~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 12, 2019

**S. 162**

Introduced by Senators Bennett and Johnson

S. Printed 3/12/19--S.

Read the first time January 8, 2019.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (S. 162) to amend Section 12-37-2615 of the 1976 Code, relating to penalties for failure to register a motor vehicle, to provide that a person who fails to register, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

HUGH K. LEATHERMAN, SR. for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 8, 2019**

**State Reve**n**ue**

This bill increases the maximum fine for a person who fails to register a vehicle pursuant to §12-73-2610 to $500. Currently, the maximum fine is $100 with assessment fees and local surcharge totaling $30 and a state surcharge of 107.5 percent of the fine. The current total of the fine with all other applicable fees is $237.50. The South Carolina Judicial Department reported in FY 2017-18, of the ten disputes brought for failure to register or falsely registering a vehicle, only one was convicted. Assuming only one conviction annually going forward, this bill will increase fines by $400, beginning in FY 2019-20. The table below shows how the bill increases the fine and the other applicable fees and surcharges.

Current Law Bill Increase

Fine $100 $500 $400

State Surcharge $107.50 $537.50 $430

Assessment Fee $25 $25 $0

Local Court Surcharge $5 $5 $0

Totals $237.50 $1,067.50 $830

As shown in the table above, this bill increases revenue by $830, $430 of which is remitted to the State Treasurer to be distributed as required by §14-1-207, which requires 15.93 percent, $68.50, of the revenue to be deposited in the General Fund. The remaining 84.07 percent, $361.50 will increase Other Funds to various state agencies as required by §14-1-207. Therefore, this bill increases General Fund revenue by $68.50 and Other Funds revenue by $361.50, beginning in FY 2019-20.

**Local Revenue**

This bill increases the maximum fine for a person who fails to register a vehicle pursuant to §12-37-2610 to $500. Currently, the maximum fine is $100 with a surcharge of 107.5 percent that must be remitted to the State Treasurer. As discussed above, this bill increases the fine by $400 and the surcharge by $430 for each party found guilty of failure to register his vehicle.

Any increase in fines will increase the revenue of the county in which the violation occurred. The South Carolina Judicial Department reported in FY 2017-18, of the ten disputes brought for failure to register or falsely registering a vehicle, only one was convicted. Assuming only one conviction annually going forward, this bill will increase fines by $400 for local revenue in the county where the violation occurs, beginning in FY 2019-20.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 12-37-2615 OF THE 1976 CODE, RELATING TO PENALTIES FOR FAILURE TO REGISTER A MOTOR VEHICLE, TO PROVIDE THAT A PERSON WHO FAILS TO REGISTER A MOTOR VEHICLE IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, SHALL BE FINED NOT MORE THAN FIVE HUNDRED DOLLARS OR IMPRISONED FOR A PERIOD NOT TO EXCEED THIRTY DAYS, OR BOTH.

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

SECTION 1. Section 12-37-2615 of the 1976 Code is amended to read:

“Section 12-37-2615. Any person who violates the provisions of Section 12‑37‑2610 ~~shall be deemed~~ is guilty of a misdemeanor and, upon conviction, shall be fined not more than ~~one~~ five hundred dollars or imprisoned for a period not to exceed thirty days, or both.”

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

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