**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, as last amended by Act 185 of 2016, is further 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 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. The department may not suspend a person’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.

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