**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 54‑7‑665 SO AS TO PROVIDE THAT IT IS NOT ILLEGAL FOR AN INDIVIDUAL FOR A NONCOMMERCIAL PURPOSE WITHOUT A HOBBY LICENSE BELOW THE MEAN HIGH WATER MARK TO GATHER ON A PUBLIC BEACH SEASHELLS, SHARK OR FISH TEETH, DRIFTWOOD, OR ANY OTHER LIKE ITEMS THAT COULD POSSIBLY BE CONSIDERED ARTIFACTUAL MATERIAL IF THESE ITEMS ARE NATURALLY FOUND FROM TIME TO TIME ON A BEACH AS A RESULT OF THE TIDAL OR OTHER FLOW OF THE OCEAN OR OTHER BODIES OF SALT, BRACKISH, OR FRESH WATER, AND TO REQUIRE A NONEXCLUSIVE COMMERCIAL LICENSE FOR AN INDIVIDUAL WHO DESIRES TO ENGAGE IN THIS ACTIVITY FOR A COMMERCIAL PURPOSE; TO AMEND SECTION 54‑7‑670, RELATING TO HOBBY LICENSES AND REQUIREMENTS PERTAINING TO HOBBY DIVERS UNDER THE UNDERWATER ANTIQUITIES ACT, SO AS TO REVISE THE FEES FOR A HOBBY LICENSE FOR RESIDENTS AND NONRESIDENTS, TO INCREASE THE DURATION OF A HOBBY LICENSE FROM SIX MONTHS TO ONE YEAR, TO PROVIDE THAT IF AN APPLICATION FOR A HOBBY LICENSE IS DENIED BY THE SOUTH CAROLINA INSTITUTE OF ARCHAEOLOGY AND ANTHROPOLOGY OR IF A HOBBY DIVER DISAGREES WITH A DECISION BY THE INSTITUTE, THE PERSON MAY APPEAL THE DECISION OR DENIAL TO THE SOUTH CAROLINA UNDERWATER LICENSE APPELLATE BOARD HEREINAFTER CREATED WITHIN THIRTY DAYS OF THE DECISION OR DENIAL, AND TO PROVIDE THAT THE BOARD MAY UPHOLD OR REVERSE THE DECISION OF THE INSTITUTE OR REMAND THE MATTER TO THE INSTITUTE FOR FURTHER ACTION CONSISTENT WITH INSTRUCTIONS FROM THE BOARD; AND BY ADDING SECTION 54‑7‑675 SO AS TO ESTABLISH THE SOUTH CAROLINA UNDERWATER LICENSE APPELLATE BOARD AND TO PROVIDE FOR ITS MEMBERSHIP, DUTIES, AND FUNCTIONS.

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

SECTION 1. Article 5, Chapter 7, Title 54 of the 1976 Code is amended by adding:

“Section 54‑7‑665. (A) Notwithstanding any other provision of law, it is not a violation of this article, chapter, or any other legal prohibition against the activity described in this section for an individual for a noncommercial purpose below the mean high water mark without a hobby license to gather on a public beach seashells, shark or fish teeth, driftwood, or any other like items that could possibly be considered artifactual material if these items are naturally found from time to time on a beach as a result of the tidal or other flow of the ocean or other bodies of salt, brackish, or fresh water. No reporting of any items collected as permitted by this subsection is required. The provisions of this subsection do not apply to state‑owned beaches, coastal wildlife management areas, and federally protected beaches.

(B) Individuals who desire to engage in the activity described in subsection (A) for a commercial purpose must obtain a nonexclusive commercial license for this purpose from the institute at a cost of twenty‑five dollars per year. This nonexclusive commercial license entitles the holder to engage in the permitted activity in any public area not otherwise restricted by the institute in the license. The institute also shall specify what type of reporting the license holder must make to the institute and the frequency of the reporting. A commercial purpose as used in this subsection includes, but is not limited to, a sale of the items collected or the inclusion of the items collected in other products offered for sale.

(C) No license of any kind is required in order for an individual to dive for shark teeth for a noncommercial purpose and no reporting is required for the personal use or collection of shark teeth.”

SECTION 2. Section 54‑7‑670(B) of the 1976 Code is amended to read:

“(B) A person desiring to apply for a hobby license shall submit a completed application on a standard form prescribed by the institute together with a license fee. A license fee of ~~five~~ ten dollars for residents of this State and ~~ten~~ twenty dollars for nonresidents must be charged for ~~a six‑month~~ an annual hobby license. ~~A license fee of eighteen dollars for residents of this State and thirty‑six dollars for nonresidents must be charged for a two‑year hobby license.~~”

SECTION 3. Section 54‑7‑670 of the 1976 Code is amended by adding a new subsection appropriately lettered to read:

“( ) If an application for a hobby license is denied by the institute or if a hobby diver disagrees with a decision by the institute, the person may appeal this decision or denial to the South Carolina Underwater License Appellate Board within thirty days of the decision or denial. The board may uphold or reverse the decision of the institute or remand the matter to the institute for further action consistent with instructions from the board.”

SECTION 4. Chapter 7, Title 54 of the 1976 Code is amended by adding:

“Section 54‑7‑675. (A) There is established the South Carolina Underwater License Appellate Board composed of five members appointed for terms of four years each by the Governor. Two at‑large members must be appointed upon the recommendation of the State Museum Commission. There also must be three designated members of the board; one paleontologist appointed upon recommendation of the South Carolina Institute of Archeology and Anthropology, one who is engaged in the archeological profession appointed upon recommendation of the Department of Natural Resources, and one who is a certified, licensed diver in good standing. The initial terms of these three designated members must be for two years and until their successors are appointed and qualify, and thereafter their successors must be appointed for terms of four years each and until their successors are appointed and qualify. The members of the board shall elect a chairman and shall meet at least semiannually. The members of the board shall receive no mileage, per diem, or subsistence.

(B) If an application for a hobby license is denied by the institute or if a hobby diver disagrees with a decision by the institute, the person may appeal this decision or denial to the board within thirty days of the decision or denial. The board may uphold or reverse the decision of the institute or remand the matter to the institute for further action consistent with instructions from the board.”

SECTION 5. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑