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Indicates New Matter

AMENDED--NOT PRINTED IN THE HOUSE

Amt. No. 1 (4696C001.GT.CM20)

March 4, 2020

**H. 4696**

Introduced by Reps. Bennett, Chellis, Taylor, Felder, Davis and Robinson

S. Printed 2/27/20--H.

Read the first time January 14, 2020.

**A** **BILL**

TO AMEND SECTION 56‑5‑2780, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES ASSOCIATED WITH UNLAWFULLY PASSING A STOPPED SCHOOL BUS, SO AS TO REVISE THE PENALTIES AND MAKE TECHNICAL CHANGES; AND BY ADDING SECTION 59‑67‑512 SO AS TO PROVIDE THE STATE SUPERINTENDENT OF EDUCATION MAY OVERRULE THE DECISION OF A LOCAL SCHOOL DISTRICT REGARDING THE PLACEMENT OF CERTAIN STUDENT SCHOOL BUS STOPS.

Amend Title To Conform

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

SECTION 1. Section 56‑5‑2780 of the 1976 Code is amended to read:

“Section 56‑5‑2780. (A) A driver of a vehicle violating Section 56‑5‑2770 (A) or (C) is guilty of a misdemeanor and, upon conviction~~, entry of a plea of guilty or nolo contendere, or forfeiture of bail~~ for a first offense, must be fined not less than ~~five hundred~~ one thousand dollars ~~or~~ and not more than two thousand dollars and imprisoned not more than thirty days. In lieu of imprisonment, the court may require that the individual complete an appropriate term of community service of not fewer than ten days upon terms and conditions the court considers proper. Notwithstanding any other provision of law, a first offense for a violation of Section 56‑5‑2770 (A) or (C) may be tried in ~~magistrate’s court~~ magistrates court. The Department of Motor Vehicles shall suspend the driver’s license of a person convicted pursuant to this subsection for thirty days. If he is imprisoned, the suspension shall run for the term of imprisonment plus thirty days.

(B) Upon conviction~~, entry of a plea of guilty or nolo contendere, or forfeiture of bail~~ for a second or subsequent violation of Section 56‑5‑2770 (A) or (C), a person is guilty of a misdemeanor and must be fined not less than ~~two~~ five thousand dollars or more than ~~five~~ ten thousand dollars ~~or~~ and imprisoned for not fewer than ~~thirty days~~ six months and not more than ~~sixty days~~ one year.

The Department of Motor Vehicles shall suspend the driver’s license of a person convicted pursuant to this subsection for six months. If the person is imprisoned, the suspension shall run for the term of imprisonment plus six months.

~~(B)~~(C) If a driver of a vehicle violates Section 56‑5‑2770 (A) or (C), and the violation proximately causes great bodily injury or death to a pedestrian, the person is guilty of a felony and, upon conviction, ~~entry of a plea of guilty or nolo contendere, or forfeiture of bond,~~ the person must be:

(1) fined not less than ~~five~~ ten thousand dollars or more than ~~ten~~ fifteen thousand dollars and imprisoned for not less than ~~sixty days~~ six months or more than one year when great bodily injury results;

(2) fined not less than ~~ten~~ fifteen thousand dollars or more than twenty‑five thousand dollars and imprisoned for not less than one year or more than five years when death results.

As used in this subsection, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

The Department of Motor Vehicles shall suspend the driver’s license of a person ~~who is~~ convicted ~~or who receives a sentence upon a plea of guilty or nolo contendere~~ pursuant to this subsection for the term of imprisonment plus one year.

(D) A violation of the provisions of this section also requires successful completion of a classroom course in driver’s safety before reinstatement of driving privileges.”

(E) All fines collected pursuant to this section shall be received and administered by the South Carolina Department of Education for the purchase of digital recording devices mounted on school buses as provided in Section 56‑5‑2770 and school bus extended stop arms.

(F) The month of August of each year is declared ‘School Bus Safety Month’ in South Carolina.

SECTION 2. Article 3, Chapter 67, Title 59 of the 1976 Code is amended by adding:

“Section 59‑67‑512. The State Superintendent of Education has the discretion to overrule the decision of a local school district regarding the placement of a student school bus stop. The exercise of this discretion is limited to school bus stops that the Superintendent determines to be dangerous.”

SECTION 3. This act takes effect ninety days after approval by the Governor.

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