**A** **BILL**

TO AMEND SECTION 56‑5‑3890, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE UNLAWFUL USE OF WIRELESS ELECTRONIC COMMUNICATIONS DEVICES WHILE OPERATING MOTOR VEHICLES, SO AS TO INCREASE THE PENALTY FOR A VIOLATION.

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

SECTION 1. Section 56‑5‑3890(D)(1) of the 1976 Code is amended to read:

“(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than ~~twenty‑five~~ two hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A person must not be fined more than ~~fifty~~ two hundred dollars for any one incident of one or more violations of the provisions of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56‑1‑640, a violation of this section must not be:

(a) included in the offender’s motor vehicle records maintained by the Department of Motor Vehicles or in the criminal records maintained by SLED; or

(b) reported to the offender’s motor vehicle insurer.”

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

‑‑‑‑XX‑‑‑‑