**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑600 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ESTABLISH A DATABASE OF THE NEXT OF KIN OF PERSONS WHO REGISTER A MOTOR VEHICLE, ARE ISSUED A PERMIT OR LICENSE TO OPERATE A MOTOR VEHICLE, OR AN IDENTIFICATION CARD, TO PROVIDE THE PROCEDURE FOR THE DEPARTMENT TO OBTAIN INFORMATION TO BE MAINTAINED IN THE DATABASE, TO PROVIDE WHO MAY ACCESS THE INFORMATION CONTAINED IN THE DATABASE, TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS CONTAINED IN THIS SECTION, AND TO LIMIT THE DEPARTMENT’S AND ANY LAW ENFORCEMENT AGENCY’S LIABILITY WHEN AN INDIVIDUAL’S NEXT OF KIN IS NOT CONTACTED WHEN THE INDIVIDUAL IS INVOLVED IN AN ACCIDENT OR AN EMERGENCY SITUATION.

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 56‑1‑600. (A) The Department of Motor Vehicles shall establish a database of the next of kin of persons who register a motor vehicle, are issued a permit or license to operate a motor vehicle, or issued an identification card. Information contained in the database is accessible only to employees of the department and to law enforcement agencies, and is not a public record.

(B) When an individual submits an application to register a motor vehicle, obtain a permit or license to operate a motor vehicle, obtain an identification card, or renew these items, the department shall give the individual a next of kin information form on which the individual may list the name, address, telephone number, and relationship to the individual of at least one contact person whom the individual wishes to be contacted if the individual is involved in a motor vehicle accident or emergency situation in which the individual dies, is seriously injured, or rendered unconscious and is unable to communicate with the contact person. The contact person may or may not be the next of kin of the individual. However, if the individual is under eighteen years of age and is not emancipated, the contact person must be the parent, guardian, or custodian of the individual.

The form contained in this section shall inform the individual that, after completing the form, the individual may return the form to the department, which shall accept the form from the individual without payment of any fee. The form also shall contain the mailing address of the department, to which the individual may mail the completed form, and instructions whereby the individual may furnish the information contained in this section electronically to the department.

(C) The department may promulgate regulations to implement the provisions contained in this section regarding:

(1) the methods whereby an individual who has submitted the name of a contact person for inclusion in the database may make changes to that entry;

(2) the contents of the next of kin information form; and

(3) any other aspect of the database or its operation that the department determines is necessary in order to implement this section.

(D) If a motor vehicle accident or emergency situation occurs in which a person dies or is seriously injured or rendered unconscious and is unable to communicate with the contact person specified in the database, a law enforcement agency whose jurisdiction covers the accident or emergency scene shall make a good faith effort to notify the contact person of the situation. However, neither the department nor law enforcement agency shall incur any liability if the law enforcement agency is not able to reach the contact person.”

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

‑‑‑‑XX‑‑‑‑