**South Carolina General Assembly**

121st Session, 2015-2016

**A185, R198, H3685**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. D.C. Moss and Pitts

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Introduced in the House on February 18, 2015

Introduced in the Senate on February 10, 2016

Last Amended on May 11, 2016

Passed by the General Assembly on May 18, 2016

Governor's Action: May 25, 2016, Signed

Summary: Electronic tickets and citations

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 2/18/2015 House Introduced and read first time ([House Journal‑page 32](file:///h%3A%5CHJ%20Archive%5C2015%5C02-18-15.docx))

 2/18/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 32](file:///h%3A%5CHJ%20Archive%5C2015%5C02-18-15.docx))

 2/3/2016 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 1](file:///h%3A%5CHJ%20Archive%5C2016%5C02-03-16.docx))

 2/9/2016 House Amended ([House Journal‑page 16](file:///h%3A%5CHJ%20Archive%5C2016%5C02-09-16.docx))

 2/9/2016 House Read second time ([House Journal‑page 16](file:///h%3A%5CHJ%20Archive%5C2016%5C02-09-16.docx))

 2/9/2016 House Roll call Yeas‑105 Nays‑0 ([House Journal‑page 20](file:///h%3A%5CHJ%20Archive%5C2016%5C02-09-16.docx))

 2/10/2016 House Read third time and sent to Senate ([House Journal‑page 13](file:///h%3A%5CHJ%20Archive%5C2016%5C02-10-16.docx))

 2/10/2016 Scrivener's error corrected

 2/10/2016 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h%3A%5CSJ%20Archive%5C2016%5C02-10-16.docx))

 2/10/2016 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](file:///h%3A%5CSJ%20Archive%5C2016%5C02-10-16.docx))

 2/23/2016 Senate Referred to Subcommittee: Hutto (ch), Hembree, Shealy

 3/23/2016 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 14](file:///h%3A%5CSJ%20Archive%5C2016%5C03-23-16.docx))

 3/24/2016 Scrivener's error corrected

 5/11/2016 Senate Committee Amendment Adopted ([Senate Journal‑page 22](file:///h%3A%5CSJ%20Archive%5C2016%5C05-11-16.docx))

 5/11/2016 Senate Read second time ([Senate Journal‑page 22](file:///h%3A%5CSJ%20Archive%5C2016%5C05-11-16.docx))

 5/11/2016 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 22](file:///h%3A%5CSJ%20Archive%5C2016%5C05-11-16.docx))

 5/12/2016 Scrivener's error corrected

 5/12/2016 Senate Read third time and returned to House with amendments ([Senate Journal‑page 11](file:///h%3A%5CSJ%20Archive%5C2016%5C05-12-16.docx))

 5/18/2016 House Concurred in Senate amendment and enrolled ([House Journal‑page 72](file:///h%3A%5CHJ%20Archive%5C2016%5C05-18-16.docx))

 5/18/2016 House Roll call Yeas‑108 Nays‑2 ([House Journal‑page 72](file:///h%3A%5CHJ%20Archive%5C2016%5C05-18-16.docx))

 5/24/2016 Ratified R 198

 5/25/2016 Signed By Governor

 5/27/2016 Effective date 05/25/16

 5/31/2016 Act No. 185

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3685&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/18/2015](file:///p%3A%5Cpprever%5C2015-16%5C3685_20150218.docx)

[2/3/2016](file:///p%3A%5Cpprever%5C2015-16%5C3685_20160203.docx)

[2/9/2016](file:///p%3A%5Cpprever%5C2015-16%5C3685_20160209.docx)

[2/10/2016](file:///p%3A%5Cpprever%5C2015-16%5C3685_20160210.docx)

[3/23/2016](file:///p%3A%5Cpprever%5C2015-16%5C3685_20160323.docx)

[3/24/2016](file:///p%3A%5Cpprever%5C2015-16%5C3685_20160324.docx)

[5/11/2016](file:///p%3A%5Cpprever%5C2015-16%5C3685_20160511.docx)

[5/12/2016](file:///p%3A%5Cpprever%5C2015-16%5C3685_20160512.docx)

(A185, R198, H3685)

**AN ACT TO AMEND SECTION 56‑7‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNIFORM TRAFFIC TICKETS AND ELECTRONIC TICKETS, SO AS TO PROVIDE THAT TICKETS MAY BE COLLECTED ELECTRONICALLY, BUT MUST BE TRANSMITTED TO THE DEPARTMENT OF MOTOR VEHICLES ELECTRONICALLY; TO AMEND SECTION 56‑7‑30, AS AMENDED, RELATING TO THE PRINTING AND ORDERING OF TRAFFIC TICKETS, THE FORWARDING OF THE DRIVING RECORD AND AUDIT COPY OF THE TICKET BY A LAW ENFORCEMENT AGENCY TO THE DEPARTMENT OF MOTOR VEHICLES, AND THE PROCESSING OF AN ELECTRONIC TICKET, SO AS TO PROVIDE THAT THE COURT’S COPY OF THE TICKET MUST BE FORWARDED TO THE APPROPRIATE COURT AND ELECTRONICALLY TO THE DEPARTMENT OF MOTOR VEHICLES WITHIN THREE BUSINESS DAYS OF THE ISSUANCE OF THE TICKET AND THAT INFORMATION REGARDING THE DISPOSITION OF THE OFFENSE MUST BE FORWARDED ELECTRONICALLY TO THE DEPARTMENT OF MOTOR VEHICLES BY THE APPROPRIATE COURT WITHIN FIVE DAYS OF THE TRIAL DATE, TO DELETE THE PROVISION THAT REQUIRES A LAW ENFORCEMENT AGENCY TO CONDUCT AN ANNUAL INVENTORY OF ALL TICKETS RECEIVED BUT NOT DISPOSED OF BY FINAL COURT ACTION OR BY NOLLE PROSEQUI, AND TO DELETE THE PROVISION THAT GIVES A LAW ENFORCEMENT AGENCY THE OPTION OF TRANSMITTING A TICKET ELECTRONICALLY TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56‑7‑40, RELATING TO THE PENALTY IMPOSED UPON A PERSON WHO VIOLATES A PROVISION RELATING TO THE USE, PRINTING, AND TRANSMITTING OF A UNIFORM TRAFFIC TICKET, SO AS TO PROVIDE THAT A TICKET MUST BE ELECTRONICALLY FORWARDED TO THE DEPARTMENT OF MOTOR VEHICLES, TO DELETE REFERENCES TO THE RECORDS COPY AND AUDIT COPY OF THE TICKET, AND TO DELETE THE PROVISION THAT CREATES AN OFFENSE AND IMPOSES A PENALTY UPON A PERSON CHARGED WITH FAILING TO TIMELY FORWARD THE RESULTS OF THE ANNUAL INVENTORY TO THE DEPARTMENT OF MOTOR VEHICLES; TO AMEND SECTION 56‑1‑365, AS AMENDED, RELATING TO A PERSON SURRENDERING HIS DRIVER’S LICENSE WHEN IT HAS BEEN REVOKED OR SUSPENDED, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ELECTRONICALLY RECEIVE DISPOSITION AND LICENSE SURRENDER INFORMATION FROM THE COURT IMMEDIATELY AFTER RECEIPT OR WITHIN FIVE BUSINESS DAYS AFTER RECEIPT, TO DELETE THE TERM “TICKET” AND REPLACE IT WITH THE TERM “DISPOSITION” WHEN THE TERMS REFER TO THE DOCUMENT THAT MUST BE ELECTRONICALLY FORWARDED TO THE DEPARTMENT OF MOTOR VEHICLES, AND TO REVISE THE PROCEDURE TO CALCULATE WHEN A REVOCATION OR SUSPENSION BEGINS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑1‑370, AS AMENDED, RELATING TO A LICENSEE’S REQUEST FOR AN ADMINISTRATIVE HEARING TO REVIEW A NOTICE OF SUSPENSION, CANCELLATION, OR REVOCATION OF A DRIVER’S LICENSE, SO AS TO PROVIDE THE DATE WHEN A SUSPENSION, CANCELLATION, OR REVOCATION OF A DRIVER’S LICENSE COMMENCES WHEN THE HEARING RESULTS IN THE CONTINUED SUSPENSION, CANCELLATION, OR REVOCATION OF THE DRIVER’S LICENSE; AND TO REPEAL SECTION 56‑3‑1972 RELATING TO THE DESIGN OF THE UNIFORM PARKING VIOLATION TICKET.**

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

**Uniform traffic ticket**

SECTION 1. Section 56‑7‑20 of the 1976 Code, as last amended by Act 1 of 2009, is further amended to read:

 “Section 56‑7‑20. Each ticket shall have a unique identifying number. Each printed copy must be labeled at the bottom with the purpose of the copy. A handwritten traffic ticket must consist of four copies, one of which must be blue and must be given to the vehicle operator who is the alleged traffic violator; one of which must be yellow and must be dispatched to the Department of Motor Vehicles for its records and for audit purposes; one of which must be white and must be dispatched to the police agency of which the arresting officer is a part; and one of which must be green and must be retained by the trial officer for his records. An electronic traffic ticket must consist of at least one printed copy that must be given to the vehicle operator who is the alleged traffic violator and as many as three additional printed copies if needed to communicate with the Department of Motor Vehicles, the police agency, and the trial officer. Tickets may be collected electronically, but must be transmitted to the Department of Motor Vehicles electronically. Data transmissions to the Department of Motor Vehicles must be made pursuant to the Department of Motor Vehicles’ electronic specifications.”

**Uniform traffic ticket**

SECTION 2. Section 56‑7‑30 of the 1976 Code, as last amended by Act 68 of 2005, is further amended to read:

 “Section 56‑7‑30. (A) The Department of Public Safety shall have the traffic tickets printed. Law enforcement agencies shall order tickets from the Department of Public Safety and shall record the identifying numbers of the tickets received by them. The cost of the tickets must be paid by the law enforcement agency. The court’s copy must be forwarded by the law enforcement agency to the appropriate court and electronically to the Department of Motor Vehicles within three business days of issuance to the offender. After final trial court action or nolle prosequi, disposition information must be forwarded electronically to the Department of Motor Vehicles by the appropriate court within five business days of the trial date.

 (B) A law enforcement agency that issues uniform traffic tickets in an electronic format as provided in Section 56‑7‑10 may generate a printed copy of this ticket by using an in‑car data terminal or hand held device. A copy of the ticket must be given to the offender. The court’s copy must be forwarded by the law enforcement agency to the appropriate court, in a format as prescribed by the South Carolina Judicial Department, and electronically to the Department of Motor Vehicles within three business days of issuance to the offender. Data transmissions to the Department of Motor Vehicles must be made pursuant to the Department of Motor Vehicles’ and the South Carolina Judicial Department’s electronic systems specifications.”

**Penalty**

SECTION 3. Section 56‑7‑40 of the 1976 Code is amended to read:

 “Section 56‑7‑40. Any person intentionally violating the provisions of Section 56‑7‑10 or 56‑7‑30 shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred fifty dollars nor more than fifteen hundred dollars or imprisoned for not more than six months, or both, for each ticket unaccounted for, or each use of a nonuniform ticket, or each failure to timely electronically forward the Department of Motor Vehicles a copy of the ticket. If the failure to account for a ticket, or the use of a nonuniform ticket, or the failure to timely forward the Department of Motor Vehicles a copy of the ticket is inadvertent or unintentional, such misuse shall be triable in magistrates court and, upon conviction, shall be punishable by a fine of not more than one hundred dollars.”

**Revocation or suspension of a driver**’**s license**

SECTION 4. Section 56‑1‑365 of the 1976 Code, as last amended by Act 201 of 2008, is further amended to read:

 “Section 56‑1‑365. (A) A person who forfeits bail posted for, is convicted of, or pleads guilty or nolo contendere in general sessions, municipal, or magistrates court to an offense which requires that his driver’s license be revoked or suspended shall surrender immediately or cause to be surrendered his driver’s license to the clerk of court or magistrate upon the verdict or plea. The defendant must be notified at the time of arrest of his obligation to bring, and surrender his license, if convicted, to the court or magistrate at the time of his trial, and if he fails to produce his license after conviction, he may be fined in an amount not to exceed two hundred dollars. If the defendant fails subsequently to surrender his license to the clerk or magistrate immediately after conviction, he must be fined not less than fifty dollars nor more than two hundred dollars.

 (B) The Department of Motor Vehicles shall electronically receive disposition and license surrender information from the clerk of court or magistrate immediately after receipt. Along with the driver’s license, the clerks and magistrates must give the department’s agents tickets, arrest warrants, and other documents or copies of them, including any reinstatement fee paid at the time of the verdict, guilty plea, or plea of nolo contendere, as necessary for the department to process the revocation or suspension of the licenses. If the department does not collect the license surrender information and disposition immediately, the magistrate or clerk must forward the license surrender information, disposition, and other documentation to the department within five business days after receipt. A clerk or magistrate who wilfully fails or neglects to forward the driver’s license and disposition as required in this section is liable to indictment and, upon conviction, must be fined not exceeding five hundred dollars.

 (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 electronically forward the disposition and license surrender information to the department within five business days, the suspension or revocation does not begin until the department receives and processes the license and ticket, provided that the end date of the term of suspension or revocation shall be calculated from the date of surrender and not the date the department receives and processes the ticket.

 (D) If the defendant is already under suspension for a previous offense at the time of his conviction or plea, the court shall use its judicial discretion in determining if the period of suspension for the subsequent offense runs consecutively and commences upon the expiration of the suspension or revocation for the prior offense, or if the period of suspension for the subsequent offense runs concurrently with the suspension or revocation of the prior offense.

 (E) If the defendant fails to surrender his license, the suspension or revocation operates as otherwise provided by law.

 (F) If the defendant surrenders his license, upon conviction, and subsequently files a notice of appeal, the appeal acts as a supersedeas as provided in Section 56‑1‑430. Upon payment of a ten‑dollar fee and presentment by the defendant of a certified or clocked‑in copy of the notice of appeal, the department shall issue him a certificate which entitles him to operate a motor vehicle for a period of six months after the verdict or plea. The certificate must be kept in the defendant’s possession while operating a motor vehicle during the six‑month period, and failure to have it in his possession is punishable in the same manner as failure to have a driver’s license in possession while operating a motor vehicle.”

**Administrative review**

SECTION 5. Section 56‑1‑370 of the 1976 Code, as last amended by Act 381 of 2006, is further amended to read:

 “Section 56‑1‑370. The licensee may, within ten days after notice of suspension, cancellation, or revocation, except in cases where the suspension, cancellation, or revocation is made mandatory upon the Department of Motor Vehicles, request in writing an administrative hearing with the Division of Motor Vehicle Hearings in accordance with the rules of procedure of the Administrative Law Court and the State Administrative Procedures Act, in the judicial circuit where the licensee was arrested unless the Division of Motor Vehicle Hearings and the licensee agree that the hearing may be held in another jurisdiction. The hearing must be heard by a hearing officer of the Division of Motor Vehicle Hearings. Upon the review, the hearing officer shall either rescind the department’s order of suspension, cancellation, or revocation or, good cause appearing therefor, may continue, modify, or extend the suspension, cancellation, or revocation of the license. If the administrative hearing results in the continued suspension, cancellation, or revocation of the license, the term of the suspension, cancellation, or revocation of the license is deemed to commence upon the date of the administrative hearing, as long as information is transmitted electronically to the Department of Motor Vehicles on the date of the hearing, and not on the date of the notice provided by the Department of Motor Vehicles.”

**Repeal**

SECTION 6. Section 56‑3‑1972 of the 1976 Code is repealed.

**Savings clause**

SECTION 7. 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.

**Time effective**

SECTION 8. This act takes effect January 1, 2017.

Ratified the 24th day of May, 2016.

Approved the 25th day of May, 2016.

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