing the federal Traumatic Brain Injury Act and applying for federal traumatic brain injury funding.

Section 44-38-630. (A) The members of the South Carolina Brain Injury Leadership Council should have knowledge or expertise in the area of brain injury or related services. The Council shall be comprised of representatives of the following agencies and organizations, shall be appointed by the director of the agency or organization and shall serve ex officio: /

Amend the bill further, page 3, by striking line 16 and inserting:

/ SECTION 2. Section 44-20-225 is repealed.

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

Renumber sections to conform.

Amend title to conform.

Senator ALEXANDER explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Grooms

Hayes Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Shealy

Sheheen Thurmond Turner

Williams Young

**Total--41**

**NAYS**

**Total--0**

**Statement by Senator SETZLER**

I was out of the Chamber at the time the vote was taken on this Bill. I was attending an economic development event in my district, but, had I been here, I would have voted in favor of the second reading of the Bill.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

S. 428 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO SOUTH CAROLINA IMMUNIZATION REGISTRY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4259, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution, the question being the second reading of the Joint Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 38; Nays 5**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Ford Grooms Hayes

Hembree Hutto Jackson

Johnson Leatherman Lourie

Malloy *Martin, Larry* Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Shealy Sheheen Thurmond

Turner Williams

**Total--38**

**NAYS**

Bright Bryant *Martin, Shane*

Massey Young

**Total--5**

**Statement by Senator SETZLER**

I was out of the Chamber at the time the vote was taken on this Resolution. I was attending an economic development event in my district, but, had I been here, I would have voted in favor of the second reading of the Resolution.

The Joint Resolution was read the second time and ordered placed on the Third Reading Calendar.

**READ THE SECOND TIME**

S. 429 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - PANEL FOR DIETETICS, RELATING TO DEFINITIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4237, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Resolution, the question being the second reading of the Joint Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 1**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Ford Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Shealy Sheheen Thurmond

Turner Williams Young

**Total--42**

**NAYS**

Bryant

**Total--1**

**Statement by Senator SETZLER**

I was out of the Chamber at the time the vote was taken on this Resolution. I was attending an economic development event in my district, but, had I been here, I would have voted in favor of the second reading of the Resolution.

The Joint Resolution was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED**

**RESOLUTION ADOPTED AS AMENDED**

**SENT TO THE HOUSE**

S. 64 -- Senator Scott: A CONCURRENT RESOLUTION TO CONGRATULATE HARRISON REARDEN FOR HIS MANY YEARS OF PUBLIC SERVICE AND REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE LOCATED AT THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 277 AND FONTAINE ROAD IN RICHLAND COUNTY “HARRISON REARDEN INTERCHANGE” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS INTERCHANGE THAT CONTAIN THE WORDS “HARRISON REARDEN INTERCHANGE”.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the amendment proposed by the Committee on Transportation.

The Committee on Transportation proposed the following amendment (64R001.LKG), which was adopted:

Amend the concurrent resolution, as and if amended, page 2, after line 8, by adding:

/ Whereas, among numerous other citations, Mr. Rearden was awarded the state’s highest honor, the Order of the Palmetto, by Governor Carroll Campbell, and he was awarded the Order of the Silver Crescent by Governor Jim Hodges; and /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

There being no further amendments, the Concurrent Resolution was adopted, as amended and ordered sent to the House with amendments.

**CARRIED OVER**

S. 6 -- Senator Peeler: A BILL TO AMEND SECTION 40‑11‑260, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FINANCIAL STATEMENTS AND NET WORTH REQUIREMENTS FOR GENERAL CONTRACTORS AND MECHANICAL CONTRACTORS, SO AS TO ADJUST THE NET WORTH REQUIREMENTS FOR LICENSURE AND LICENSE RENEWAL, AND TO DELETE OBSOLETE LANGUAGE.

On motion of Senator O’DELL, the Bill was carried over.

**Expression of Personal Interest**

Senator SCOTT rose for an Expression of Personal Interest.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**Motion Adopted**

On motion of Senator PEELER, the Senate agreed to dispense with the Motion Period.

**RATIFICATION OF ACTS**

Pursuant to an invitation the Honorable Speaker and House of Representatives appeared in the Senate Chamber on February 27, 2013, at 3:45 P.M. and the following Acts and Joint Resolution were ratified:

(R2, S. 91) -- Senator Gregory: AN ACT TO AMEND SECTION 50‑11‑310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE HUNTING AND TAKING OF ANTLERED DEER, SO AS TO DELETE A PROHIBITION ON BAITING DEER IN GAME ZONES 1 AND 2.

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(R3, S. 165) -- Senators Campsen and Grooms: AN ACT TO AMEND SECTION 50‑15‑65, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO MANAGEMENT AND CONTROL OF ALLIGATORS ON PRIVATE LANDS, SO AS TO EXTEND THE HUNTING SEASON OF ALLIGATORS ON PRIVATE LANDS TO MAY THIRTY‑FIRST.

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(R4, S. 244) -- Senators McGill, Cleary and Campsen: AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTION 50‑11‑940 RELATING TO THE DESIGNATION OF CERTAIN PROPERTY OF THE BELLE W. BARUCH FOUNDATION IN GEORGETOWN COUNTY AS A BIRD AND GAME REFUGE; AND BY REPEALING SECTION 50-11-941 PROVIDING THAT PROVISIONS OF SECTION 50-11-940 MUST NOT BE CONSTRUED TO BE IN CONFLICT WITH THE LAST WILL AND TESTAMENT OF BELLE W. BARUCH.

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(R5, S. 379) -- Senator Sheheen: AN ACT TO AMEND ACT 930 OF 1970, AS AMENDED, RELATING TO THE SCHOOL DISTRICT BOARD OF TRUSTEES FOR KERSHAW COUNTY, SO AS TO REVISE THE SPECIFIC ELECTION DISTRICTS FROM WHICH THE MEMBERS OF THE KERSHAW COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES SHALL BE ELECTED BEGINNING WITH SCHOOL TRUSTEE ELECTIONS IN 2014, AND TO PROVIDE FOR DEMOGRAPHIC INFORMATION IN REGARD TO THESE NEWLY DRAWN ELECTION DISTRICTS.

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(R6, H. 3180) -- Reps. Pope and V.S. Moss: A JOINT RESOLUTION TO AUTHORIZE THE STATE BUDGET AND CONTROL BOARD TO TRANSFER OWNERSHIP OF CLOVER NATIONAL GUARD ARMORY IN CLOVER, SOUTH CAROLINA, TO THE TOWN OF CLOVER.

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**Expression of Personal Interest**

Senator CROMER rose for an Expression of Personal Interest.

**Remarks by Senator CROMER**

Thank you, Mr. PRESIDENT. I would like the other Senators representing Lexington to join me here at the podium. I will begin my introduction while my colleagues make their way here.

I met the Longstreet’s a little over a year ago while out campaigning

-- knocking on doors and burning up the shoe leather, Senator from Edgefield. I had no idea where this couple lived, but I had spoken and corresponded with them prior to this meeting. I got to spend about an hour, hour and a half with this wonderful family in their home.

I would like to have them stand right now -- David and Karen Longstreet. It was January of 2012, and, I believe, it was on New Year’s Day. They were on their way to a church service. They went through an intersection and at that moment another driver, who had been out partying all night the night before, t-boned their van and killed their precious little six-year-old girl, Emma. Chief Green, who is also here, told me earlier that one of his deputies actually witnessed the accident.

We have a Bill coming up -- the Ignition Interlock Bill -- and I know that’s why you’re here today. Senators LARRY MARTIN, SHEALY, SETZLER, MASSEY, LOURIE, FAIR and myself are sponsoring an amendment to name this bill “Emma’s Law.” We are doing that for you.

This family has suffered a tremendous loss. They still have three fine young boys that are doing great. David and Karen, our thoughts and prayers are with you and your family. We appreciate you being here today to try and help us shepherd this Bill forward.

The Senator from Richland, Senator LOURIE, is principal sponsor of this very important legislation. I sponsored the amendment to the original legislation last year and sadly, it didn’t quite make it through. Hopefully we will get through it this year and we’ll see some purpose for what happened to young Emma.

Let me add that the gentleman who hit them that morning already had a prior DUI offense. That is one of the reasons we are asking that enrollment in an Ignition Interlock Program be required on a first offense so that tragedies like this might be avoided in the future.

I would just like to say to the Longstreets, God bless you.

Thank you.

On motion of Senator SHANE MARTIN, with unanimous consent, the remarks of Senator CROMER were ordered printed in the Journal.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**COMMITTEE AMENDMENT ADOPTED, AMENDED**

**READ THE SECOND TIME**

**RETURNED TO THE STATUS OF SPECIAL ORDER**

S. 137 ‑‑ Senators Lourie, L. Martin, Hayes, Fair, Davis, Ford, Cromer and Grooms: A BILL TO AMEND SEVERAL SECTIONS OF TITLE 56, RELATING TO IGNITION INTERLOCK DEVICES, TO PROVIDE FOR THE ISSUANCE OF AN IGNITION INTERLOCK LICENSE AND ITS CONTENTS AND THE RESTRICTIONS RELATED TO THE LICENSE, TO PROVIDE FOR PENALTIES RELATED TO IGNITION INTERLOCK DEVICES, TO REVISE THE PENALTY IMPOSED UPON A PERSON WHO REFUSES TO BE SUBJECTED TO A CHEMICAL TEST, TO PROVIDE FOR ENROLLMENT IN THE IGNITION INTERLOCK DEVICE PROGRAM UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE TECHNICAL CHANGES.

(Abbreviated Title)

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0137.001), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 56-1-286 of the 1976 Code is amended to read:

“Section 56-1-286. (A) The Department of Motor Vehicles ~~must~~ shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to a person under the age of twenty‑one who drives a motor vehicle and has an alcohol concentration of two one‑hundredths of one percent or more. In cases in which a law enforcement officer initiates suspension proceedings for a violation of this section, the officer has elected to pursue a violation of this section and is subsequently prohibited from prosecuting the person for a violation of Section 63‑19‑2440, 63‑19‑2450, 56‑5‑2930, or 56‑5‑2933, arising from the same incident.

(B) A person under the age of twenty‑one who drives a motor vehicle in this State is considered to have given consent to chemical tests of ~~his~~ the person’s breath or blood for the purpose of determining the presence of alcohol.

(C) A law enforcement officer who has arrested a person under the age of twenty‑one for a violation of Chapter 5 of this title (Uniform Act Regulating Traffic on Highways), or any other traffic offense established by a political subdivision of this State, and has reasonable suspicion that the person under the age of twenty‑one has consumed alcoholic beverages and driven a motor vehicle may order the testing of the person arrested to determine the person’s alcohol concentration.

A law enforcement officer may detain and order the testing of a person to determine the person’s alcohol concentration if the officer has reasonable suspicion that a motor vehicle is being driven by a person under the age of twenty‑one who has consumed alcoholic beverages.

(D) A test must be administered at the direction of the primary investigating law enforcement officer. At the officer’s direction ~~of the officer~~, the person first must be offered a breath test to determine the person’s alcohol concentration. If the person physically is unable to provide an acceptable breath sample because ~~he~~ the person has an injured mouth or is unconscious or dead, or for any other reason considered acceptable by licensed medical personnel, a blood sample may be taken. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to ~~SLED~~ the State Law Enforcement Division’s policies. The primary investigating officer may administer the test. Blood samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, or other medical personnel trained to obtain these samples in a licensed medical facility. Blood samples must be obtained and handled in accordance with procedures approved by the division. The division shall administer the provisions of this subsection and shall promulgate regulations necessary to carry out ~~its~~ the subsection’s provisions. The costs of the tests administered at the officer’s direction ~~of the officer~~ must be paid from the State’s general fund ~~of the State~~. However, if the person is subsequently convicted of violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, then, upon conviction, the person ~~must~~ shall pay twenty‑five dollars for the costs of the tests. The twenty‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

The person tested or giving samples for testing may have a qualified person of ~~his~~ the person’s choice conduct additional tests at the person’s expense and must be notified in writing of that right. A person’s request or failure to request additional blood tests is not admissible against the person in any proceeding. The person’s failure or inability ~~of the person tested~~ to obtain additional tests does not preclude the admission of evidence relating to the tests or samples taken at the officer’s direction ~~of the officer~~. The officer ~~must~~ shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance shall, at a minimum, include providing transportation for the person to the nearest medical facility which provides blood tests to determine a person’s alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood to determine the person’s alcohol concentration, ~~SLED must~~ the State Law Enforcement Division shall test the blood and provide the result to the person and to the officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in ~~any~~ a judicial or administrative proceeding.

(E) A qualified person and ~~his~~ the person’s employer who obtain samples or administer the tests or assist in obtaining samples or administering of tests at the ~~direction of the~~ primary investigating ~~officer~~ officer’s direction are immune from civil and criminal liability unless the obtaining of samples or the administering of tests is performed in a negligent, reckless, or fraudulent manner. A person may not be required by the officer ordering the tests to obtain or take any sample of blood or urine.

(F) ~~If~~ Except as provided in subsection (H), if a person refuses upon the ~~request of the~~ primary investigating ~~officer~~ officer’s request to submit to chemical tests as provided in subsection (C), the department ~~must~~ shall suspend ~~his~~ the person’s license, permit, or ~~any~~ nonresident operating privilege, or deny the issuance of a license or permit to ~~him~~ the person for:

(1) six months; or

(2) one year, if the person, within the five years preceding the violation of this section, has been previously convicted of violating Section 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs, or the person has had a previous suspension imposed pursuant to Section 56‑1‑286, ~~56‑5‑2950, or~~ 56‑5‑2951, or 56-5-2990.

(G) ~~If~~ Except as provided in subsection (H), if a person submits to a chemical test and the test result indicates an alcohol concentration of two one‑hundredths of one percent or more, the department ~~must~~ shall suspend ~~his~~ the person’s license, permit, or ~~any~~ nonresident operating privilege, or deny the issuance of a license or permit to ~~him~~ the person for:

(1) three months; or

(2) six months, if the person, within the five years preceding the violation of this section, has been previously convicted of violating Section 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs, or the person has had a previous suspension imposed pursuant to Section 56‑1‑286, ~~56‑5‑2950, or~~ 56‑5‑2951, or 56-5-2990.

(H) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

~~(H)~~(I) A person’s driver’s license, permit, or nonresident operating privilege must be restored when the person’s period of suspension ~~under~~ pursuant to subsection (F) or (G), or ignition interlock restricted license requirement pursuant to subsection (H), has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program in which ~~he~~ the person is enrolled. After the person’s driving privilege is restored, ~~he must~~ the person shall continue to participate in the Alcohol and Drug Safety Action Program in which ~~he~~ the person is enrolled. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person’s license must be suspended until ~~he~~ the person completes the Alcohol and Drug Safety Action Program. A person ~~must~~ shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 before ~~his~~ the person’s driving privilege ~~can~~ may be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

~~(I)~~(J) A test may not be administered or samples taken unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(1) ~~he~~ the person does not have to take the test or give the samples but that ~~his~~ the person’s privilege to drive must be suspended or denied for at least six months with the option of ending the suspension or denial if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person refuses to submit to the tests, and that ~~his~~ the person’s refusal may be used against ~~him~~ the person in court;

(2) ~~his~~ the person’s privilege to drive must be suspended for at least three months with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person takes the test or gives the samples and has an alcohol concentration of two one‑hundredths of one percent or more;

(3) ~~he~~ the person has the right to have a qualified person of ~~his~~ the person’s own choosing conduct additional independent tests at ~~his~~ the person’s expense;

(4) ~~he~~ the person has the right to request ~~an administrative~~ a contested case hearing within thirty days of the issuance of the notice of suspension; and

(5) ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program within thirty days of the issuance of the notice of suspension if ~~he~~ the person does not request ~~an administrative~~ a contested case hearing or within thirty days of the issuance of notice that the suspension has been upheld at the ~~administrative~~ contested case hearing.

The primary investigating officer ~~must notify promptly~~ shall promptly notify the department of ~~the~~ a person’s refusal ~~of a person~~ to submit to a test requested pursuant to this section as well as the test result of ~~any~~ a person who submits to a test pursuant to this section and registers an alcohol concentration of two one‑hundredths of one percent or more. The notification must be in a manner prescribed by the department.

~~(J)~~(K) If the test registers an alcohol concentration of two one‑hundredths of one percent or more or if the person refuses to be tested, the primary investigating officer ~~must~~ shall issue a notice of suspension, and the suspension is effective beginning on the date of the alleged violation of this section. The person, within thirty days of the issuance of the notice of suspension, ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 if ~~he~~ the person does not request an administrative hearing. If the person does not request an administrative hearing and does not enroll in an Alcohol and Drug Safety Action Program within thirty days, the suspension remains in effect, and a temporary alcohol license must not be issued. If the person drives a motor vehicle during the period of suspension without a temporary alcohol license, the person must be penalized for driving while ~~his~~ the person’s license is suspended pursuant to Section 56‑1‑460.

~~(K)~~(L) Within thirty days of the issuance of the notice of suspension the person may:

(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 collected by the Department of Motor Vehicles must be distributed to the Department 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~~ the Department of Motor Vehicle’s expenses. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter; and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure.

At the contested case hearing if:

(a) the suspension is upheld, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program and ~~his~~ the person’s driver’s license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension periods provided for in subsections (F) and (G); or

(b) the suspension is overturned, the ~~person must have his~~ person’s driver’s license, permit, or nonresident operating privilege must be reinstated.

~~(L)~~(M) The periods of suspension provided for in subsections (F) and (G) begin on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continue until the person applies for a temporary alcohol license and requests an administrative hearing.

~~(M)~~(N) If a person does not request a contested case hearing, ~~he shall have~~ the person has waived ~~his~~ the person’s right to the hearing and ~~his~~ the person’s suspension must not be stayed but shall continue for the periods provided for in subsections (F) and (G).

~~(N)~~(O) The notice of suspension must advise the person of the requirement to enroll in an Alcohol and Drug Safety Action Program and of ~~his~~ the person’s right to obtain a temporary alcohol license and to request a contested case hearing. The notice of suspension also must advise the person that, if ~~he~~ the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program, and ~~he~~ the person waives ~~his~~ the person’s right to the contested case hearing, and the suspension continues for the periods provided for in subsections (F) and (G).

~~(O)~~(P) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

(1) was lawfully arrested or detained;

(2) was given a written copy of and verbally informed of the rights enumerated in subsection ~~(I)~~(J);

(3) refused to submit to a test pursuant to this section; or

(4) consented to taking a test pursuant to this section, and the:

(a) reported alcohol concentration at the time of testing was two one‑hundredths of one percent or more;

(b) individual who administered the test or took samples was qualified pursuant to this section;

(c) test administered and samples taken were conducted pursuant to this section; and

(d) the machine was operating properly.

Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person’s license, permit, or nonresident’s operating privilege regardless of whether the person requesting the contested case hearing or the person’s attorney appears at the contested case hearing.

A written order must be issued to all parties either reversing or upholding the suspension of the person’s license, permit, or nonresident’s operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days ~~his~~ the person’s license was suspended before ~~he~~ the person received a temporary alcohol license and requested the contested case hearing.

~~(P)~~(Q) A contested case hearing is a contested proceeding under the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal shall stay the suspension until a final decision is issued.

~~(Q)~~(R) A person who is unconscious or otherwise in a condition rendering him incapable of refusal is considered to be informed and not to have withdrawn the consent provided for in subsection (B) of this section.

~~(R)~~(S) When a nonresident’s privilege to drive a motor vehicle in this State has been suspended under the procedures of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person’s residence and of any state in which he has a license or permit.

~~(S)~~(T) A person required to submit to a test must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any proceeding in which the results of the tests are used as evidence. A person who obtains additional tests shall furnish a copy of the time, method, and results of any additional tests to the officer before any trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

~~(T)~~(U) A person whose driver’s license or permit is suspended under this section is not required to file proof of financial responsibility.

~~(U)~~(V) The department shall administer the provisions of this section, not including subsection (D), and shall promulgate regulations necessary to carry out its provisions.

~~(V)~~(W) Notwithstanding any other provision of law, no suspension imposed pursuant to this section is counted as a demerit or result in any insurance penalty for automobile insurance purposes if at the time ~~he~~ the person was stopped, the person whose license is suspended had an alcohol concentration that was less than eight one‑hundredths of one percent.”

SECTION 2. Section 56-1-400 of the 1976 Code is amended to read:

“Section 56‑1‑400. (A) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that ~~such~~ the license ~~shall~~ be surrendered to the ~~Department of Motor Vehicles~~ department. At the end of the suspension period ~~of suspension~~, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system ~~such license so surrendered shall be returned to the licensee, or in the discretion of the Department of Motor Vehicles~~, the department shall issue a new license ~~issued~~ to ~~him~~ the person. ~~The Department of Motor Vehicles~~ If the person has not held a license within the previous nine months, the department shall not ~~return nor~~ issue or restore a permanent or temporary license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and ~~has~~ satisfied the ~~Department of Motor Vehicles~~ department, after an investigation of the person’s ~~character, habits, and~~ driving ability ~~of the person~~, that it would be safe to grant ~~him~~ the person the privilege of driving a motor vehicle on the public highways. ~~Provided, the Department of Motor Vehicles~~ The department, in ~~its~~ the department’s discretion, where the suspension is for a violation under the point system, may waive ~~such~~ the examination, application, and investigation. A record of the suspension ~~shall~~ must be endorsed on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person, showing the grounds of ~~such~~ the suspension. ~~In the case of a license suspended for driving under the influence of intoxicants~~ If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56‑5‑2941, the restriction on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person~~,~~ must conspicuously identify the ~~licensee~~ person as a person who may only drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Section ~~56‑5‑2941~~ 56‑1‑286, 56‑5‑2945, 56‑5‑2947, 56‑5‑2951, or 56‑5‑2990. For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be placed into a special restricted account by the Comptroller General to be used by the Department of Motor Vehicles to defray the department’s expenses. Unless the person establishes that ~~he~~ the person is entitled to the exemption set forth in subsection (B), no ignition interlock restricted license ~~containing an ignition interlock device restriction shall~~ may be issued by the ~~Department of Motor Vehicles~~ department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order. If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended ~~for three years from the date the suspension for driving under the influence of intoxicants ends~~ indefinitely. If ~~during this three‑year period~~ the person subsequently decides to have the ignition interlock device installed, the device must be installed for the ~~full suspension period or until the end of the three‑year period, whichever comes first~~ length of time set forth in Section 56‑1‑286, 56‑5‑2945, 56‑5‑2947, 56‑5‑2951, or 56‑5‑2990. This provision ~~shall~~ does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23 of Chapter 5 of this title.

(B)(1) A person who does not own a vehicle, as shown in the Department of Motor Vehicles’ records, and who certifies that ~~he~~ the person:

(a) cannot obtain a vehicle owner’s permission to have an ignition interlock device installed on a vehicle;

(b) will not be driving ~~any~~ a vehicle other than ~~the one~~ a vehicle owned by ~~his~~ the person’s employer; and

(c) ~~that he~~ will not own a vehicle during the interlock period, may petition the ~~Department of Motor Vehicles~~ department, on a form provided by ~~it~~ the department, for issuance of ~~a~~ an ignition interlock restricted license ~~containing an ignition interlock device restriction,~~ that permits the person to operate a vehicle specified by the employee according to the employer’s needs as contained in the employer’s statement during the days and hours specified in the employer’s statement without having to show that an ignition interlock device has been installed.

(2) The form must contain:

(a) identifying information about the employer’s noncommercial vehicles that the person will be operating;

(b) a statement that explains the circumstances in which the person will be operating the employer’s vehicles; and

(c) the notarized signature of the person’s employer.

(3) This subsection does not apply to a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person’s household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle’s ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

(4) Whenever the person operates the employer’s vehicle pursuant to this subsection, the person shall have with the person a copy of the form specified by this subsection.

(5) The determination of eligibility for ~~this~~ the waiver is subject to periodic review at the discretion of the ~~Department of Motor Vehicles~~ department. The ~~Department of Motor Vehicles must~~ department shall revoke a ~~license~~ waiver issued pursuant to this exemption if ~~it~~ the department determines that the person has been driving a vehicle other than the ~~one~~ vehicle owned by ~~his~~ the person’s employer or has been operating the person’s employer’s vehicle outside the locations, days, or hours specified by the employer in the department’s records. The person may seek relief from the ~~Department of Motor Vehicle’s~~ department’s determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings. However, the filing of a request for a contested case hearing will not stay the revocation of the waiver pending the hearing.

(C) ~~Any~~ A person whose license has been suspended or revoked for an offense within the jurisdiction of the court of general sessions shall provide the ~~Department of Motor Vehicles~~ department with proof that the fine owed by the person has been paid before the ~~Department of Motor Vehicles~~ department may ~~return or~~ issue the person a license. Proof that the fine has been paid may be a receipt from the clerk of court of the county in which the conviction occurred stating that the fine has been paid in full.”

SECTION 3. Section 56-1-460 of the 1976 Code is amended to read:

“Section 56-1-460. (A)(1) Except as provided in item (2), a person who drives a motor vehicle on ~~any~~ a public highway of this State when ~~his~~ the person’s license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for up to thirty days, or both;

(b) for a second offense, fined six hundred dollars or imprisoned for up to sixty consecutive days, or both; and

(c) for a third ~~and~~ or subsequent offense, fined one thousand dollars and imprisoned for up to ninety days or confined to a person’s place of residence pursuant to the Home Detention Act for not less than ninety days nor more than six months. No portion of a term of imprisonment or confinement under home detention may be suspended by the trial judge. For purposes of this item, a person sentenced to confinement pursuant to the Home Detention Act is required to pay for the cost of such confinement.

(d) Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense punishable under this item may be tried in magistrates or municipal court.

(e)(i) A person convicted of a first or second offense of this item, as determined by the records of the department, and who is employed or enrolled in a college or university at any time while ~~his~~ the person’s driver’s license is suspended pursuant to this item, may apply for a route restricted driver’s license permitting ~~him~~ the person to drive only to and from work or ~~his~~ the person’s place of education and in the course of ~~his~~ the person’s employment or education during the period of suspension. The department may issue the route restricted driver’s license only upon a showing by the person that ~~he~~ the person is employed or enrolled in a college or university and that ~~he~~ the person lives further than one mile from ~~his~~ the person’s place of employment or place of education.

(ii) When the department issues a route restricted driver’s license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A person holding a route restricted driver’s license pursuant to this item ~~must~~ shall report to the department immediately any change in ~~his~~ the person’s employment hours, place of employment, status as a student, or residence.

(iii) The fee for a route restricted driver’s license issued pursuant to this item is one hundred dollars, but no additional fee is due when changes occur in the place and hours of employment, education, or residence. Of this fee, eighty 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~~ the Department of Motor Vehicle’s expenses. The remainder of the fees collected pursuant to this item must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund.

(iv) The operation of a motor vehicle outside the time limits and route imposed by a route restricted license ~~by the person issued that license~~ is a violation of subsection (A)(1).

(2) A person who drives a motor vehicle on ~~any~~ a public highway of this State when ~~his~~ the person’s license has been suspended or revoked pursuant to the provisions of Section 56‑5‑2990 or 56-5-2945 must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for not less than ten nor more than thirty days;

(b) for a second offense, fined six hundred dollars or imprisoned for not less than sixty days nor more than six months;

(c) for a third ~~and~~ or subsequent offense, fined one thousand dollars and imprisoned for not less than six months nor more than three years;

~~(d) no~~No portion of the minimum sentence imposed ~~under~~ pursuant to this item may be suspended.

(B) The Department of Motor Vehicles, upon receiving a record of ~~the conviction of any person under~~ a person’s conviction pursuant to this section upon a charge of driving a vehicle while ~~his~~ the person’s license was suspended for a definite period of time, shall extend the suspension period ~~of the suspension~~ for an additional like period. If the original period of suspension has expired or terminated before trial and conviction, the department shall again suspend the person’s license ~~of the person~~ for an additional like period of time. If the suspension is not for a definite period of time, the suspension must be for an additional three months. If the license of a person cited for a violation of this section is suspended solely pursuant to the provisions of Section 56‑25‑20, the additional period of suspension pursuant to this section is thirty days, and the person does not have to offer proof of financial responsibility as required ~~under~~ pursuant to Section 56‑9‑500 prior to ~~his~~ the person’s license being reinstated. If the conviction was for a charge of driving while a license was revoked, the department shall not issue a new license for an additional period of one year from the date the person could otherwise have applied for a new license. Only those violations which occurred within a period of five years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

(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 of Public Safety for the Highway Patrol.”

SECTION 4. Section 56-1-748 of the 1976 Code is amended to read:

“Section 56‑1‑748. (A) No person issued a restricted driver’s license under the provisions of Section ~~56‑1‑170(B)~~ 56‑1‑170, ~~Section 56‑1‑320(A)~~ 56‑1‑320, ~~Section 56‑1‑740(B)~~ 56‑1‑740, 56‑1‑745, ~~Section 56‑1‑746 (D)~~ 56‑1‑746, ~~Section 56‑5‑750(G)~~ 56‑5‑750, ~~Section 56‑9‑430(B)~~ 56‑9‑430, ~~Section 56‑10‑260(B)~~ 56‑10‑260, ~~Section 56‑10‑270(C)~~ 56‑10‑270, ~~or Section 56‑5‑2951(H)~~ 56‑5‑2951 shall subsequently be eligible for issuance of a restricted driver’s license under these provisions.

(B) A person who obtains a route restricted driver’s license and who is required to attend an Alcohol and Drug Safety Action Program or a court ordered drug program as a condition of reinstatement of the person’s driving privileges may use the route restricted driver’s license to attend the Alcohol and Drug Safety Action Program classes or court ordered drug program in addition to the other permitted uses of the route restricted driver’s license.”

SECTION 5. Section 56-1-1310 of the 1976 Code is repealed.

SECTION 6. Section 56-1-1320 of the 1976 Code is amended to read:

“Section 56-1-1320. (A) A person with a South Carolina driver’s license, a person who had a South Carolina driver’s license at the time of the offense referenced below, or a person exempted from the licensing requirements by Section 56‑1‑30, who is or has been convicted of a first offense violation of ~~an ordinance of~~ a ~~municipality, or~~ a law of this State~~,~~ that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including ~~Section~~ Sections 56‑5‑2930 and ~~Section~~ 56‑5‑2933, and whose license is not presently suspended for any other reason, may apply to the Department of Motor Vehicles to obtain a provisional driver’s license of a design to be determined by the department to operate a motor vehicle. This section does not apply to a person who refused to submit to a breath test pursuant to Section 56-5-2950 or submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of twelve one hundredths of one percent or more. The person shall enter an Alcohol and Drug Safety Action Program ~~as provided for in~~ pursuant to Section 56‑1‑1330, ~~shall furnish proof of responsibility as provided for in Section 56‑1‑1350~~, and shall pay to the department a fee of one hundred dollars for the provisional driver’s license. The provisional driver’s license is not valid for more than six months from the date of issue shown on the license. ~~The determination of whether or not a provisional driver’s license may be issued pursuant to the provisions of this article as well as reviews of cancellations or suspensions under Sections 56‑1‑370 and 56‑1‑820 must be made by the director of the department or his designee.~~

(B) Ninety‑five dollars of the collected fee must be credited to the State’s General Fund ~~of the State~~ for use of the Department 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 7. Section 56-1-1350 of the 1976 Code is repealed.

SECTION 8. Section 56-5-2941 of the 1976 Code is amended to read:

“Section 56-5-2941. (A) ~~Except as otherwise provided in this section, in addition to the penalties required and authorized to be imposed against a person violating the provisions of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or violating the provisions of another law of any other another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs~~ Pursuant to Sections 56-5-2945 and 56-5-2990, the Department of Motor Vehicles ~~must~~ shall require ~~the~~ a person~~, if he is a subsequent offender and~~ who is a resident of this State~~,~~ and who has violated the provisions of Section 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section 56-5-2930 or 56-5-2933, unless the person refused to submit to a breath test pursuant to Section 56-5-2950 or submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of twelve one hundredths of one percent or more. The ~~Department of Motor Vehicles~~ department may waive the requirements of this section if ~~it finds~~ the department determines that the ~~offender~~ person has a medical condition that makes ~~him~~ the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license pursuant to Sections 56-5-2945 and 56-5-2990. The department may withdraw the waiver at any time that the department becomes aware that the person’s medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension or denial of the issuance of a driver’s license or permit pursuant to Section 56-1-286 or 56-5-2951 to have an ignition interlock device installed on any motor vehicle the person drives.

The length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle ~~following the completion of a period of license suspension imposed on the offender person is two years for a second offense, three years for a third offense, and the remainder of the offender’s person’s life for a fourth or subsequent offense~~ is set forth in Sections 56-1-286, 56-5-2945, 56-5-2947, 56-5-2951, and 56-5-2990.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle’s records for offenses pursuant to Section 56-1-286, 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, 56-5-2947, 56-5-2950, or 56-5-2951.

~~(B)~~(C) If a ~~person who is a subsequent offender and a~~ resident of this State is convicted of violating ~~the provisions of~~ a law of ~~any other~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, and, as a result of the conviction, the person is subject to an ignition interlock device requirement in the other state, the person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

~~(C)~~(D) If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in another state, the person may only obtain a South Carolina driver’s license if the person enrolls in the South Carolina ~~ignition interlock device program~~ Ignition Interlock Device Program pursuant to this section. The person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

~~(D)~~(E) The ~~offender shall~~ person must be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services. ~~An offender receiving~~ A person accumulating a total of:

(1) two points or more, but less than three points, ~~will~~ must have ~~their~~ the length of time that the ~~interlock~~ device is required extended by two months~~.~~;

(2) ~~An offender receiving a total of~~ three points or more, but less than four points, ~~will~~ must have ~~their~~ the length of time that the ~~interlock~~ device is required extended by four months, ~~and must~~ shall submit to a substance abuse assessment pursuant to Section 56‑5‑2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the ~~individual~~ person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles ~~must~~ shall suspend the ~~individual’s driver’s~~ person’s ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan~~.~~;

(3) ~~An offender receiving a total of~~ four points or more ~~shall~~ must have ~~their~~ the person’s ignition interlock restricted license suspended for a period of ~~one year~~ six months, ~~and~~ shall submit to a substance abuse assessment pursuant to Section 56‑5‑2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. ~~Completion of the plan is mandatory as a condition of reinstatement of the person’s driving privileges~~ Should the person not complete the recommended plan or not make progress toward completing the plan, the Department of Motor Vehicles shall leave the person’s ignition interlock restricted license in suspended status, or, if the license has already been reinstated following the six-month suspension, shall resuspend the person’s ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan. The Department of Alcohol and Other Drug Abuse Services is responsible for notifying the Department of Motor Vehicles of ~~an individual’s~~ a person’s completion and compliance with education and treatment programs. Upon reinstatement of driving privileges following the six-month suspension, the Department of Probation, Parole and Pardon Services shall reset the person’s point total to zero points, and the person shall complete the remaining period of time on the ignition interlock device.

~~(E)~~(F) The cost of the ~~interlock~~ device must be borne by the ~~offender~~ person. However, if the ~~offender~~ ~~believes he~~ person is indigent and cannot afford the cost of the ~~ignition interlock~~ device, the ~~offender~~ person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the ~~ignition interlock~~ device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services’ Internet web site. If the Department of Probation, Parole and Pardon Services determines that the ~~offender~~ person is indigent as it pertains to the ~~ignition interlock~~ device, ~~it~~ the Department of Probation, Parole and Pardon Services may authorize ~~an interlock~~ a device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the ~~ignition interlock~~ device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund also may be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person’s financial conditions should be considered including, but not limited to, income, debts, assets, number of ~~dependants~~ dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person’s net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. ‘Net income’ means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

~~(F)~~(G) The ignition interlock service provider ~~must~~ shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed ~~three hundred sixty~~ thirty dollars per ~~year~~ month for each ~~year~~ month the person is required to drive a vehicle with ~~an ignition interlock~~ a device. ~~Any~~ A ~~ignition~~ service provider ~~failing~~ who fails to properly remit funds to the Ignition Interlock Device Fund may be decertified as ~~an ignition interlock~~ a service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of ~~an ignition interlock~~ a device must be borne by the service provider.

~~(G)~~(H)(1) The ~~offender must~~ person shall have the ~~interlock~~ device inspected every sixty days to verify that the device is affixed to the motor vehicle and properly operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the ~~offender’s~~ person’s alcohol content at each attempt to start and running ~~re-test~~ retest during each sixty‑day period. Failure of the person to have the interlock device inspected every sixty days must result in one ignition interlock device point.

(2) Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately ~~must~~ shall report ~~any~~ devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the person’s name ~~of the offender~~, identify the vehicle upon which the failed device is installed, and the reason for the failed inspection~~, and~~.

(3) If the inspection report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point.

(4) The inspection report must indicate the ~~offender’s~~ person’s alcohol content at each attempt to start and running ~~re‑test~~ retest during each sixty‑day period. ~~Failure of the offender to have the interlock device inspected every sixty days will result in one ignition interlock device point. Upon review of the ignition interlock device inspection report, if the report reflects that the offender attempted to start the motor vehicle with an alcohol concentration of two one‑hundredths of one percent or more, the offender is assessed one‑half interlock device point. Upon review of the interlock device inspection report, if~~ If the report reflects that the ~~offender~~ person violated a running ~~re‑test~~ retest by having an alcohol concentration of:

(a) ~~between~~ two one‑hundredths of one percent or more ~~and~~ but less than four one‑hundredths of one percent, the ~~offender is~~ person must be assessed one‑half ignition interlock device point~~.~~;

(b) ~~Upon review of the interlock device inspection report, if the report reflects that the offender person violated a running re‑test retest by having an alcohol concentration between~~ four one‑hundredths of one percent or more ~~and~~ but less than fifteen one‑hundredths of one percent, the ~~offender is~~ person must be assessed one ignition interlock device point~~.~~; or

(c) ~~Upon review of the interlock device inspection report, if the report reflects that the offender person violated a running re‑test retest by having an alcohol concentration above~~ fifteen one‑hundredths of one percent or more, the ~~offender is~~ person must be assessed two ignition interlock device points.

(5) ~~An individual~~ A person may appeal ~~any~~ interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer’s decision on appeal ~~shall be~~ is final and no appeal ~~from such decision shall be~~ is allowed.

~~(H)~~(I) ~~Ten~~ Five years from the date of the person’s ~~last conviction~~ driver’s license reinstatement and every five years thereafter a fourth or subsequent offender whose license has been reinstated pursuant to Section 56‑1‑385 may apply to the Department of Probation, Parole and Pardon Services for removal of the ignition interlock device and the removal of the restriction from ~~his~~ the person’s driver’s license. The Department of Probation, Parole and Pardon Services may, for good cause shown, ~~remove the device and remove the restriction~~ notify the Department of Motor Vehicles that the person is eligible to have the restriction removed from the ~~offender’s~~ person’s license.

~~(I)~~(J)(1) Except as otherwise provided in this section, it is unlawful for a person ~~issued a driver’s license with an ignition interlock restriction~~ who is subject to the provisions of this section to drive a motor vehicle that is not equipped with a properly operating, certified ignition interlock device. A person who violates this ~~section must be punished in the manner provided by law~~ subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five hundred dollars, or be imprisoned not more than ninety days, or be confined to the person’s place of residence pursuant to the Home Detention Act for six months. The person must have the length of time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars, or be imprisoned not more than three years, or be confined to the person’s place of residence pursuant to the Home Detention Act for one year. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than fine thousand dollars, or be imprisoned not more than ten years, or be confined to the person’s place of residence pursuant to the Home Detention Act for three years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court.

~~(J)~~(K)(1) ~~An offender that~~ A person who is required in the course and scope of ~~his~~ the person’s employment to drive a motor vehicle owned by the ~~offender’s~~ person’s employer may drive ~~his~~ the employer’s motor vehicle without installation of an ignition interlock device, provided that the ~~offender’s~~ person’s use of the employer’s motor vehicle is solely for the employer’s business purposes. This subsection does not apply to ~~an offender~~ a person who is self‑employed or to ~~an offender~~ a person who is employed by a business owned in whole or in part by the ~~offender~~ person or a member of the ~~offender’s~~ person’s household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle’s ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

(2) Whenever the person operates the employer’s vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicle’s form specified by Section 56-1-400(B).

(3) This subsection will be construed in parallel with the requirements of subsection 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in subsection 56-1-400(B).

~~(K)~~(L) It is unlawful for a person to tamper with or disable, or attempt to tamper with or disable, an ignition interlock device installed on a motor vehicle pursuant to this section. Obstructing or obscuring the camera lens of an ignition interlock device constitutes tampering. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(L)~~(M) It is unlawful for a person to knowingly rent, lease, or otherwise provide ~~an offender~~ a person who is subject to the provisions of this section with a motor vehicle without a properly operating, certified ignition interlock device. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(M)~~(N) It is unlawful for ~~an offender~~ a person who is subject to the provisions of this section to solicit or request another person, or for a person to solicit or request another person on behalf of ~~an offender~~ a person who is subject to the provisions of this section, to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(N)~~(O) It is unlawful for another person to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(O)~~(P) Only ignition interlock devices certified by the Department of Probation, Parole and Pardon Services may be used to fulfill the requirements of this section.

(1) The Department of Probation, Parole and Pardon Services ~~must~~ shall certify whether a device meets the accuracy requirements and specifications provided in guidelines or regulations adopted by the National Highway Traffic Safety Administration, as amended from time to time. All devices certified to be used in South Carolina must be set to prohibit the starting of a motor vehicle when an alcohol concentration of two one‑hundredths of one percent or more is measured and all running ~~re‑tests~~ retests must record violations of an alcohol concentration of two one‑hundredths of one percent or more, and must capture a photographic image of the driver as the driver is operating the ignition interlock device. The photographic images recorded by the ignition interlock device may be used by the Department of Probation, Parole and Pardon Services to aid in the Department of Probation, Parole and Pardon Services’ management of the Ignition Interlock Device Program; however, neither the Department of Probation, Parole and Pardon Services, the Department of Probation, Parole and Pardon Services’ employees, nor any other political subdivision of this State may be held liable for any injury caused by a driver or other person who operates a motor vehicle after the use or attempted use of an ignition interlock device.

(2) The Department of Probation, Parole and Pardon Services shall maintain a current list of certified ignition interlock devices and ~~their~~ manufacturers. The list must be updated at least quarterly. If a particular certified device fails to continue to meet federal requirements, the device must be decertified, may not be used until it is compliant with federal requirements, and must be replaced with a device that meets federal requirements. The cost for removal and replacement must be borne by the manufacturer of the noncertified device.

(3) Only ignition interlock installers certified by the Department of Probation, Parole and Pardon Services may install and service ignition interlock devices required pursuant to this section. The Department of Probation, Parole and Pardon Services shall maintain a current list of vendors that are certified to install the devices.

~~(P)~~(Q) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon ~~Service’s~~ Services’ Internet web site.

~~(Q)~~(R) The Department of Probation, Parole and Pardon Services shall develop policies including, but not limited to, the certification, use, maintenance, and operation of ignition interlock devices and the Ignition Interlock Device Fund.”

SECTION 9. Section 56-5-2942 of the 1976 Code is amended to read:

“Section 56-5-2942. (A) A person who is convicted of or pleads guilty or nolo contendere to a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 must have all motor vehicles owned by or registered to ~~him~~ the person immobilized if the person is a resident of this State, unless the vehicle has been confiscated pursuant to Section 56‑5‑6240 or the person is a holder of a valid ignition interlock restricted license.

(B) For purposes of this section, ‘immobilized’ and ‘immobilization’ mean suspension and surrender of the registration and motor vehicle license plate.

(C) Upon receipt of a conviction by the department from the court for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, the department ~~must~~ shall determine all vehicles registered to the ~~convicted~~ person, both solely and jointly, and suspend all vehicles registered to the person, unless the person is a holder of a valid ignition interlock restricted license.

(D) Upon notification by a court in this State or ~~by any other~~ another state of a conviction for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, the department ~~must~~ shall require the person, unless the person is a holder of a valid ignition interlock restricted license, ~~convicted~~ to surrender all license plates and vehicle registrations subject to immobilization pursuant to this section. The immobilization is for a period of thirty days to take place during the driver’s license suspension pursuant to a conviction for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945. The department ~~must~~ shall maintain a record of all vehicles immobilized pursuant to this section.

(E) An immobilized motor vehicle must be released to the holder of a bona fide lien on the motor vehicle when possession of the motor vehicle is requested, as provided by law, by the lienholder for the purpose of foreclosing on and satisfying the lien.

(F) An immobilized motor vehicle may be released by the department without legal or physical restraints to a person who has not been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, if that person is a registered owner of the motor vehicle or a member of the household of a registered owner. The vehicle must be released if an affidavit is submitted by that person to the department stating that:

(1) ~~he~~ the person regularly drives the motor vehicle subject to immobilization;

(2) the immobilized motor vehicle is necessary to ~~his~~ the person’s employment, transportation to an educational facility, or for the performance of essential household duties;

(3) no other motor vehicle is available for the person’s use;

(4) the person will not authorize the use of the motor vehicle by any other person known by ~~him~~ the person to have been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945; or

(5) the person will report immediately to a local law enforcement agency any unauthorized use of the motor vehicle by a person known by ~~him~~ the person to have been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(G) The department may issue a determination permitting or denying the release of the vehicle based on the affidavit submitted pursuant to subsection (F). A person may seek relief from a department determination immobilizing a motor vehicle or denying the release of the motor vehicle by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

(H) A person who drives an immobilized motor vehicle except as provided in subsections (E) and (F) is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(I) A person who fails to surrender registrations and license plates pursuant to this section is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(J) A fee of fifty dollars must be paid to the department for each motor vehicle that was suspended before any of the suspended registrations and license plates may be registered or before the motor vehicle may be released pursuant to subsection (F). This fee must be placed by the Comptroller General into a special restricted interest bearing account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses.

(K) For purposes of this article, a conviction of or plea of nolo contendere to Section 56‑5‑2933 is considered a prior offense of Section 56‑5‑2930.”

SECTION 10. Section 56-5-2945 of the 1976 Code is amended to read:

“Section 56-5-2945. (A) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to ~~a~~ another person ~~other than himself~~, is guilty of the offense of felony driving under the influence, and, upon conviction, must be punished:

(1) by a mandatory fine of not less than five thousand one hundred dollars nor more than ten thousand one hundred dollars and mandatory imprisonment for not less than thirty days nor more than fifteen years when great bodily injury results;

(2) by a mandatory fine of not less than ten thousand one hundred dollars nor more than twenty‑five thousand one hundred dollars and mandatory imprisonment for not less than one year nor more than twenty‑five years when death results.

A part of the mandatory sentences required to be imposed by this section must not be suspended, and probation must not be granted for any portion.

(B) As used in this section, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(C)(1) The Department of Motor Vehicles ~~must~~ shall suspend the driver’s license of a person who is convicted ~~or who receives sentence upon a plea of guilty or nolo contendere~~ pursuant to this section ~~for a period to include a period of incarceration plus three years for a conviction of Section 56‑5‑2945 when ‘great bodily injury’ occurs and five years when a death occurs. This period of incarceration shall must not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision.~~ For suspension purposes of this section, convictions arising out of a single incident shall must run concurrently.

(2) After the person is released from prison, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three years when ‘great bodily injury’ results and five years when a death occurs.

~~(C)~~(D) 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 of Public Safety for the Highway Patrol.”

SECTION 11. Section 56-5-2947 of the 1976 Code is amended to read:

“Section 56-5-2947. (A) A person eighteen years of age or ~~over~~ older is guilty of child endangerment when:

(1) the person ~~is in violation of~~ violates:

(a) Section 56‑5‑750;

(b) Section 56‑5‑2930;

(c) Section 56‑5‑2933; or

(d) Section 56‑5‑2945; and

(2) the person has one or more passengers ~~under~~ younger than sixteen years of age in the motor vehicle when the violation occurs.

If more than one passenger ~~under~~ younger than sixteen years of age is in the vehicle when a violation ~~of subsection (A)(1)~~ occurs, the person may be charged with only one violation of this section.

(B) Upon conviction, the person must be ~~punished by~~:

(1) ~~a fine of~~ fined not more than one‑half of the maximum fine allowed for committing the violation ~~enumerated~~ in subsection (A)(1), when the person is fined for that offense;

(2) ~~a term of imprisonment of~~ imprisoned not more than one‑half of the maximum term of imprisonment allowed for committing the violation ~~enumerated~~ listed in subsection (A)(1), when the person is imprisoned for the offense; or

(3) ~~both a fine and imprisonment~~ fined and imprisoned as prescribed in items (1) and (2) when the person is fined and imprisoned for the offense.

(C) No portion of the penalty assessed ~~under~~ pursuant to subsection (B) may be suspended or revoked and probation may not be awarded.

(D)(1) In addition to imposing the penalties for offenses ~~enumerated~~ listed in subsection (A)(1) and the penalties contained in subsection (B), the Department of Motor Vehicles ~~must~~ shall suspend the person’s driver’s license ~~for sixty days~~.

(2) The person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three months.

(3) Sections 56‑1‑1320 and 56‑5‑2990 as they relate to enrollment in an alcohol and drug safety action program and to the issuance of a provisional driver’s license will not be effective until the ~~sixty‑day suspension~~ ignition interlock restricted license period is completed.

(E) A person may be convicted ~~under~~ pursuant to this section for child endangerment in addition to being convicted for an offense ~~enumerated~~ listed in subsection (A)(1).

(F) The court that has jurisdiction over an offense ~~enumerated~~ listed in subsection (A)(1) has jurisdiction over the offense of child endangerment.

(G) A first offense charge for a violation of this section may not be used as the only evidence for taking a child into protective custody pursuant to Sections 63‑7‑620(A) and 63‑7‑660.”

SECTION 12. Section 56-5-2950 of the 1976 Code is amended to read:

“Section 56-5-2950. (A) A person who drives a motor vehicle in this State is considered to have given consent to chemical tests of ~~his~~ the person’s breath, blood, or urine for the purpose of determining the presence of alcohol, ~~or~~ drugs, or the combination of alcohol and drugs, if arrested for an offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs. A breath test must be administered at the direction of a law enforcement officer who has arrested a person for driving a motor vehicle in this State while under the influence of alcohol, drugs, or a combination of alcohol and drugs. At the direction of the arresting officer, the person first must be offered a breath test to determine the person’s alcohol concentration. If the person is physically unable to provide an acceptable breath sample because ~~he~~ the person has an injured mouth, is unconscious or dead, or for any other reason considered acceptable by the licensed medical personnel, the arresting officer may request a blood sample to be taken. If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, or is under the influence of a combination of alcohol and drugs, the officer may order that a urine sample be taken for testing. A breath sample taken for testing must be collected within two hours of the arrest. Any additional tests to collect other samples must be collected within three hours of the arrest. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to SLED policies. Before the breath test is administered, an eight one‑hundredths of one percent simulator test must be performed and the result must reflect a reading between 0.076 percent and 0.084 percent. Blood and urine samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, and other medical personnel trained to obtain the samples in a licensed medical facility. Blood and urine samples must be obtained and handled in accordance with procedures approved by SLED.

(B) No tests may be administered or samples obtained unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(1) ~~he~~ the person does not have to take the test or give the samples, but that ~~his~~ the person’s privilege to drive must be suspended or denied for at least six months with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person refuses to submit to the test, and that ~~his~~ the person’s refusal may be used against ~~him~~ the person in court;

(2) ~~his~~ the person’s privilege to drive must be suspended for at least one month with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person takes the test or gives the samples and has an alcohol concentration of fifteen one‑hundredths of one percent or more;

(3) ~~he~~ the person has the right to have a qualified person of ~~his~~ the person’s own choosing conduct additional independent tests at ~~his~~ the person’s expense;

(4) ~~he~~ the person has the right to request ~~an administrative~~ a contested case hearing within thirty days of the issuance of the notice of suspension; and

(5) if ~~he~~ the person does not request ~~an administrative~~ a contested case hearing or if ~~his~~ the person’s suspension is upheld at the ~~administrative~~ contested case hearing, ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program.

(C) A hospital, physician, qualified technician, chemist, or registered nurse who obtains the samples or conducts the test or participates in the process of obtaining the samples or conducting the test in accordance with this section is not subject to a cause of action for assault, battery, or another cause alleging that the drawing of blood or taking samples at the request of the arrested person or a law enforcement officer was wrongful. This release from liability does not reduce the standard of medical care required of the person obtaining the samples or conducting the test. This qualified release also applies to the employer of the person who conducts the test or obtains the samples.

(D) The person tested or giving samples for testing may have a qualified person of ~~his~~ the person’s own choosing conduct additional tests at ~~his~~ the person’s expense and must be notified in writing of that right. A person’s request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial. The failure or inability of the person tested to obtain additional tests does not preclude the admission of evidence relating to the tests or samples obtained at the direction of the law enforcement officer.

(E) The arresting officer ~~must~~ shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance, at a minimum, includes providing transportation for the person to the nearest medical facility which performs blood tests to determine a person’s alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood sample to determine the person’s alcohol concentration, SLED ~~must~~ shall test the blood sample and provide the result to the person and to the arresting officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in ~~any~~ a judicial or administrative proceeding.

SLED ~~must~~ shall administer the provisions of this subsection and ~~must~~ shall make regulations necessary to carry out ~~its~~ this subsection’s provisions. The costs of the tests administered at the direction of the law enforcement officer must be paid from the State’s general fund ~~of the state~~. However, if the person is subsequently convicted of violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, then, upon conviction, the person ~~must~~ shall pay twenty‑five dollars for the costs of the tests. The twenty‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(F) A qualified person who obtains samples or administers the tests or assists in obtaining samples or the administration of tests at the direction of a law enforcement officer is released from civil and criminal liability unless the obtaining of samples or tests is performed in a negligent, reckless, or fraudulent manner. No person may be required by the arresting officer, or by another law enforcement officer, to obtain or take any sample of blood or urine.

(G) In the criminal prosecution for a violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 the alcohol concentration at the time of the test, as shown by chemical analysis of the person’s breath or other body fluids, gives rise to the following:

(1) if the alcohol concentration was at that time five one‑hundredths of one percent or less, it is conclusively presumed that the person was not under the influence of alcohol;

(2) if the alcohol concentration was at that time in excess of five one‑hundredths of one percent but less than eight one‑hundredths of one percent, this fact does not give rise to any inference that the person was or was not under the influence of alcohol, but this fact may be considered with other evidence in determining the guilt or innocence of the person; or

(3) if the alcohol concentration was at that time eight one‑hundredths of one percent or more, it may be inferred that the person was under the influence of alcohol.

The provisions of this section must not be construed as limiting the introduction of any other evidence bearing upon the question of whether or not the person was under the influence of alcohol, drugs, or a combination of ~~them~~ alcohol and drugs.

(H) A person who is unconscious or otherwise in a condition rendering ~~him~~ the person incapable of refusal is considered to be informed and not to have withdrawn the consent provided by subsection (A) of this section.

(I) A person required to submit to tests by the arresting law enforcement officer must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any trial or other proceeding in which the results of the tests are used as evidence. A person who obtains additional tests ~~must~~ shall furnish a copy of the time, method, and results of ~~any tests~~ such tests to the officer before ~~any~~ a trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

(J) Policies, procedures, and regulations promulgated by SLED may be reviewed by the trial judge or hearing officer on motion of either party. The failure to follow ~~any of these~~ policies, procedures, and regulations, or the provisions of this section, shall result in the exclusion from evidence of any test results, if the trial judge or hearing officer finds that this failure materially affected the accuracy or reliability of the test results or the fairness of the testing procedure and the court trial judge or hearing officer rules specifically as to the manner in which the failure materially affected the accuracy or reliability of the test results or the fairness of the procedure.

(K) If a state employee charged with the maintenance of breath testing devices in this State and the administration of breath testing policy is required to testify at ~~an administrative~~ a contested case hearing or court proceeding, the entity employing the witness may charge a reasonable fee to the defendant for ~~these~~ such services.”

SECTION 13. Section 56-5-2951 of the 1976 Code is amended to read:

“Section 56-5-2951. (A) The Department of Motor Vehicles ~~must~~ shall suspend the driver’s license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to, a person who drives a motor vehicle and refuses to submit to a test provided for in Section 56‑5‑2950 or has an alcohol concentration of fifteen one‑hundredths of one percent or more. The arresting officer ~~must~~ shall issue a notice of suspension which is effective beginning on the date of the alleged violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(B) Within thirty days of the issuance of the notice of suspension, the person may:

(1) obtain a temporary alcohol license ~~by filing with~~ from 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 distributed by the Department of Motor Vehicles to the Department 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~~ the Department of Motor Vehicle’s expenses. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F) or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer’s decision and the Department of Motor Vehicles sends notice to the person that ~~he~~ the person is eligible to receive a restricted license pursuant to subsection (H); and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with ~~its~~ the Office of Motor Vehicle Hearings’ rules of procedure.

At the contested case hearing if:

(a) the suspension is upheld, the person’s driver’s license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990;

(b) the suspension is overturned, the person must have ~~his~~ the person’s driver’s license, permit, or nonresident operating privilege reinstated.

The provisions of this subsection do not affect the trial for a violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(C) The period of suspension provided for in subsection (I) begins on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continues until the person applies for a temporary alcohol license and requests a contested case hearing.

(D) If a person does not request a contested case hearing, ~~he~~ the person waives ~~his~~ the person’s right to the hearing, and ~~his~~ the person’s suspension must not be stayed but continues for the period provided for in subsection (I).

(E) The notice of suspension must advise the person:

(1) of ~~his~~ the person’s right to obtain a temporary alcohol driver’s license and to request a contested case hearing before the Office of Motor Vehicle Hearings~~.~~;

(2) ~~The notice of suspension also must advise the person~~ that, if ~~he~~ the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, ~~he~~ the person waives ~~his~~ the person’s right to the ~~administrative~~ contested case hearing, and the suspension continues for the period provided for in subsection (I)~~.~~; and

(3) ~~The notice of suspension also must advise the person~~ that if the suspension is upheld at the contested case hearing or ~~if he~~ the person does not request a contested case hearing, ~~he~~ the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program.

(F) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

(1) was lawfully arrested or detained;

(2) was given a written copy of and verbally informed of the rights enumerated in Section 56‑5‑2950;

(3) refused to submit to a test pursuant to Section 56‑5‑2950; or

(4) consented to taking a test pursuant to Section 56‑5‑2950, and the:

(a) reported alcohol concentration at the time of testing was fifteen one‑hundredths of one percent or more;

(b) individual who administered the test or took samples was qualified pursuant to Section 56‑5‑2950;

(c) tests administered and samples obtained were conducted pursuant to Section 56‑5‑2950; and

(d) machine was working properly.

Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

A written order must be issued to all parties either reversing or upholding the suspension of the person’s license, permit, or nonresident’s operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days ~~his~~ the person’s license was suspended before ~~he~~ the person received a temporary alcohol license and requested the contested case hearing.

The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person’s license, permit, or nonresident’s operating privilege regardless of whether the person requesting the contested case hearing or the person’s attorney appears at the contested case hearing.

(G) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with ~~its~~ the Administrative Law Court’s appellate rules. The filing of an appeal stays the suspension until a final decision is issued on appeal.

(H)(1) If the person did not request a contested case hearing or the suspension is upheld at the ~~administrative~~ contested case hearing, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990, and may apply for a restricted license if ~~he~~ the person is employed or enrolled in a college or university. The restricted license permits ~~him~~ the person to drive only to and from work and ~~his~~ the person’s place of education and in the course of ~~his~~ the person’s employment or education during the period of suspension. The restricted license also permits ~~him~~ the person to drive to and from the Alcohol Drug Safety Action Program classes or to a court‑ordered drug program. The department may issue the restricted license only upon showing by the ~~individual~~ person that ~~he~~ the person is employed or enrolled in a college or university, that ~~he~~ the person lives further than one mile from ~~his~~ the person’s place of employment, place of education, or location of ~~his~~ the person’s Alcohol and Drug Safety Action Program classes, or the location of ~~his~~ the person’s court‑ordered drug program, and that there is no adequate public transportation between ~~his~~ the person’s residence and ~~his~~ the person’s place of employment, ~~his~~ the person’s place of education, the location of ~~his~~ the person’s Alcohol and Drug Safety Action Program classes, or the location of ~~his~~ the person’s court‑ordered drug program.

(2) If the department issues a restricted license pursuant to this subsection, ~~it must~~ the department shall designate reasonable restrictions on the times during which and routes on which the ~~individual~~ person may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of attendance of ~~his~~ the person’s court‑ordered drug program, or residence must be reported immediately to the department by the ~~licensee~~ person.

(3) The fee for a restricted license is one hundred dollars, but no additional fee may be charged because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the ~~state~~ state’s general fund, and eighty dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~the expenses of~~ the Department of Motor ~~Vehicles~~ Vehicle’s expenses.

(4) Driving a motor vehicle outside the time limits and route imposed by a restricted license ~~by the person issued that license~~ is a violation of Section 56‑1‑460.

(I)(1) ~~The~~ Except as provided in subsection (I)(3), the period of a driver’s license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section ~~56‑5‑2950~~ 56-1-286, ~~or~~ 56‑5‑2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) six months for a person who refuses to submit to a test pursuant to Section 56‑5‑2950; or

(b) one month for a person who takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more.

(2) The period of a driver’s license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, ~~an arrested~~ a person who has been convicted previously for violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or ~~any other~~ another law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section ~~56‑5‑2950~~ 56-1-286, ~~or~~ 56‑5‑2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) for a second offense, nine months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950, or two months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more;

(b) for a third offense, twelve months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950, or three months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more; and

(c) for a fourth or subsequent offense, fifteen months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950, or four months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more.

(3) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(J) A person’s driver’s license, permit, or nonresident operating privilege must be restored when the person’s period of suspension or ignition interlock restricted license requirement ~~under~~ pursuant to subsection (I) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program ~~in which he is enrolled~~. After the person’s driving privilege is restored, ~~he must~~ the person shall continue the services of the Alcohol and Drug Safety Action Program ~~in which he is enrolled~~. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person’s license must be suspended until the completion of the Alcohol and Drug Safety Action Program. A person ~~must~~ shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 before ~~his~~ the person’s driving privilege can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

(K) When a nonresident’s privilege to drive a motor vehicle in this State has been suspended ~~under~~ pursuant to the provisions of this section, the department ~~must~~ shall give written notice of the action taken to the motor vehicle administrator of the state of the person’s residence and of any state in which ~~he~~ the person has a license or permit.

(L) The department ~~must~~ shall not suspend the privilege to drive of a person under the age of twenty‑one pursuant to Section 56‑1‑286, if the person’s privilege to drive has been suspended ~~under~~ pursuant to this section arising from the same incident.

(M) A person whose driver’s license or permit is suspended pursuant to this section is not required to file proof of financial responsibility.

(N) An insurer ~~may~~ shall not increase premiums on, add surcharges to, or cancel the automobile insurance of a person charged with a violation of Section 56‑1‑286, 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~another~~ a law of ~~this State~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs based solely on the violation unless ~~he~~ the person is convicted of the violation.

(O) The department ~~must~~ shall administer the provisions of this section ~~and must promulgate regulations necessary to carry out its provisions~~.

~~(P)~~ ~~If a person does not request a contested case hearing within the thirty‑day period as authorized pursuant to this section, the person may file with the department a form after enrolling in a certified Alcohol and Drug Safety Action Program to apply for a restricted license. The restricted license permits him to drive only to and from work and his place of education and in the course of his employment or education during the period of suspension. The restricted license also permits him to drive to and from Alcohol and Drug Safety Action Program classes or a court‑ordered drug program. The department may issue the restricted license at any time following the suspension upon a showing by the individual that he is employed or enrolled in a college or university, that he lives further than one mile from his place of employment, place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court‑ordered drug program, and that there is no adequate public transportation between his residence and his place of employment, his place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court‑ordered drug program. The department must designate reasonable restrictions on the times during which and routes on which the individual may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of his court‑ordered drug program, or residence must be reported immediately to the department by the licensee. The route restrictions, requirements, and fees imposed by the department for the issuance of the restricted license issued pursuant to this item are the same as those provided in this section had the person requested a contested case hearing. A restricted license is valid until the person successfully completes a certified Alcohol and Drug Safety Action Program, unless the person fails to complete or make satisfactory progress to complete the program.~~”

SECTION 14. Section 56-5-2990 of the 1976 Code is amended to read:

“Section 56-5-2990. (A)(1) The Department of Motor Vehicles shall suspend the driver’s license of a person who is convicted~~, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted~~ for a violation of Section 56‑5‑2930, 56‑5‑2933, or ~~for the violation of another law or ordinance of this State or of a municipality of this State~~ a law of another state that prohibits a person from driving a motor vehicle while under the influence of ~~intoxicating liquor, drugs, or narcotics for six months for the first conviction, plea of guilty or nolo contendre, or forfeiture of bail; one year for the a second conviction, plea of guilty or of nolo contendere, or forfeiture of bail; two years for the a third conviction, plea of guilty or of nolo contendere, or forfeiture of bail; and a permanent revocation of the driver’s license for the a fourth or subsequent conviction, plea of guilty or of nolo contendere, or forfeiture of bail. Only those violations which occurred within ten years including and immediately preceding the date of the last violation shall constitute prior violations within the meaning of this section. However, if the third conviction occurs within five years from the date of the first offense, then the department shall suspend the driver’s license for four years. A person whose license is revoked following conviction for a fourth offense as provided in this section is forever barred from being issued any license by the Department of Motor Vehicles to operate a motor vehicle except as provided in Section 56‑1‑385~~ alcohol or other drugs.

(2) For a first offense:

(a) If a person refused to submit to a breath test pursuant to Section 56-5-2950, the person’s driver’s license must be suspended six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(b) If a person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of less than twelve one hundredths of one percent, the person’s driver’s license must be suspended six months. The person is eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(c) If a person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of twelve one hundredths of one percent or more, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56.

(3) For a second offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for two years.

(4) For a third offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for three years. If the third offense occurs within five years from the date of the first offense, the ignition interlock device is required to be affixed to the motor vehicle for four years.

(5) For a fourth or subsequent offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for life.

(6) Except as provided in subsection (A)(4), only those offenses which occurred within ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.

(B) A person whose license is suspended ~~under the provisions~~ pursuant to this section, Section 56‑1‑286, Section 56‑5‑2945, or Section 56‑5‑2951 must be notified by the department of the suspension and of the requirement to enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services. ~~A person who must complete an Alcohol and Drug Safety Action Program as a condition of reinstatement of his driving privileges or a court‑ordered drug program may use the route restricted or special restricted driver’s license to attend the Alcohol and Drug Safety Action Program classes or court‑ordered drug program in addition to the other permitted uses of a route restricted driver’s license or a special restricted driver’s license.~~ An assessment of the extent and nature of the alcohol and drug abuse problem, if any, of the ~~applicant~~ person must be prepared and a plan of education or treatment, or both, must be developed for the ~~applicant~~ person. Entry into and successful completion of the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the ~~applicant~~ person is a mandatory requirement of the issuance of an ignition interlock restricted license and restoration of driving privileges to the ~~applicant~~ person whose license is suspended pursuant to this section. The Alcohol and Drug Safety Action Program shall determine if the ~~applicant~~ person has successfully completed the services. Alcohol and Drug Safety Action Programs shall meet at least once a month. The person whose license is suspended ~~must~~ shall attend the first Alcohol and Drug Safety Action Program available after the date of enrollment.

(C) The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each ~~applicant~~ person shall bear the cost of services recommended in the ~~applicant’s~~ person’s plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. No ~~applicant~~ person may be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the ~~applicant~~ person has successfully completed services. ~~An applicant~~ A person who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the ~~applicant~~ person has successfully completed services. The Department of Alcohol and Other Drug Abuse Services ~~will~~ shall report annually to the House Ways and Means Committee and Senate Finance Committee on the number of first and multiple offenders completing the Alcohol and Drug Safety Action Program, the amount of fees collected and expenses incurred by each Alcohol and Drug Safety Action Program, and the number of community service hours performed in lieu of payment.

(D) If the ~~applicant~~ person has not successfully completed the services as directed by the Alcohol and Drug Safety Action Program within one year of enrollment, a hearing must be provided by the Alcohol and Drug Safety Action Program whose decision is appealable to the Department of Alcohol and Other Drug Abuse Services. If the ~~applicant~~ person is unsuccessful in the Alcohol and Drug Safety Action Program, the Department of Motor Vehicles may ~~restore the privilege to drive a motor vehicle~~ waive the successful completion of the program as a mandatory requirement of the issuance of an ignition interlock restricted license upon the recommendation of the Medical Advisory Board as utilized by the ~~department~~ Department of Motor Vehicles, if ~~it~~ the Medical Advisory Board determines public safety and welfare of the ~~petitioner~~ person may not be endangered.

(E) The Department of Motor Vehicles and the Department of Alcohol and Other Drug Abuse Services shall develop procedures necessary for the communication of information pertaining to relicensing, or otherwise. These procedures must be consistent with the confidentiality laws of the State and the United States. If ~~the drivers~~ a person’s driver’s license ~~of any a person~~ is suspended ~~by authority of~~ pursuant to this section, ~~no~~ an insurance company ~~may~~ shall not refuse to issue insurance to cover the remaining members of ~~his~~ the person’s family, but the insurance company is not liable for any actions of the person whose license has been suspended or who has voluntarily turned ~~his~~ the person’s license in to the Department of Motor Vehicles.

~~(F)~~ ~~Except as provided for in Section 56‑1‑365(D) and (E), the driver’s license suspension periods under this section begin on the date the person is convicted, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted for the a violation of Section 56‑5‑2930, 56‑5‑2933, or for the violation of any other a law of this State or ordinance of a county or municipality of this State that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, or narcotics; however, a person is not prohibited from filing a notice of appeal and receiving a certificate which entitles him to operate a motor vehicle for a period of sixty days after the conviction, plea of guilty or nolo contendere, or bail forfeiture pursuant to Section 56‑1‑365(F).~~”

SECTION 15. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. 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.

SECTION 16. This act takes effect on October 1, 2014. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY was recognized to speak on the committee amendment.

Senator HUTTO spoke on the committee amendment.

The committee amendment was adopted.

**Amendment No. 1**

Senator MALLOY proposed the following Amendment No. 1 (JUD0137.014), which was tabled:

Amend the bill, as and if amended, page [137-26], by striking lines 30-36, and inserting:

/ (2) After the person is released from prison, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three years when ‘great bodily injury’ results and for life when a death occurs. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator HUTTO spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 30; Nays 9; Abstain 1**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Fair

Hayes Hembree Hutto

Leatherman Lourie *Martin, Larry*

*Martin, Shane* Massey Nicholson

O'Dell Peeler Rankin

Reese Setzler Shealy

Thurmond Turner Young

**Total--30**

**NAYS**

Ford Jackson Johnson

Malloy Matthews McElveen

McGill Scott Williams

**Total--9**

**ABSTAIN**

Bryant

**Total--1**

The amendment was laid on the table.

**Amendment No. 2**

Senator HUTTO proposed the following Amendment No. 2 (JUD0137.016), which was adopted:

Amend the bill, as and if amended, by striking, beginning on page [137-15], SECTION 8 in its entirety, and inserting:

/ SECTION 8. Section 56-5-2941 of the 1976 Code is amended to read:

“Section 56-5-2941. (A) ~~Except as otherwise provided in this section, in addition to the penalties required and authorized to be imposed against a person violating the provisions of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or violating the provisions of another law of any other another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs the~~ The Department of Motor Vehicles ~~must~~ shall require ~~the~~ a person~~, if he is a subsequent offender and~~ who is a resident of this State~~,~~ and who has violated the provisions of Section 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section 56-5-2930 or 56-5-2933, unless the person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of twelve one hundredths of one percent or more. The ~~Department of Motor Vehicles~~ department may waive the requirements of this section if ~~it finds~~ the department determines that the ~~offender~~ person has a medical condition that makes ~~him~~ the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person’s medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension or denial of the issuance of a driver’s license or permit to have an ignition interlock device installed on any motor vehicle the person drives.

The length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle ~~following the completion of a period of license suspension imposed on the offender person is two years for a second offense, three years for a third offense, and the remainder of the offender's person’s life for a fourth or subsequent offense~~ is set forth in Sections 56-1-286, 56-5-2945, 56-5-2947, 56-5-2951, and 56-5-2990.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle's records for offenses pursuant to Section 56-1-286, 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, 56-5-2947, 56-5-2950, or 56-5-2951.

~~(B)~~(C) If a ~~person who is a subsequent offender and a~~ resident of this State is convicted of violating ~~the provisions of~~ a law of ~~any other~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, and, as a result of the conviction, the person is subject to an ignition interlock device requirement in the other state, the person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

~~(C)~~(D) If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in another state, the person may only obtain a South Carolina driver's license if the person enrolls in the South Carolina ~~ignition interlock device program~~ Ignition Interlock Device Program pursuant to this section. The person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

~~(D)~~(E) The ~~offender shall~~ person must be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services. ~~An offender receiving~~ A person accumulating a total of:

(1) two points or more, but less than three points, ~~will~~ must have ~~their~~ the length of time that the ~~interlock~~ device is required extended by two months~~.~~;

(2) ~~An offender receiving a total of~~ three points or more, but less than four points, ~~will~~ must have ~~their~~ the length of time that the ~~interlock~~ device is required extended by four months, ~~and must~~ shall submit to a substance abuse assessment pursuant to Section 56‑5‑2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the ~~individual~~ person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles ~~must~~ shall suspend the ~~individual's driver’s~~ person’s ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan~~.~~;

(3) ~~An offender receiving a total of~~ four points or more ~~shall~~ must have ~~their~~ the person’s ignition interlock restricted license suspended for a period of ~~one year~~ six months, ~~and~~ shall submit to a substance abuse assessment pursuant to Section 56‑5‑2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. ~~Completion of the plan is mandatory as a condition of reinstatement of the person's driving privileges~~ Should the person not complete the recommended plan or not make progress toward completing the plan, the Department of Motor Vehicles shall leave the person’s ignition interlock restricted license in suspended status, or, if the license has already been reinstated following the six-month suspension, shall resuspend the person’s ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan. The Department of Alcohol and Other Drug Abuse Services is responsible for notifying the Department of Motor Vehicles of ~~an individual's~~ a person’s completion and compliance with education and treatment programs. Upon reinstatement of driving privileges following the six-month suspension, the Department of Probation, Parole and Pardon Services shall reset the person’s point total to zero points, and the person shall complete the remaining period of time on the ignition interlock device.

~~(E)~~(F) The cost of the ~~interlock~~ device must be borne by the ~~offender~~ person. However, if the ~~offender~~ ~~believes he~~ person is indigent and cannot afford the cost of the ~~ignition interlock~~ device, the ~~offender~~ person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the ~~ignition interlock~~ device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services' Internet web site. If the Department of Probation, Parole and Pardon Services determines that the ~~offender~~ person is indigent as it pertains to the ~~ignition interlock~~ device, ~~it~~ the Department of Probation, Parole and Pardon Services may authorize ~~an interlock~~ a device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the ~~ignition interlock~~ device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund also may be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person's financial conditions should be considered including, but not limited to, income, debts, assets, number of ~~dependants~~ dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person's net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. ‘Net income’ means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

~~(F)~~(G) The ignition interlock service provider ~~must~~ shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed ~~three hundred sixty~~ thirty dollars per ~~year~~ month for each ~~year~~ month the person is required to drive a vehicle with ~~an ignition interlock~~ a device. ~~Any~~ A ~~ignition~~ service provider ~~failing~~ who fails to properly remit funds to the Ignition Interlock Device Fund may be decertified as ~~an ignition interlock~~ a service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of ~~an ignition interlock~~ a device must be borne by the service provider.

~~(G)~~(H)(1) The ~~offender must~~ person shall have the ~~interlock~~ device inspected every sixty days to verify that the device is affixed to the motor vehicle and properly operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the ~~offender's~~ person’s alcohol content at each attempt to start and running ~~re-test~~ retest during each sixty‑day period. Failure of the person to have the interlock device inspected every sixty days must result in one ignition interlock device point.

(2) Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately ~~must~~ shall report ~~any~~ devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the person’s name ~~of the offender~~, identify the vehicle upon which the failed device is installed, and the reason for the failed inspection~~, and~~.

(3) If the inspection report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point.

(4) The inspection report must indicate the ~~offender's~~ person’s alcohol content at each attempt to start and running ~~re‑test~~ retest during each sixty‑day period. ~~Failure of the offender to have the interlock device inspected every sixty days will result in one ignition interlock device point. Upon review of the ignition interlock device inspection report, if the report reflects that the offender attempted to start the motor vehicle with an alcohol concentration of two one‑hundredths of one percent or more, the offender is assessed one‑half interlock device point. Upon review of the interlock device inspection report, if~~ If the report reflects that the ~~offender~~ person violated a running ~~re‑test~~ retest by having an alcohol concentration of:

(a) ~~between~~ two one‑hundredths of one percent or more ~~and~~ but less than four one‑hundredths of one percent, the ~~offender is~~ person must be assessed one‑half ignition interlock device point~~.~~;

(b) ~~Upon review of the interlock device inspection report, if the report reflects that the offender person violated a running re‑test retest by having an alcohol concentration between~~ four one‑hundredths of one percent or more ~~and~~ but less than fifteen one‑hundredths of one percent, the ~~offender is~~ person must be assessed one ignition interlock device point~~.~~; or

(c) ~~Upon review of the interlock device inspection report, if the report reflects that the offender person violated a running re‑test retest by having an alcohol concentration above~~ fifteen one‑hundredths of one percent or more, the ~~offender is~~ person must be assessed two ignition interlock device points.

(5) ~~An individual~~ A person may appeal ~~any~~ interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer's decision on appeal ~~shall be~~ is final and no appeal ~~from such decision shall be~~ is allowed.

~~(H)~~(I) ~~Ten~~ Five years from the date of the person's ~~last conviction~~ driver’s license reinstatement and every five years thereafter a fourth or subsequent offender whose license has been reinstated pursuant to Section 56‑1‑385 may apply to the Department of Probation, Parole and Pardon Services for removal of the ignition interlock device and the removal of the restriction from ~~his~~ the person’s driver's license. The Department of Probation, Parole and Pardon Services may, for good cause shown, ~~remove the device and remove the restriction~~ notify the Department of Motor Vehicles that the person is eligible to have the restriction removed from the ~~offender's~~ person’s license.

~~(I)~~(J)(1) Except as otherwise provided in this section, it is unlawful for a person ~~issued a driver's license with an ignition interlock restriction~~ who is subject to the provisions of this section to drive a motor vehicle that is not equipped with a properly operating, certified ignition interlock device. A person who violates this ~~section must be punished in the manner provided by law~~ subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five hundred dollars, or be imprisoned not more than ninety days, or be confined to the person’s place of residence pursuant to the Home Detention Act for not more than ninety days. The person must have the length of time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars, or be imprisoned not more than three years, or be confined to the person’s place of residence pursuant to the Home Detention Act for one year. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than five thousand dollars, or be imprisoned not more than ten years, or be confined to the person’s place of residence pursuant to the Home Detention Act for three years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court.

~~(J)~~(K)(1) ~~An offender that~~ A person who is required in the course and scope of ~~his~~ the person’s employment to drive a motor vehicle owned by the ~~offender's~~ person’s employer may drive ~~his~~ the employer's motor vehicle without installation of an ignition interlock device, provided that the ~~offender's~~ person’s use of the employer's motor vehicle is solely for the employer's business purposes. This subsection does not apply to ~~an offender~~ a person who is self‑employed or to ~~an offender~~ a person who is employed by a business owned in whole or in part by the ~~offender~~ person or a member of the ~~offender's~~ person’s household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

(2) Whenever the person operates the employer’s vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicle’s form specified by Section 56-1-400(B).

(3) This subsection will be construed in parallel with the requirements of subsection 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in subsection 56-1-400(B).

~~(K)~~(L) It is unlawful for a person to tamper with or disable, or attempt to tamper with or disable, an ignition interlock device installed on a motor vehicle pursuant to this section. Obstructing or obscuring the camera lens of an ignition interlock device constitutes tampering. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(L)~~(M) It is unlawful for a person to knowingly rent, lease, or otherwise provide ~~an offender~~ a person who is subject to the provisions of this section with a motor vehicle without a properly operating, certified ignition interlock device. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(M)~~(N) It is unlawful for ~~an offender~~ a person who is subject to the provisions of this section to solicit or request another person, or for a person to solicit or request another person on behalf of ~~an offender~~ a person who is subject to the provisions of this section, to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(N)~~(O) It is unlawful for another person to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(O)~~(P) Only ignition interlock devices certified by the Department of Probation, Parole and Pardon Services may be used to fulfill the requirements of this section.

(1) The Department of Probation, Parole and Pardon Services ~~must~~ shall certify whether a device meets the accuracy requirements and specifications provided in guidelines or regulations adopted by the National Highway Traffic Safety Administration, as amended from time to time. All devices certified to be used in South Carolina must be set to prohibit the starting of a motor vehicle when an alcohol concentration of two one‑hundredths of one percent or more is measured and all running ~~re‑tests~~ retests must record violations of an alcohol concentration of two one‑hundredths of one percent or more, and must capture a photographic image of the driver as the driver is operating the ignition interlock device. The photographic images recorded by the ignition interlock device may be used by the Department of Probation, Parole and Pardon Services to aid in the Department of Probation, Parole and Pardon Services’ management of the Ignition Interlock Device Program; however, neither the Department of Probation, Parole and Pardon Services, the Department of Probation, Parole and Pardon Services’ employees, nor any other political subdivision of this State may be held liable for any injury caused by a driver or other person who operates a motor vehicle after the use or attempted use of an ignition interlock device.

(2) The Department of Probation, Parole and Pardon Services shall maintain a current list of certified ignition interlock devices and ~~their~~ manufacturers. The list must be updated at least quarterly. If a particular certified device fails to continue to meet federal requirements, the device must be decertified, may not be used until it is compliant with federal requirements, and must be replaced with a device that meets federal requirements. The cost for removal and replacement must be borne by the manufacturer of the noncertified device.

(3) Only ignition interlock installers certified by the Department of Probation, Parole and Pardon Services may install and service ignition interlock devices required pursuant to this section. The Department of Probation, Parole and Pardon Services shall maintain a current list of vendors that are certified to install the devices.

~~(P)~~(Q) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon ~~Service's~~ Services’ Internet web site. Information obtained by the Department of Probation, Parole and Pardon Services and ignition interlock service providers regarding a person’s participation in the Ignition Interlock Device Program is to be used for internal purposes only and is not subject to the Freedom of Information Act. A person participating in the Ignition Interlock Device Program or the person’s family member may request that the Department of Probation, Parole and Pardon Services provide the person or family member with information obtained by the department and ignition interlock service providers. The Department of Probation, Parole and Pardon Services may release the information to the person or family member at the department’s discretion. The Department of Probation, Parole and Pardon Services and ignition interlock service providers may retain information regarding a person’s participation in the Ignition Interlock Device Program for a period not to exceed eighteen months from the date of the person’s completion of the Ignition Interlock Device Program.

~~(Q)~~(R) The Department of Probation, Parole and Pardon Services shall develop policies including, but not limited to, the certification, use, maintenance, and operation of ignition interlock devices and the Ignition Interlock Device Fund.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator MALLOY spoke on the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 0; Abstain 1**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Ford Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--42**

**NAYS**

**Total--0**

**ABSTAIN**

Bryant

**Total--1**

The amendment was adopted.

**Amendment No. 3**

Senator MASSEY proposed the following Amendment No. 3 (JUD0137.006), which was adopted:

Amend the bill, as and if amended, page [137-21], by striking lines 1-23.

/ (a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year. The person must have the length of time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five thousand dollars or imprisoned not more than three years. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than ten thousand dollars or imprisoned not more than ten years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

**Amendment No. 4**

Senators CROMER, SHEALY, MASSEY, LOURIE, SETZLER, LARRY MARTIN and FAIR proposed the following Amendment No. 4 (JUD0137.018), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_. This act may be cited as “Emma’s Law”. /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

Senator LOURIE spoke on the amendment.

The amendment was adopted.

**Amendment No. 5**

Senator MALLOY proposed the following Amendment No. 5 (JUD0137.020), which was adopted:

Amend the bill, as and if amended, page [137-22], by striking lines 11-17 and inserting:

/ ~~(L)~~(M) It is unlawful for a person to knowingly rent, lease, or otherwise provide ~~an offender~~ a person who is subject to this section with a motor vehicle without a properly operating, certified ignition interlock device. This subsection does not apply if the person began the lease contract period for the motor vehicle prior to the person’s arrest for a first offense violation of Section 56-5-2930 or Section 56-5-2933. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Amendment No. 6**

Senator MALLOY proposed the following Amendment No. 6 (JUD0137.021), which was tabled:

Amend the bill, as and if amended, page [137-15], by striking lines 1-4.

Amend the bill further, as and if amended, page [137-15], by striking lines 40-43, and page [137-16], by striking lines 1-2, and inserting:

/ beverages. This section does not apply to a person convicted of a first offense violation of Section 56‑5‑2930 or 56‑5‑2933. The ~~Department of Motor Vehicles~~ /

Amend the bill further, as and if amended, page [137-39], by striking lines 16-43, and page [137-40], by striking lines 1-15, and inserting:

/ (2) For a first offense, a person’s driver’s license must be suspended six months. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator HUTTO spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 36; Nays 5; Abstain 1**

**AYES**

Alexander Bennett Bright

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Grooms Hayes Hembree

Hutto Jackson Leatherman

Lourie *Martin, Larry Martin, Shane*

Massey Matthews McElveen

McGill Nicholson O'Dell

Peeler Rankin Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--36**

**NAYS**

Allen Johnson Malloy

Reese Scott

**Total--5**

**ABSTAIN**

Bryant

**Total--1**

The amendment was laid on the table.

**Amendment No. 7**

Senator MALLOY proposed the following Amendment No. 7 (JUD0137.022), which was tabled:

Amend the bill, as and if amended, page [137-14], by striking lines 32-43, and page [137-15], by striking lines 1-15, and inserting:

/ “Section 56-1-1320. (A) A person with a South Carolina driver's license, a person who had a South Carolina driver's license at the time of the offense referenced below, or a person exempted from the licensing requirements by Section 56‑1‑30, who is or has been convicted of a first offense violation of ~~an ordinance of~~ a ~~municipality, or~~ a law of this State~~,~~ that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including ~~Section~~ Sections 56‑5‑2930 and ~~Section~~ 56‑5‑2933, and whose license is not presently suspended for any other reason, may apply to the Department of Motor Vehicles to obtain a provisional driver's license of a design to be determined by the department to operate a motor vehicle. This section does not apply to a person who refused to submit to a breath test pursuant to Section 56-5-2950 or submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of fifteen one hundredths of one percent or more. The person shall enter an Alcohol and Drug Safety Action Program ~~as provided for in~~ pursuant to Section 56‑1‑1330, ~~shall furnish proof of responsibility as provided for in Section 56‑1‑1350~~, and shall pay to the department a fee of one hundred dollars for the provisional driver's license. The provisional driver's license is not valid for more than six months from the date of issue shown on the license. ~~The determination of whether or not a provisional driver's license may be issued pursuant to the provisions of this article as well as reviews of cancellations or suspensions under Sections 56‑1‑370 and 56‑1‑820 must be made by the director of the department or his designee.~~ /

Amend the bill further, as and if amended, page [137-15], by striking lines 25-43, and page [137-16], by striking lines 1-19, and inserting:

/ “Section 56-5-2941.(A) ~~Except as otherwise provided in this section, in addition to the penalties required and authorized to be imposed against a person violating the provisions of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or violating the provisions of another law of any other another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs~~ Pursuant to Sections 56-5-2945 and 56-5-2990, the Department of Motor Vehicles ~~must~~ shall require ~~the~~ a person~~, if he is a subsequent offender and~~ who is a resident of this State~~,~~ and who has violated the provisions of Section 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section 56-5-2930 or 56-5-2933, unless the person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of fifteen one hundredths of one percent or more. The ~~Department of Motor Vehicles~~ department may waive the requirements of this section if ~~it finds~~ the department determines that the ~~offender~~ person has a medical condition that makes ~~him~~ the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license pursuant to Sections 56-5-2945 and 56-5-2990. The department may withdraw the waiver at any time that the department becomes aware that the person’s medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension or denial of the issuance of a driver’s license or permit pursuant to Section 56-1-286 or 56-5-2951 to have an ignition interlock device installed on any motor vehicle the person drives.

The length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle ~~following the completion of a period of license suspension imposed on the offender person is two years for a second offense, three years for a third offense, and the remainder of the offender's person’s life for a fourth or subsequent offense~~ is set forth in Sections 56-1-286, 56-5-2945, 56-5-2947, 56-5-2951, and 56-5-2990. /

Amend the bill further, as and if amended, page [137-39], by striking lines 16-43, and page [137-40], by striking lines 1-15, and inserting:

/ (2) For a first offense:

(a) If a person refused to submit to a breath test pursuant to Section 56-5-2950, the person’s driver’s license must be suspended six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(b) If a person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of less than fifteen one hundredths of one percent, the person’s driver’s license must be suspended six months. The person is eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(c) If a person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of fifteen one hundredths of one percent or more, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator HUTTO spoke on the amendment.

Senator HUTTO moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 39; Nays 3; Abstain 1**

**AYES**

Alexander Bennett Bright

Campbell Campsen Cleary

Coleman Corbin Courson

Cromer Davis Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Leatherman Lourie *Martin, Larry*

*Martin, Shane* Massey Matthews

McElveen McGill Nicholson

O'Dell Peeler Rankin

Reese Scott Setzler

Shealy Sheheen Thurmond

Turner Williams Young

**Total--39**

**NAYS**

Allen Ford Malloy

**Total--3**

**ABSTAIN**

Bryant

**Total--1**

The amendment was laid on the table.

Senator MALLOY asked unanimous consent to make a motion to take up Amendment No. 9 for immediate consideration.

There was no objection.

**Amendment No. 9**

Senator MALLOY proposed the following Amendment No. 9 (JUD0137.023), which was adopted:

Amend the bill, as and if amended, page [137-3], by striking lines 30-42, and page [137-4], by striking lines 1-17, and inserting:

/ (F) ~~If~~ Except as provided in subsection (H), if a person refuses upon the ~~request of the~~ primary investigating ~~officer~~ officer’s request to submit to chemical tests as provided in subsection (C), the department ~~must~~ shall suspend ~~his~~ the person’s license, permit, or ~~any~~ nonresident operating privilege, or deny the issuance of a license or permit to ~~him~~ the person for:

(1) six months; or

(2) one year, if the person, within the ~~five~~ three years preceding the violation of this section, has been previously convicted of violating Section 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs, or the person has had a previous suspension imposed pursuant to Section 56‑1‑286, ~~56‑5‑2950, or~~ 56‑5‑2951, or 56-5-2990.

(G) ~~If~~ Except as provided in subsection (H), if a person submits to a chemical test and the test result indicates an alcohol concentration of two one‑hundredths of one percent or more, the department ~~must~~ shall suspend ~~his~~ the person’s license, permit, or ~~any~~ nonresident operating privilege, or deny the issuance of a license or permit to ~~him~~ the person for:

(1) three months; or

(2) six months, if the person, within the ~~five~~ three years preceding the violation of this section, has been previously convicted of violating Section 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs, or the person has had a previous suspension imposed pursuant to Section 56‑1‑286, ~~56‑5‑2950, or~~ 56‑5‑2951, or 56-5-2990. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

**Amendment No. 8**

Senator MALLOY proposed the following Amendment No. 8 (JUD0137.015), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered section to read:

/ SECTION \_\_. Article 7, Chapter 1, Title 56 of the 1976 Code is repealed. /

Amend the bill further, as and if amended, page [137-15], by striking lines 25-43, and page [137-16], by striking lines 1-19, and inserting:

/ “Section 56-5-2941.(A) ~~Except as otherwise provided in this section, in addition to the penalties required and authorized to be imposed against a person violating the provisions of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or violating the provisions of another law of any other another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs~~ Pursuant to Sections 56-5-2945 and 56-5-2990, the Department of Motor Vehicles ~~must~~ shall require ~~the~~ a person~~, if he is a subsequent offender and~~ who is a resident of this State~~,~~ and who has violated the provisions of Section 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. The ~~Department of Motor Vehicles~~ department may waive the requirements of this section if ~~it finds~~ the department determines that the ~~offender~~ person has a medical condition that makes ~~him~~ the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license pursuant to Sections 56-5-2945 and 56-5-2990. The department may withdraw the waiver at any time that the department becomes aware that the person’s medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension or denial of the issuance of a driver’s license or permit pursuant to Section 56-1-286 or 56-5-2951 to have an ignition interlock device installed on any motor vehicle the person drives.

The length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle ~~following the completion of a period of license suspension imposed on the offender person is two years for a second offense, three years for a third offense, and the remainder of the offender’s person’s life for a fourth or subsequent offense~~ is set forth in Sections 56‑1‑286, 56‑5‑2945, 56‑5‑2947, 56‑5‑2951, and 56‑5‑2990. /

Amend the bill further, as and if amended, page [137-39], by striking lines 16-43, and page [137-40], by striking lines 1-15, and inserting:

/ (2) For a first offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for six months. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator HUTTO moved to lay the amendment on the table.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 34; Nays 8; Abstain 1**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Grooms Hayes

Hembree Hutto Jackson

Leatherman Lourie *Martin, Larry*

*Martin, Shane* Massey Matthews

McGill Nicholson O'Dell

Peeler Rankin Setzler

Shealy Thurmond Turner

Young

**Total--34**

**NAYS**

Ford Johnson Malloy

McElveen Reese Scott

Sheheen Williams

**Total--8**

**ABSTAIN**

Bryant

**Total--1**

The amendment was laid on the table.

**Amendment No. 11**

Senator HUTTO proposed the following Amendment No. 11 (JUD0137.024), which was adopted:

Amend the bill, as and if amended, page [137-12], by striking lines 3-42, page [137-13], by striking lines 1-43, and page [137-14], by striking lines 1-11, and inserting:

/ SECTION 3. Section 56-1-460 of the 1976 Code is amended to read:

“Section 56-1-460. (A)(1) Except as provided in item (2), a person who drives a motor vehicle on ~~any~~ a public highway of this State when ~~his~~ the person’s license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for up to thirty days, or both;

(b) for a second offense, fined six hundred dollars or imprisoned for up to sixty consecutive days, or both; and

(c) for a third ~~and~~ or subsequent offense, fined one thousand dollars, and imprisoned for up to ninety days or confined to a person's place of residence pursuant to the Home Detention Act for ~~not less than~~ up to ninety days ~~nor more than six months~~. No portion of a term of imprisonment or confinement under home detention may be suspended by the trial judge except when the court is suspending a term of imprisonment upon successful completion of the terms and conditions of confinement under home detention. For purposes of this item, a person sentenced to confinement pursuant to the Home Detention Act is required to pay for the cost of such confinement.

(d) Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense punishable under this item may be tried in magistrates or municipal court.

(e)(i) A person convicted of a first or second offense of this item, as determined by the records of the department, and who is employed or enrolled in a college or university at any time while ~~his~~ the person’s driver's license is suspended pursuant to this item, may apply for a route restricted driver's license permitting ~~him~~ the person to drive only to and from work or ~~his~~ the person’s place of education and in the course of ~~his~~ the person’s employment or education during the period of suspension. The department may issue the route restricted driver's license only upon a showing by the person that ~~he~~ the person is employed or enrolled in a college or university and that ~~he~~ the person lives further than one mile from ~~his~~ the person’s place of employment or place of education.

(ii) When the department issues a route restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A person holding a route restricted driver's license pursuant to this item ~~must~~ shall report to the department immediately any change in ~~his~~ the person’s employment hours, place of employment, status as a student, or residence.

(iii) The fee for a route restricted driver’s license issued pursuant to this item is one hundred dollars, but no additional fee is due when changes occur in the place and hours of employment, education, or residence. Of this fee, eighty 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~~ the Department of Motor Vehicle’s expenses. The remainder of the fees collected pursuant to this item must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund.

(iv) The operation of a motor vehicle outside the time limits and route imposed by a route restricted license ~~by the person issued that license~~ is a violation of subsection (A)(1).

(2) A person who drives a motor vehicle on ~~any~~ a public highway of this State when ~~his~~ the person’s license has been suspended or revoked pursuant to the provisions of Section 56‑5‑2990 or 56-5-2945 must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for not less than ten nor more than thirty days;

(b) for a second offense, fined six hundred dollars or imprisoned for not less than sixty days nor more than six months;

(c) for a third ~~and~~ or subsequent offense, fined one thousand dollars and imprisoned for not less than six months nor more than three years;

~~(d)~~ ~~no~~No portion of the minimum sentence imposed ~~under~~ pursuant to this item may be suspended.

(B) The Department of Motor Vehicles, upon receiving a record of ~~the conviction of any person under~~ a person’s conviction pursuant to this section upon a charge of driving a vehicle while ~~his~~ the person’s license was suspended for a definite period of time, shall extend the suspension period ~~of the suspension~~ for an additional like period. If the original period of suspension has expired or terminated before trial and conviction, the department shall again suspend the person’s license ~~of the person~~ for an additional like period of time. If the suspension is not for a definite period of time, the suspension must be for an additional three months. If the license of a person cited for a violation of this section is suspended solely pursuant to the provisions of Section 56‑25‑20, the additional period of suspension pursuant to this section is thirty days, and the person does not have to offer proof of financial responsibility as required ~~under~~ pursuant to Section 56‑9‑500 prior to ~~his~~ the person’s license being reinstated. If the conviction was for a charge of driving while a license was revoked, the department shall not issue a new license for an additional period of one year from the date the person could otherwise have applied for a new license. Only those violations which occurred within a period of five years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

(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 of Public Safety for the Highway Patrol.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

There being no further amendments, the question then was the second reading of the Bill.

Senator MALLOY spoke on the Bill.

Senator LOURIE spoke on the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 0; Abstain 1**

**AYES**

Alexander Allen Bennett

Bright Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Ford Grooms

Hayes Hembree Hutto

Jackson Johnson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey McElveen

McGill Nicholson O'Dell

Peeler Rankin Reese

Scott Setzler Shealy

Sheheen Thurmond Turner

Williams Young

**Total--41**

**NAYS**

**Total--0**

**ABSTAIN**

Bryant

**Total--1**

The Bill was read the second time, passed and ordered to a third reading.

The Bill was returned to the status of Special Order on the Calendar.

**Statement by Senator BRYANT**

Our business is researching the possibility of installing interlocking devices. Therefore, I have recused myself from voting on S. 137 and all amendments to this Bill.

**MOTION ADOPTED**

On motion of Senator LARRY MARTIN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Garnet A. Barnes of Easley, S.C., a veteran of the U. S. Army having served in WWII and leader in the community. He was the founder of Barnes Real Estate, Inc. and Barnes Insurance Agency. Mr. Barnes was the loving husband of Pauline for 67 years.

**ADJOURNMENT**

At 6:05 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:00 A.M.

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