**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3128**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford and McKnight

Document Path: l:\council\bills\swb\5194cm15.docx

Introduced in the House on January 13, 2015

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

Summary: Driving under suspension

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2014 House Prefiled

12/11/2014 House Referred to Committee on **Judiciary**

1/13/2015 House Introduced and read first time ([House Journal‑page 107](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 107](file:///h:\HJ%20Archive\2015\01-13-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3128&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/11/2014](file:///p:\pprever\2015-16\3128_20141211.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑555 SO AS TO PROVIDE THAT A PERSON MAY NOT BE PLACED UNDER CUSTODIAL ARREST WHEN STOPPED FOR OPERATING A MOTOR VEHICLE WITH A SUSPENDED DRIVER’S LICENSE UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR THE REINSTATEMENT OF THE PERSON’S DRIVER’S LICENSE AND THE DISMISSAL OF THE DRIVING WHILE UNDER SUSPENSION CHARGE; BY ADDING SECTION 56‑1‑557 SO AS TO PROVIDE THAT WHEN A PERSON APPEALS A CONVICTION THAT REQUIRES THE SUSPENSION OF HIS DRIVER’S LICENSE, THE DRIVER’S LICENSE SUSPENSION MUST BE STAYED WHILE THE CASE IS BEING APPEALED; AND TO AMEND SECTION 56‑1‑365, AS AMENDED, RELATING TO A PERSON WHO SURRENDERS HIS DRIVER’S LICENSE, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY NOT SUSPEND A PERSON’S DRIVER’S LICENSE IF IT FAILS TO RECEIVE NOTICE OF A CONVICTION THAT REQUIRES THE LICENSE TO BE SUSPENDED WITHIN THIRTY DAYS OF THE CONVICTION.

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

SECTION 1. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56‑1‑555. Notwithstanding another provision of law, a person may not be placed under custodial arrest when stopped for operating a motor vehicle with a suspended driver’s license when the suspension is based upon an outstanding unpaid traffic ticket or a clerical error contained on the person’s driving record. Upon payment of the traffic ticket or the correction of the clerical error that led to the suspension, the person’s driver’s license must be reinstated and the driving while under suspension charge must be dismissed.”

SECTION 2. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56‑1‑557. When a person appeals a conviction that requires the suspension of his driver’s license, the driver’s license suspension must be stayed while the case is being appealed.”

SECTION 3. Section 56‑1‑365(C) of the 1976 Code is amended to read:

“(C) The department shall notify the defendant of the suspension or revocation. Except as provided in Section 56‑5‑2990, if the defendant surrendered his license to the magistrate or clerk immediately after conviction, the effective date of the revocation or suspension is the date of surrender. If the magistrate or clerk wilfully fails to forward the license and ticket to the department within five days, the suspension or revocation does not begin until the department receives and processes the license and ticket. The department may not suspend a person’s driver’s license if it fails to receive notice of a conviction that requires the license to be suspended within thirty days of the conviction.”

SECTION 4. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑