**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3232**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Merrill, G.R. Smith and Toole

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Introduced in the House on January 13, 2015

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Maintenance of proof of insurance in vehicle

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2014 House Prefiled

12/18/2014 House Referred to Committee on **Labor, Commerce and Industry**

12/22/2014 Scrivener's error corrected

1/13/2015 House Introduced and read first time ([House Journal‑page 162](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 162](file:///h:\HJ%20Archive\2015\01-13-15.docx))

2/17/2015 House Member(s) request name added as sponsor: Toole

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**VERSIONS OF THIS BILL**

[12/18/2014](file:///p:\pprever\2015-16\3232_20141218.docx)

[12/22/2014](file:///p:\pprever\2015-16\3232_20141222.docx)

**A** **BILL**

TO AMEND SECTION 56‑10‑225, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAINTENANCE OF PROOF OF INSURANCE IN A VEHICLE, SO AS TO PROVIDE PROOF OF INSURANCE MAY BE CONTAINED IN A PHYSICAL DOCUMENT ISSUED BY AN AUTOMOBILE INSURER OR IN AN ELECTRONIC FORMAT TO A MOBILE ELECTRONIC DEVICE PROVIDED BY AN AUTOMOBILE INSURER, AND TO PROVIDE THAT IF A PERSON FAILS TO PROVIDE PROOF OF INSURANCE UPON DEMAND BY A LAW ENFORCEMENT OFFICER, THEN HIS VEHICLE MUST BE IMPOUNDED, ITS OWNER MUST BE FINED, THE VEHICLE MAY NOT BE RETRIEVED UNTIL PROOF OF INSURANCE IS PROVIDED, AND THE VEHICLE MUST BE DISPOSED OF IF IT HAS BEEN ABANDONED.

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

SECTION 1. Section 56‑10‑225 of the 1976 Code, as last amended by Act 128 of 2014, is further amended to read:

“Section 56‑10‑225. (A) A person whose application for registration and licensing of a motor vehicle has been approved by the Department of Motor Vehicles must maintain in the motor vehicle at all times proof that the motor vehicle is an insured vehicle in conformity with the laws of this State and Section 56‑10‑510. This proof may be contained in a physical document issued by his automobile insurer or in an electronic format to a mobile electronic device provided by his automobile insurer.

(B) The owner of a motor vehicle must maintain proof of financial responsibility in the motor vehicle at all times, and it must be displayed upon demand of a police officer or any other person duly authorized by law. Evidence of financial responsibility may be provided by use of a mobile electronic device in a format issued by an automobile insurer. This section does not require that an automobile insurer issue verification concerning the existence of coverage it provides an insured in an electronic format. Information contained or stored in a mobile electronic device presented pursuant to this subsection is not subject to a search by a law enforcement officer except pursuant to the provisions of Section 17‑13‑140 providing for the issuance, execution, and return of a search warrant or pursuant to the express written consent of the lawful owner of the device.

(C) A person who fails to maintain the proof of insurance in his motor vehicle as required by subsection (A) is guilty of a misdemeanor and, upon conviction, is subject to the same punishment as provided by law for failure of the person driving or in control of a motor vehicle to carry the vehicle registration card and to display the registration card upon demand. If the person fails to provide proof of insurance upon demand by a law enforcement officer in a format contained in subsection (A), or via a telephone call placed to the person’s automobile insurance carrier, the vehicle must be impounded and held at a facility designated by the law enforcement agency that requested proof of insurance. Additionally, the owner of the vehicle must be fined three hundred fifty dollars, is responsible for any fees incurred as a result of the towing and storage of the vehicle, and must provide proof of insurance before the vehicle may be retrieved. A vehicle that is not retrieved within ninety days is an abandoned vehicle and must be disposed of pursuant to provisions contained in Section 56‑5‑5640. However, a charge of failing to maintain proof that a motor vehicle is insured must be dismissed if the person provides proof to the court that the motor vehicle was insured on the date of the violation. Upon notice of conviction, the department shall suspend the owner’s driver’s license until satisfactory proof of insurance is provided. If at any time the department determines that the vehicle was without insurance coverage, the owner’s registration and driving privileges will be suspended pursuant to Section 56‑10‑520.”

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

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