~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

April 28, 2021

**H. 3219**

Introduced by Reps. Collins, Allison and Henderson‑Myers

S. Printed 4/28/21--H.

Read the first time January 12, 2021.

**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.

Amend Title To Conform

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. 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 2. 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 3. 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 4. This act takes effect one hundred and eighty days after approval by the Governor.

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