**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3085**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rutherford and Hosey

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Introduced in the House on January 12, 2021

Currently residing in the House Committee on **Judiciary**

Summary: Driver's license, surrendered

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 63](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 63](file:///h:\hj\20210112.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3085&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3085_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑557 SO AS TO PROVIDE THAT WHEN A PERSON APPEALS A CONVICTION THAT REQUIRES THE SUSPENSION OF HIS DRIVER’S LICENSE, THE DRIVER’S LICENSE SUSPENSION MUST BE STAYED WHILE THE CASE IS BEING APPEALED OR WHEN A PETITION FOR REHEARING HAS BEEN FILED; AND TO AMEND SECTION 56‑1‑365, RELATING TO A PERSON WHO SURRENDERS HIS DRIVER’S LICENSE, SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MAY NOT SUSPEND A PERSON’S DRIVER’S LICENSE IF IT FAILS TO RECEIVE NOTICE OF A CONVICTION THAT REQUIRES THE LICENSE TO BE SUSPENDED WITHIN THIRTY DAYS OF THE CONVICTION.

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

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

“Section 56‑1‑557. When a person appeals or requests a rehearing of a conviction that requires the suspension of his driver’s license, the driver’s license suspension must be stayed while the case is being appealed or when a petition for rehearing has been filed.”

SECTION 2. Section 56‑1‑365(C) of the 1976 Code is amended to read:

“(C) The department shall notify the defendant of the suspension or revocation. Except as provided in Section 56‑5‑2990, if the defendant surrendered his license to the magistrate or clerk immediately after conviction, the effective date of the revocation or suspension is the date of surrender. If the magistrate or clerk wilfully fails to electronically forward the disposition and license surrender information to the department within five business days, the suspension or revocation does not begin until the department receives and processes the license and ticket, provided that the end date of the term of suspension or revocation shall be calculated from the date of surrender and not the date the department receives and processes the ticket. The department may not suspend a person’s license if it fails to receive notice of a conviction that requires the license to be suspended within thirty days of the conviction.”

SECTION 3. This act takes effect upon approval by the Governor.

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