~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 24, 2022

**H. 4319**

Introduced by Reps. Calhoon, Huggins, Erickson, McCabe, Henderson‑Myers, Crawford, Oremus, Henegan, McGarry, Matthews, Dillard, Allison, Bernstein, McDaniel, Murray, Felder, Bennett, R. Williams and Jefferson

S. Printed 2/24/22--H. [SEC 2/28/22 11:56 AM]

Read the first time May 4, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 4319) to amend the Code of Laws of South Carolina, 1976, by adding Section 56‑1‑88 so as to provide upon the request of a person, the Department, 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. Section 56-1-90 of the 1976 Code is amended to read:

“(A) The Department of Motor Vehicles may require every applicant to submit ~~for identification purposes proof of name, Social Security number, and date and place of birth when applying for a driver’s license~~ acceptable evidence when applying for or renewing a driver’s license, beginner’s permit, or identification card that proves the applicants:

(1) date of birth;

(2) place of birth;

(3) gender;

(4) Social Security number;

(5) principal residential address;

(6) full legal name;

(7) when applicable, legal name change; and

(8) when applicable, authorized length of stay in the United States.

An applicant ~~for a driver’s license, driver’s permit, or special identification card or a renewal thereof may sufficiently prove~~ may prove sufficiently the existence and validity of his Social Security number, for purposes of Section 14‑7‑130, by any document or electronic means considered reliable by the Department of Motor Vehicles, so long as that document or electronic mean does not conflict with other provisions of state or federal law. ~~Such a document includes, but is not limited to, an official Social Security card, Social Security check, Social Security form SSA‑1099, letter from the Social Security Administration, voter registration card, payroll stub, or Federal W‑2 form.~~ The numbers also may be obtained from the Department of Revenue pursuant to Section 12‑54‑240(B)(7), which permits the Department of Revenue to submit taxpayer Social Security numbers to the Department of Motor Vehicles and to the State Election Commission.

This section does not prevent issuance of a driver’s license or identification card to a foreign exchange student participating in a valid foreign exchange program.

(B) The department may require applicants to submit acceptable documents in other circumstances if those documents are not already on file with the department.

(C) In the case of a name change that occurred after the applicant’s birth, an applicant must present documentation to the department to show name traceability, in addition to the items in subsection (A) if not already on file with the department:

(1) a court order issued pursuant to Chapter 49 of Title 15 or an equivalent court order issued by a foreign jurisdiction;

(2) a marriage license issued pursuant to Chapter 1 of Title 20 signed by the official that performed the wedding ceremony and signed by both parties to the marriage, or an equivalent marriage license issued by a foreign jurisdiction. An applicant only is entitled to use a marriage license one time per marriage to change his middle name, last name, or both with the department. A marriage license cannot be used to change an applicant’s first name;

(3) a change of name allowance following a divorce pursuant to Section 20‑3‑180 or an equivalent change of name document following a divorce issued by a foreign jurisdiction; or

(4) an unexpired, United States Passport or Passport Card that includes the applicant’s full legal name.

If any one of the above documents does not show a link to the applicant’s evidence of full legal name, the department may require the applicant to submit more than one document to show traceability from the applicant’s original name to his current name.

(D) If an applicant is applying for a permit, driver’s license, or identification card that will be issued with a name other than what is presented to the department pursuant to subsection (A), the department may issue any driver’s license or identification card in the applicant’s preferred name if the applicant presents to the department at least three different documents, acceptable to the department, showing the applicant’s full name with the preferred name being the one used for at least fifteen years. These three documents must be in addition to the documents prescribed in subsection (A), and must, at the department’s discretion, show a reasonable link to the documents prescribed in subsection (A).

(E) If an applicant is applying for a permit, driver’s license, or identification card under the provisions of subsections (C) or (D), the applicant’s social security number must be validated with the Social Security Administration using the applicant’s preferred and full name presented to the department before the department may issue a driver’s license, permit, or identification card to the applicant.

(F) In the case of the social security number not validating, the department shall not issue any type of REAL ID permit, license, or identification card.”

SECTION 2. Section 56-1-140(A) of the 1976 Code is amended to read:

“(A) Upon payment of a fee of twenty‑five dollars for a license that is valid for eight years, the department shall issue to every qualified applicant a driver’s license as applied for by law. The license must bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, a brief description and ~~laminated colored~~ unobstructed photograph of the ~~licensee~~ licensee’s face, any marking otherwise required or in compliance with law, and a facsimile of the signature of the licensee. No license is valid until it has been so signed by the licensee. The license authorizes the licensee to operate only those classifications of vehicles as indicated on the license.” /

Renumber sections to conform.

Amend title to conform.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill, as amended, allows an applicant for a driver’s license, beginner’s permit, or identification card to use a name on the card that is different from their birth name with appropriate documentation. The amended bill also allows an applicant to prove the validity of his Social Security number electronically, as long as the documentation does not conflict with other provisions of State or federal law. DMV indicates that expenses for training and updating forms and procedures will be minimal and can be managed within existing appropriations. Therefore, there is no expenditure impact on DMV.

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 56‑1‑88 SO AS TO PROVIDE UPON THE REQUEST OF A PERSON, THE DEPARTMENT OF MOTOR VEHICLES MUST ISSUE A REAL ID COMPLIANT DRIVER’S LICENSE THAT CONTAINS THE PERSON’S NAME AS IT APPEARS ON HIS CURRENT DRIVER’S LICENSE.

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 56‑1‑88. Notwithstanding another provision of law, upon the request of a person, the Department of Motor Vehicles must issue a Real ID compliant driver’s license that contains the person’s name as it appears on his current driver’s license.”

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

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