~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2021

**H. 3219**

Introduced by Reps. Collins, Allison and Henderson‑Myers

S. Printed 4/22/21--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3219) to amend the Code of Laws of South Carolina, 1976, by adding Section 63‑7‑35 so as to require the Department of Social Services to establish a program, 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. Article 1, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63‑7‑35. (A) To the extent that specific state funding is appropriated to the department by the General Assembly for this purpose, the department shall establish a program to pay the costs of a driver’s education program approved by the department and, upon successful completion of the program, the driver’s license fee and motor vehicle insurance, up to a maximum limit of two thousand dollars per child, per twelve‑month period, for a child fifteen to eighteen years of age in the care, custody, or guardianship of the department pursuant to this chapter.

(B) If a caregiver, or an individual or not‑for‑profit entity approved by the caregiver, adds a child to his existing insurance policy, the amount reimbursed by the program to the caregiver or approved purchaser may not exceed the increase in cost attributable to the addition of the child to the policy, up to a maximum limit of two thousand dollars per child, per twelve‑month period.

(C) Payments or reimbursements up to the maximum limit must be made to eligible recipients in the order of eligibility until appropriated program funds are exhausted.

(D) If a child who is determined to be eligible exits the care, custody, or guardianship of the department to a permanent home, the program may pay for that child to complete a driver’s education program and obtain a driver’s license for up to six months after the date the child reaches permanency status. A child continuing in the care, custody, or guardianship of the department after eighteen years of age as authorized by the department may be eligible to have the additional costs set forth in subsection (A) according to the department’s policies and programs for young adults in the care, custody, or guardianship of the department.

(E) The department shall develop procedures for operating and administering the program including, but not limited to:

(1) determining eligibility, including responsibilities for the child and caregiver;

(2) notifying eligible children, caregivers, group homes, and residential programs about the program;

(3) providing technical assistance to lead agencies, providers, group homes, and residential programs to support removing obstacles that prevent children in the care, custody, or guardianship of the department from driving; and

(4) publicizing the program, engaging in outreach, and providing incentives to youth participating in the program to encourage the greatest number of eligible children to obtain drivers’ licenses.”

SECTION 2. Section 56‑1‑110 of the 1976 Code is amended to read:

“Section 56‑1‑110. Any negligence or wilful misconduct of a minor when driving a motor vehicle upon a highway must be imputed to the person who has signed the application of ~~such~~ the minor for a beginner’s permit, instruction permit, or driver’s license, ~~which~~ and the person is jointly and severally liable with ~~such~~ the minor for any damage caused by ~~such~~ the negligence or wilful misconduct, except that if ~~such~~ the minor is protected by a policy of liability insurance in the form and in the amounts as required under Chapter 9 of this title and Sections 38‑77‑140 through 38‑77‑310, then ~~such parent or guardian or other responsible adult~~ the person responsible for the unemancipated minor’s welfare is not subject to the liability otherwise imposed ~~under~~ pursuant to this section. In addition, if the person who signed the application is a caregiver, as that term is defined in Section 63‑7‑20, the person is immune from and not subject to liability otherwise imposed pursuant to this section to the extent provided in Section 63‑7‑2310(I).”

SECTION 3. Section 63‑7‑2310 of the 1976 Code is amended by adding:

“(I) A caregiver is not liable for harm caused to or by a child in foster care who participates in an activity insofar as the caregiver acted in accordance with the reasonable and prudent parent standard pursuant to Sections 63‑7‑20 and 63‑7‑25.”

SECTION 4. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56‑1‑142. In accordance with Section 63-7-25, the Department of Motor Vehicles must waive the following fees for applicants who are at least fifteen years of age and less than nineteen years of age if those applicants present proof from the Department of Social Services that they are in the care, custody, or guardianship of the department pursuant to Chapter 7, Title 63:

(1) the beginner’s permit fee referenced in Section 56‑1‑50(D);

(2) the fee for a knowledge examination referenced in Section 56‑1‑130(A);

(3) the fee for the first eight‑year driver’s license referenced in Section 56‑1‑140(A); and

(4) the fee for the first identification card referenced in Section 56‑1‑3350(C)(1).”

SECTION 5. This act takes effect one hundred and eighty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill requires DSS to establish a program to pay the costs incidental to becoming an authorized motor vehicle operator, including a driver’s education course, driver’s license fee, and motor vehicle insurance, for children aged fifteen to eighteen residing in out of home care under DSS’s supervision. The bill requires DSS to contract with a not-for-profit entity whose mission is to support youth aging out of foster care to develop the procedures for operating and administering the program.

The fiscal impact of this bill is pending, contingent upon a response from DSS.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑7‑35 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO ESTABLISH A PROGRAM TO PAY FOR CERTAIN EXPENSES INCIDENTAL TO BECOMING LEGALLY AUTHORIZED TO DRIVE FOR CHILDREN FIFTEEN YEARS OF AGE OR OLDER WHO RESIDE IN OUT‑OF‑HOME CARE, WITH EXCEPTIONS; TO AMEND SECTION 56‑1‑110, RELATING TO IMPUTED LIABILITY OF A PERSON SIGNING A DRIVER’S LICENSE APPLICATION FOR AN UNEMANCIPATED MINOR, SO AS TO PROVIDE AN EXCEPTION TO LIABILITY FOR, AMONG OTHERS, FOSTER PARENTS; AND TO AMEND SECTION 63‑7‑2310, RELATING TO FOSTER CARE, SO AS TO PROVIDE IMMUNITY FROM LIABILITY FOR FOSTER PARENTS WITH EXCEPTIONS.

Whereas, it is the policy of this State that children living in out‑of‑home care should be able to participate in age or developmentally appropriate activities and that caregivers for these children should use a reasonable prudent standard to determine age or developmentally appropriate activities; and

Whereas, driving a motor vehicle is an age‑appropriate activity for a child fifteen years of age or older; and

Whereas, the expenses associated with driving a motor vehicle, including driver’s education programs, licensure, costs incidental to licensure, and motor vehicle insurance, can create a barrier to a child being able to engage in this age appropriate activity; and

Whereas, it may be cost‑prohibitive for a caregiver of a child in out‑of‑home care to pay for the expenses associated with the child becoming legally authorized to drive a motor vehicle; and

Whereas, the expenses associated with being able to drive legally also may create a barrier to gaining independence, obtaining employment, or completing educational goals. Now, therefore,

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

SECTION 1. Article 1, Chapter 7, Title 63 of the 1976 Code is amended by adding:

“Section 63‑7‑35. (A) To the extent that funding is available, the department shall establish a program to pay the costs of a driver’s education program approved by the department and, upon successful completion of the program, the driver’s license fee, motor vehicle insurance, and any other costs incident to becoming legally authorized to drive a motor vehicle, for a child fifteen to eighteen years of age who resides in out‑of‑home care pursuant to this chapter.

(B) If a caregiver, or an individual or not‑for‑profit entity approved by the caregiver, adds a child to his existing insurance policy, the amount paid by the program to the caregiver or approved purchaser may not exceed the increase in cost attributable to the addition of the child to the policy.

(C) Payments must be made to eligible recipients in the order of eligibility until available program funds are exhausted.

(D) If a child who is determined to be eligible reaches permanency status or turns eighteen years of age, the program may pay for that child to complete a driver’s education program and obtain a driver’s license for up to six months after the date the child reaches permanency status or six months after the date the child turns eighteen years of age. A child continuing in out‑of‑home care after eighteen years of age as authorized by the department may be eligible to have the additional costs set forth in subsection (A) paid if the child demonstrates those costs are creating barriers for obtaining employment or completing educational goals.

(E) The department shall contract with a not‑for‑profit entity whose mission is to support youth aging out of foster care to develop procedures for operating and administering the program including, but not limited to:

(1) determining eligibility, including responsibilities for the child and caregiver;

(2) notifying eligible children, caregivers, group homes, and residential programs about the program;

(3) providing technical assistance to lead agencies, providers, group homes, and residential programs to support removing obstacles that prevent children in foster care from driving; and

(4) publicizing the program, engaging in outreach, and providing incentives to youth participating in the program to encourage the greatest number of eligible children to obtain drivers’ licenses.”

SECTION 2. Section 56‑1‑110 of the 1976 Code is amended to read:

“Section 56‑1‑110. Any negligence or wilful misconduct of a minor when driving a motor vehicle upon a highway must be imputed to the person who has signed the application of ~~such~~ the minor for a beginner’s permit, instruction permit, or driver’s license, ~~which~~ and the person is jointly and severally liable with ~~such~~ the minor for any damage caused by ~~such~~ the negligence or wilful misconduct, except that if ~~such~~ the minor is protected by a policy of liability insurance in the form and in the amounts as required under Chapter 9 of this title and Sections 38‑77‑140 through 38‑77‑310, then ~~such parent or guardian or other responsible adult~~ the person responsible for the unemancipated minor’s welfare is not subject to the liability otherwise imposed ~~under~~ pursuant to this section. In addition, if the person who signed the application is a caregiver, as that term is defined in Section 63‑7‑20, the person is immune from and not subject to liability otherwise imposed pursuant to this section to the extent provided in Section 63‑7‑2310(I).”

SECTION 3. Section 63‑7‑2310 of the 1976 Code is amended by adding:

“(I) A caregiver is not liable for harm caused to or by a child in foster care who participates in an activity insofar as the caregiver acted in accordance with the reasonable and prudent parent standard pursuant to Sections 63‑7‑20 and 63‑7‑25.”

SECTION 4. This act takes effect upon approval by the Governor.

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