~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT ADOPTED

March 23, 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, Jefferson, Alexander and Kirby

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Read the first time March 2, 2022.

**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.

Amend Title To Conform

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

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.”

SECTION 3. Section 56-1-50(D) of the 1976 Code is amended to read:

“(D) A beginner's permit may be renewed or a new permit issued for additional periods of twelve months. However, the department may refuse to renew or issue a new permit where the examining officer has reason to believe the applicant has not made a bona fide effort to pass the required driver's road test or does not appear to the examining officer to have the aptitude to pass the road test. The fee for every beginner's or renewal permit is two dollars and fifty cents, and the permit must bear the full name, date of birth, and residence address and a brief description and ~~color~~ unobstructed photograph of the permittee and a facsimile of the signature of the permittee or a space upon which the permittee shall write his usual signature with pen and ink immediately upon receipt of the permit. A permit is not valid until it has been signed by the permittee.”

SECTION 4. Section 56-1-2100(A)(2) of the 1976 Code is amended to read:

(2) the person's ~~color~~ unobstructed photograph;

SECTION 5. Section 56-1-3370 of the 1976 Code is amended to read:

Section 56-1-3370. The special identification card issued pursuant to this article shall be similar in size, shape, and design to a motor vehicle driver's license, including a ~~color~~ unobstructed photograph of the person to whom it is issued. Provided, however, that the card shall be readily distinguishable from a driver's license by a difference in color, and there shall be printed on the face of such card a statement that the card does not enable the person to whom it is issued to operate a motor vehicle.

SECTION 6. This act takes effect on the first Wednesday occurring two weeks after the Governor’s approval.

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