**South Carolina General Assembly**

122nd Session, 2017-2018

**A159, R170, S499**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Malloy

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Introduced in the Senate on March 2, 2017

Introduced in the House on April 26, 2017

Passed by the General Assembly on April 18, 2018

Governor's Action: May 3, 2018, Signed

Summary: Driver's licenses

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/2/2017 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\sj\20170302.docx))

3/2/2017 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 5](file:///h:\sj\20170302.docx))

4/18/2017 Senate Polled out of committee **Transportation**

4/18/2017 Senate Committee report: Favorable **Transportation** ([Senate Journal‑page 9](file:///h:\sj\20170418.docx))

4/20/2017 Senate Read second time ([Senate Journal‑page 17](file:///h:\sj\20170420.docx))

4/20/2017 Senate Roll call Ayes‑41 Nays‑0 ([Senate Journal‑page 17](file:///h:\sj\20170420.docx))

4/25/2017 Senate Read third time and sent to House ([Senate Journal‑page 28](file:///h:\sj\20170425.docx))

4/26/2017 House Introduced and read first time ([House Journal‑page 131](file:///h:\hj\20170426.docx))

4/26/2017 House Referred to Committee on **Education and Public Works** ([House Journal‑page 131](file:///h:\hj\20170426.docx))

3/6/2018 House Committee report: Favorable **Education and Public Works** ([House Journal‑page 5](file:///h:\hj\20180306.docx))

3/8/2018 House Debate adjourned until Thur., 3‑22‑18 ([House Journal‑page 88](file:///h:\hj\20180308.docx))

3/22/2018 House Debate adjourned until Tues., 4‑17‑18 ([House Journal‑page 29](file:///h:\hj\20180322.docx))

4/17/2018 House Read second time ([House Journal‑page 13](file:///h:\hj\20180417.docx))

4/17/2018 House Roll call Yeas‑83 Nays‑12 ([House Journal‑page 14](file:///h:\hj\20180417.docx))

4/18/2018 House Read third time and enrolled ([House Journal‑page 13](file:///h:\hj\20180418.docx))

5/1/2018 Ratified R 170

5/3/2018 Signed By Governor

5/9/2018 Effective date 05/03/18

5/14/2018 Act No. 159

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=499&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/2/2017](file:///p:\pprever\2017-18\499_20170302.docx)

[4/18/2017](file:///p:\pprever\2017-18\499_20170418.docx)

[3/6/2018](file:///p:\pprever\2017-18\499_20180306.docx)

(A159, R170, S499)

**AN ACT TO AMEND SECTION 56‑1‑148, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE IDENTIFYING CODE AFFIXED TO THE DRIVER’S LICENSE OF A PERSON CONVICTED OF CERTAIN CRIMES, SO AS TO REMOVE THE FIFTY DOLLAR FEE ASSOCIATED WITH PLACING THE IDENTIFYING CODE ON A DRIVER’S LICENSE.**

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

**Identifying code**

SECTION 1. Section 56‑1‑148 of the 1976 Code is amended to read:

“Section 56‑1‑148. (A) As used in this chapter ‘identifying code’ means a symbol, number, or letter of the alphabet developed by the department to identify a person convicted of or pleading guilty or nolo contendere to a crime of violence as defined in Section 16‑23‑10(3) on or after July 1, 2011. The symbol, number, or letter of the alphabet shall not be defined on the driver’s license or special identification card.

(B) In addition to the contents of a driver’s license provided for in Section 56‑1‑140 or a special identification card provided for in Section 56‑1‑3350, a person who has been convicted of or pled guilty or nolo contendere to a crime of violence as defined in Section 16‑23‑10(3) on or after July 1, 2011, must have an identifying code determined by the department affixed to the reverse side of his driver’s license or special identification card. The code must identify the person as having been convicted of a violent crime. The code must be developed by the department and made known to the appropriate law enforcement officers and judicial officials of this State.

(C) The presence of a special identifying code on a person’s driver’s license or special identification card may not be used as a grounds to extend the detention of the person by a law enforcement officer or grounds for a search of the person or his vehicle.

(D) A person whose driver’s license or special identification card has been canceled pursuant to Section 56‑1‑146 may apply for a new license or special identification card in a manner prescribed by the department. The department must issue by mail or in person a new license or special identification card with the identifying code required by this section. The department must not issue a new driver’s license to a person during any period of suspension or revocation for any reason other than Section 56‑1‑146 and a driver’s license may only be issued after the period of suspension or revocation has ended and the person is otherwise eligible to be issued a license.

(E) The intent of placing an identifying code on a driver’s license or special identification card that identifies a person who has been convicted of a crime of violence as defined in Section 16‑23‑10(3) is to promote the state’s fundamental right to provide for the public health, welfare, and safety of its citizens and law enforcement officers. Notwithstanding this legitimate stated purpose, this provision is not intended to violate the guaranteed constitutional rights of persons who have violated our state’s laws.

(F) If a person’s conviction or guilty plea for a crime of violence as defined in Section 16‑23‑10(3) is reversed on appeal, or if the person is subsequently pardoned, then the person may apply for a driver’s license or special identification card that does not have the identifying code affixed.

(G) A person who is not convicted of a subsequent crime of violence as defined in Section 16‑23‑10(3) for five years after he has completely satisfied the terms of his sentence or during the term of the person’s probation or parole, whichever the sentencing judge determines is appropriate, may file an application with the department to have the identifying code affixed to his driver’s license or special identification card removed.

(H) A person must provide appropriate supporting documentation prescribed by the department to verify his eligibility to have the identifying code removed pursuant to subsection (F) or (G). Upon verification and payment of the fee provided in Section 56‑1‑140, the person must be issued a new driver’s license or special identification card.”

**Time effective**

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

Ratified the 1st day of May, 2018.

Approved the 3rd day of May, 2018.

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