~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 17, 2022

**H. 3037**

Introduced by Reps. Garvin, Robinson, Cobb‑Hunter, Hosey, J.L. Johnson, Matthews, S. Williams, Rivers, Jefferson, R. Williams, Govan and King

S. Printed 3/17/22--S.

Read the first time April 7, 2021.

**THE COMMITTEE ON TRANSPORTATION**

To whom was referred a Bill (H. 3037) to amend the Code of Laws of South Carolina, 1976, by adding Section 56‑3‑117 so as to provide the Department of Motor Vehicles may add a notation, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. A. Section 56‑1‑80(A) of the 1976 Code is amended to read:

“Section 56‑1‑80. (A) An application for a driver’s license or permit must:

(1) be made upon the form furnished by the department;

(2) be accompanied by the proper fee and acceptable proof of date and place of birth;

(3) contain the full name, date of birth, sex, race, and residence address of the applicant and briefly describe the applicant;

(4) state whether the applicant has been licensed as an operator or chauffeur and, if so, when and by what state or country;

(5) state whether a license or permit has been suspended or revoked or whether an application has been refused and, if so, the date of and reason for the suspension, revocation, or refusal;

(6) allow an applicant voluntarily to disclose a permanent medical condition, provided that the disclosure is made on a form prescribed by the department and includes a certification from a physician licensed in this State, as defined in Chapter 47, Title 40, that affirms the existence of the medical condition. ~~which~~ The medical condition must be indicated by a symbol designated by the department on the driver’s license and contained in the driver’s record~~;~~. The motor vehicle record of a driver may not contain more than three permanent medical conditions unless subitem (A)(8) applies;

(7) allow an applicant voluntarily to disclose that he is an organ and tissue donor, which must be indicated by a symbol designated by the department on the driver’s license and contained in the driver’s record; ~~and~~

(8) allow an applicant voluntarily to disclose that he is autistic, which must be indicated by a symbol designated by the department on the driver’s license and contained in the driver’s record. The applicant must provide documentation that he is autistic from a physician licensed in this State, as defined in Section 40‑47‑20(35)~~.~~; and

(9) include a statement that state and federal law may require the department to release certain driver’s license and driver’s record information, including medical conditions, under certain circumstances.”

B. This SECTION takes effect July 1, 2022.

SECTION 2. A. Section 56-1-3350(A) of the 1976 Code is amended to read:

/ “Section 56-1-3350. (A) Upon application by a person five years of age or older, who is a resident of South Carolina, the department shall issue a special identification card ~~as long as~~ provided that the:

(1) application is made on a form approved and furnished by the department;

(2) applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth; and

(3) applicant, who wishes to obtain a special identification card that indicates the applicant is autistic, complies with subsections (A)(1) and (2) and provides documentation that he is autistic from a physician licensed in this State, as defined in ~~Section 40‑47‑20(35)~~ Chapter 47, Title 40. The special identification requested must be indicated by a symbol designated by the department on the person’s special identification card.

(4) applicant, who wishes to obtain a special identification card that indicates the applicant has voluntarily disclosed a permanent medical condition, complies with subsection (A)(1) and (2), and provides documentation of the medical condition from a physician licensed in this State, as defined in Chapter 47, Title 40. The record of an identification card holder may not contain more than three permanent medical conditions unless subitem (A)(3) applies. The record of an identification card holder, including medical conditions, may be released under certain circumstances in accordance with state and federal law.”

B. This SECTION takes effect one year after the approval by the Governor.

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

Renumber sections to conform.

Amend title to conform.

LAWRENCE K. GROOMS for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑3‑117 SO AS TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY ADD A NOTATION TO A PRIVATE PASSENGER‑CARRYING MOTOR VEHICLE REGISTRATION TO INDICATE THE VEHICLE OWNER OR AN OCCUPANT OF THE VEHICLE SUFFERS FROM CERTAIN MEDICAL CONDITIONS AND TO PROVIDE THE CRIMINAL JUSTICE ACADEMY SHALL OFFER COURSES TO TRAIN LAW ENFORCEMENT OFFICERS ON HANDLING SITUATIONS THAT MAY ARISE FROM THE ENFORCEMENT OF THIS PROVISION.

Amend Title To Conform

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

SECTION 1. Section 56‑1‑80 of the 1976 Code is amended to read:

“Section 56‑1‑80. (A) An application for a driver’s license or permit must:

(1) be made upon the form furnished by the department;

(2) be accompanied by the proper fee and acceptable proof of date and place of birth;

(3) contain the full name, date of birth, sex, race, and residence address of the applicant and briefly describe the applicant;

(4) state whether the applicant has been licensed as an operator or chauffeur and, if so, when and by what state or country;

(5) state whether a license or permit has been suspended or revoked or whether an application has been refused and, if so, the date of and reason for the suspension, revocation, or refusal;

(6) allow an applicant voluntarily to disclose and provide a medical certificate that indicates a permanent medical condition, which must be indicated by a symbol designated by the department on the driver’s license and contained in the driver’s record;

(7) allow an applicant voluntarily to disclose that he is an organ and tissue donor, which must be indicated by a symbol designated by the department on the driver’s license and contained in the driver’s record; and

(8) allow an applicant voluntarily to disclose that he is autistic, which must be indicated by a symbol designated by the department on the driver’s license and contained in the driver’s record. The applicant must provide documentation that he is autistic from a physician licensed in this State, as defined in Section 40‑47‑20(35).

(B) The information contained on a driver’s license and in the driver’s department records pertaining to a person’s permanent medical condition, as provided for in item (A)(6), must be made available, upon request, to law enforcement and emergency medical services and hospital personnel; and the information and records pertaining to a person’s organ and tissue donor status, as provided for in item (A)(7), must be made available, upon request, to law enforcement, emergency medical services and hospital personnel, and the South Carolina Donor Referral Network, as provided for in Section 44‑43‑910.

(C) Whenever an application is received from a person previously licensed or permitted in another state, the Department of Motor Vehicles may request a copy of the applicant’s record from the other state. When received, the record becomes a part of the driver’s record in this State with the same effect as though entered on the operator’s record in this State in the original instance. Every person who obtains a driver’s license or permit for the first time in South Carolina and every person who renews his driver’s license or permit in South Carolina must be furnished a written request form for completion and verification of liability insurance coverage.

The completed and verified form or an affidavit prepared by the department showing that neither he, nor a resident relative, owns a motor vehicle subject to the provisions of this chapter, must be delivered to the department at the time the license or permit is issued or renewed.

(D)(1) The department must implement fully the provisions contained in subitems (A)(6) and (A)(8) by July 1, 2022.

(2) Pursuant to subitem (A)(6), a person providing medical certification may request the department notate a health condition on the back of his driver’s license or permit with a caduceus symbol and include health conditions such as neurological disorder, brain injury, a neuroimmune condition, mental illness, a disorder that causes seizures, and others.

(3) Pursuant to subitem (A)(8), a person with autism providing medical certification may request the department add ‘AUT’ and one other medical condition designated by a caduceus.

(4) The motor vehicle record of a driver may contain not more than four certified medical conditions, one of which may be autism.”

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

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