**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑7‑25 SO AS TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY OR MUNICIPALITY BY ORDINANCE MAY INSTITUTE A CONVENIENCE FEE FOR THE ELECTRONIC PAYMENT OF TRAFFIC AND OTHER CITATIONS ISSUED ELECTRONICALLY BY LAW ENFORCEMENT OFFICERS OF THAT JURISDICTION, AND TO PROVIDE FOR THE DISTRIBUTION OF THE ELECTRONIC CITATION FEES.

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

SECTION 1. Chapter 7, Title 56 of the 1976 Code is amended by adding:

“Section 56‑7‑25. (A) The governing body of a county or municipality by ordinance may authorize a court clerk of a court of that jurisdiction, including the magistrates court, to assess and collect an electronic citation fee for each traffic, parking, or incident citation issued and collected electronically resulting in a conviction. Any electronic citation fee imposed pursuant to an ordinance under this section may not exceed five dollars and must be in addition to all other fees, taxes, and charges. The fee is assessable as court costs and must be paid by the defendant for any of the offenses set forth in a citation that results in a verdict of guilty, a plea of guilty, or a plea of nolo contendere.

(B) The funds derived from an electronic citation fee that has been authorized by a county or municipality pursuant to subsection (A) only may be used for the following purposes:

(1) the acquisition of an electronic citation system and related program expenditures; and

(2) the ongoing maintenance, repairs, and replacement of an electronic citation system.

(C) The revenue collected by an electronic citation fee authorized by a county or municipality pursuant to subsection (A) must be deposited in a special revenue fund of the law enforcement agency which issued the citation. The county or municipal court clerk which initially collects these funds pursuant to subsection (A) is responsible for depositing all of the funds into the special revenue fund of the law enforcement agency which issued the citation. These deposits must be made on a quarterly calendar‑year basis.

(D) The State Treasurer may request the State Auditor to examine the financial records of any county or municipal court clerk which the State Treasurer believes is not depositing the funds generated by an electronic citation fee in a manner consistent with the requirements set forth in subsection (C). The State Treasurer also is authorized to conduct the examination and, in either instance, the local jurisdiction is required to participate in and cooperate fully with the examination. Should the State Treasurer find that the relevant county or municipal court clerk is not depositing the designated funds in a manner consistent with subsection (C), the State Treasurer has the authority to require that the funds immediately be transmitted by the county or municipal court clerk to the State Treasurer for distribution to the designated special revenue fund of the issuing law enforcement agency as set forth in subsection (C).”

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

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