**A** **BILL**

TO AMEND SECTION 56‑1‑460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES IMPOSED FOR DRIVING A MOTOR VEHICLE WHEN A PERSON’S DRIVER’S LICENSE IS CANCELED, SUSPENDED, OR REVOKED, SO AS TO REVISE THE PENALTY FOR A THIRD OR SUBSEQUENT OFFENSE, AND MAKE TECHNICAL CHANGES.

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

SECTION 1. Section 56‑1‑460(A) of the 1976 Code is amended to read:

“(A)(1) Except as provided in item (2), a person who drives a motor vehicle on a public highway of this State when the person’s license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for up to thirty days, or both;

(b) for a second offense, fined six hundred dollars or imprisoned for up to sixty consecutive days, or both; ~~and~~

(c) for a third or subsequent offense, fined one thousand dollars, ~~and~~ or imprisoned for up to ninety days, or confined to a person’s place of residence pursuant to the Home Detention Act for up to ninety days. No portion of a term of imprisonment or confinement under home detention may be suspended by the trial judge except when the court is suspending a term of imprisonment upon successful completion of the terms and conditions of confinement under home detention. For purposes of this item, a person sentenced to confinement pursuant to the ‘Home Detention Act’ is required to pay for the cost of such confinement~~.~~;

(d) notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense punishable under this item may be tried in magistrates or municipal court~~.~~;

(e)(i) a person convicted of a first or second offense of this item, as determined by the records of the department, and who is employed or enrolled in a college or university at any time while the person’s driver’s license is suspended pursuant to this item, may apply for a route restricted driver’s license permitting the person to drive only to and from work or the person’s place of education and in the course of the person’s employment or education during the period of suspension. The department may issue the route restricted driver’s license only upon a showing by the person that the person is employed or enrolled in a college or university and that the person lives further than one mile from the person’s place of employment or place of education~~.~~;

(ii) when the department issues a route restricted driver’s license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A person holding a route restricted driver’s license pursuant to this item shall report to the department immediately any change in the person’s employment hours, place of employment, status as a student, or residence~~.~~;

(iii) the fee for a route restricted driver’s license issued pursuant to this item is one hundred dollars, but no additional fee is due when changes occur in the place and hours of employment, education, or residence. Of this fee, eighty dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. The remainder of the fees collected pursuant to this item must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund~~.~~;

(iv) the operation of a motor vehicle outside the time limits and route imposed by a route‑restricted license is a violation of subsection (A)(1).

(2) A person who drives a motor vehicle on a public highway of this State when the person’s license has been suspended or revoked pursuant to the provisions of Section 56‑5‑2990 or 56‑5‑2945 must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for not less than ten nor more than thirty days;

(b) for a second offense, fined six hundred dollars or imprisoned for not less than sixty days nor more than six months;

(c) for a third or subsequent offense, fined one thousand dollars and imprisoned for not less than six months nor more than three years.

No portion of the minimum sentence imposed pursuant to this item may be suspended.”

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

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