

NO. 50

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 12, 2021

TUESDAY, APRIL 6, 2021

Tuesday, April 6, 2021
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Exodus 4:13

In Exodus Moses says to the Lord God, ‘ “O Lord, please send someone else to do it.’ ”

Let us pray: Holy God, we remember how even Your servant Moses demonstrated clear reluctance to follow Your call for him to carry out Your will. His story reminds all of us how challenging it is for us, also, to be the sorts of leaders You want us to be. After all, it is a difficult, time-consuming, and sometimes frustrating request You make of us: to be leaders who boldly do the often hard work You expect us to complete. Therefore, Lord, our plea today is straight-forward and quite simple: that You grant to each of Your servants in this Senate the determination to do what is right and just, to go ahead with what they know to be necessary and not to wait for someone else to do the work for them. May each Senator and staff member honor You through their active service on behalf of all South Carolinians. In Your loving name we pray, Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

Point of Quorum

At 12:04 P.M., Senator ALEXANDER made the point that a quorum was not present. It was ascertained that a quorum was present.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

TUESDAY, APRIL 6, 2021

Statewide Appointments

Reappointment, Donate Life South Carolina, with the term to commence April 1, 2019, and to expire April 1, 2023

At-Large:

John P. Brogan, P. O. Box 3410, Bluffton, SC 29910-3410

Referred to the Committee on Medical Affairs.

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2020, and to expire April 1, 2024

At-Large:

Thomas F. Dougall, 209 Redbay Road, Elgin, SC 29045-8651 *VICE*
Elizabeth Walker

Referred to the Committee on Medical Affairs.

Initial Appointment, Donate Life South Carolina, with the term to commence April 1, 2020, and to expire April 20, 2024

Pee Dee District - represent organ and tissue recipients, families of recipients, and families of donors who are residents of South Carolina:

Alan Sipe, 128 Colonial Circle, Murrells Inlet, SC 29576-8514

Referred to the Committee on Medical Affairs.

Reappointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2020, and to expire July 1, 2024

Chairman, 4th Congressional District:

Norman F. Pulliam, 812 East Main Street, Spartanburg, SC 29302-2000

Referred to the Committee on Fish, Game and Forestry.

Reappointment, Governing Board of Department of Natural Resources, with the term to commence July 1, 2020, and to expire July 1, 2024

6th Congressional District:

Duane M. Swygert, P. O. Box 486, Hardeeville, SC 29927-0486

Referred to the Committee on Fish, Game and Forestry.

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Reappointment, South Carolina Board of Occupational Therapy, with the term to commence September 30, 2021, and to expire September 30, 2024

Occupational Therapist:

Ricardo Holmes, 2 Bradford Ridge Court, Columbia, SC 29223

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina Department of Transportation Commission, with the term to commence February 15, 2021, and to expire February 15, 2025

7th Congressional District:

Tony K. Cox, 817 St. Charles Road, North Myrtle Beach, SC 29582

Referred to the Committee on Transportation.

Initial Appointment, South Carolina Mental Health Commission, with the term to commence July 31, 2018, and to expire July 31, 2023

5th Congressional District:

Crystal A. Maxwell, 2748 Dunlin Dr., Fort Mill, SC 29707-9118

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina State Athletic Commission, with the term to commence June 30, 2020, and to expire June 30, 2024

2nd Congressional District:

Edwin M. Estridge, 121 Pamela Court, Chapin, SC 29036-9481

Referred to the Committee on Labor, Commerce and Industry.

Reappointment, South Carolina State Board of Cosmetology, with the term to commence March 19, 2019, and to expire March 20, 2023

Cosmetologist:

LaQuita W. Horton, 1210 Cheraw Road, Cassatt, SC 29032

Referred to the Committee on Labor, Commerce and Industry.

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Initial Appointment, South Carolina State Board of Financial Institutions, with the term to commence June 30, 2020, and to expire June 30, 2024

Cooperative Credit Unions:

Jennifer Michaels, 13 Swan Lake Drive, Sumter, SC 29150-4740
VICE William S. Conley

Referred to the Committee on Banking and Insurance.

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2020, and to expire April 6, 2026

4th Congressional District:

George Scott Bryant, 415 Grazing Ridge Lane, Moore, SC 29369-9042
VICE Katherine Ann George

Referred to the Committee on Agriculture and Natural Resources.

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2018, and to expire April 6, 2024

5th Congressional District:

Christine E. White, 1520 Highcrest Way, Rock Hill, SC 29730-6668
VICE Dr. Gretchen Love

Referred to the Committee on Agriculture and Natural Resources.

Doctor of the Day

Senator RANKIN introduced Dr. Brandon Coakley of Myrtle Beach, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator ALEXANDER, at 12:04 P.M., Senator LEATHERMAN was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator GROOMS, at 12:13 P.M., Senator CAMPSSEN was granted a leave of absence until 12:45 P.M.

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Leave of Absence

On motion of Senator YOUNG, at 12:13 P.M., Senator M. JOHNSON was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator FANNING, at 12:13 P.M., Senator McLEOD was granted a leave of absence until 12:45 P.M.

Leave of Absence

On motion of Senator JOHNSON, at 12:13 P.M., Senator McELVEEN was granted a leave of absence until 2:30 P.M.

CO-SPONSORS ADDED

The following co-sponsors were added to the respective Bills:

S. 17 Sen. Loftis
S. 425 Sen. Gustafson
S. 464 Sens. Adams, Talley, Matthews, Goldfinch, Gambrell,
 Garrett, Hutto, Harpootlian, Williams
S. 614 Sen. Cromer
S. 675 Sen. Garrett

RECALLED

H. 3436 -- Rep. Hayes: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF MARK ROAD IN DILLON COUNTY FROM ITS INTERSECTION WITH BLACK BRANCH ROAD TO ITS INTERSECTION WITH UNITED STATES HIGHWAY 301 "REVEREND JOHN L. BRYANT, JR. HIGHWAY" AND ERECT APPROPRIATE SIGNS OR MARKERS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

Senator WILLIAMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 724 -- Senator Kimpson: A SENATE RESOLUTION TO RECOGNIZE THE BOEING COMPANY AND ITS DREAMLIFTER OPERATIONS TEAM FOR DELIVERING LIFE-SAVING PERSONAL PROTECTIVE EQUIPMENT TO THE RESIDENTS OF SOUTH CAROLINA AND CITIZENS ACROSS THE COUNTRY DURING THE COVID-19 GLOBAL PANDEMIC.

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The Senate Resolution was adopted.

S. 725 -- Senators McElveen and K. Johnson: A CONCURRENT RESOLUTION TO RECOGNIZE AND REMEMBER THE HEROISM OF SENIOR CORPORAL GARY BEAVER, STAFF SERGEANT SEPTEMBER CRAFT, AND THE LATE CORPORAL ANDREW GILLETTE OF THE SUMTER COUNTY SHERIFF'S OFFICE AND TO HONOR THEIR EXCEPTIONAL COURAGE IN THE LINE OF DUTY AS THEY RECEIVE THE SOUTH CAROLINA SHERIFF'S ASSOCIATION MEDAL OF VALOR.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 726 -- Senator Hutto: A BILL TO AMEND SECTION 12-36-2120, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE STATE SALES TAX, SO AS TO INCLUDE AN AGRIBUSINESS PROCESSOR AS A MANUFACTURING FACILITY FOR PURPOSES OF THE EXEMPTION ON CONSTRUCTION MATERIALS.

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Read the first time and referred to the Committee on Finance.

S. 727 -- Senator Bennett: A BILL TO AMEND SECTIONS 56-3-253, 56-3-376, 56-3-377, AND 56-3-385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ESTABLISHMENT OF BIENNIAL VEHICLE REGISTRATION PERIODS, SO AS TO ESTABLISH ANNUAL VEHICLE REGISTRATION PERIODS; BY ADDING SECTION 56-3-600 SO AS TO PROVIDE FOR THE ANNUAL PAYMENT OF VEHICLE REGISTRATION AND LICENSE FEES; TO AMEND SECTIONS 56-3-610, 56-3-620, 56-3-640, 56-3-645, 56-3-660, 56-3-700, 56-3-710, 56-3-720, 56-3-740, 56-

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3-750, 56-3-760, 56-3-770, 56-3-840, 56-3-900, 56-3-1230, 56-3-1450, 56-3-1510, 56-3-1530, 56-3-1610, 56-3-1630, 56-3-1750, 56-3-1760, 56-3-1820, 56-3-2010, 56-3-2020, 56-3-2150, AS AMENDED, 56-3-2160, 56-3-2540, 56-3-2810, 56-3-2820, 56-3-3410, 56-3-3420, 56-3-3500, 56-3-3600, 56-3-3800, 56-3-3910, 56-3-3950, 56-3-4100, 56-3-4200, 56-3-4410, 56-3-4510, 56-3-4600, 56-3-4800, 56-3-5010, 56-3-5200, 56-3-5300, 56-3-5400, 56-3-6000, 56-3-6500, 56-3-7000, 56-3-7010, 56-3-7050, 56-3-7200, 56-3-7300, 56-3-7310, 56-3-7320, 56-3-7330, 56-3-7340, 56-3-7350, 56-3-7370, 56-3-7610, 56-3-7700, 56-3-7750, 56-3-7780, 56-3-7800, 56-3-7890, 56-3-7910, 56-3-7940, 56-3-7950, 56-3-8000, 56-3-8100, 56-3-8200, 56-3-8300, 56-3-8400, 56-3-8600, 56-3-8710, 56-3-8910, 56-3-9000, 56-3-9100, 56-3-9200, 56-3-9300, 56-3-9400, 56-3-9500, 56-3-9600, AS AMENDED, 56-3-9710, 56-3-9800, 56-3-10010, 56-3-10110, 56-3-10210, 56-3-10310, 56-3-10410, 56-3-10510, 56-3-10810, 56-3-10910, 56-3-11010, 56-3-11110, 56-3-11310, 56-3-11420, 56-3-11610, 56-3-11710, 56-3-11810, 56-3-12010, 56-3-12110, 56-3-12210, 56-3-12310, 56-3-12410, 56-3-12510, 56-3-12610, 56-3-12710, 56-3-12810, 56-3-13010, 56-3-13110, 56-3-13210, 56-3-13310, 56-3-13410, 56-3-13520, 56-3-13610, 56-3-13710, 56-3-13810, 56-3-13910, 56-3-14010, AS AMENDED, 56-3-14110, 56-3-14210, 56-3-14310, 56-3-14510, AND 56-3-14610, RELATING TO THE BIENNIAL PAYMENT OF REGISTRATION, LICENSE AND ROAD USE FEES FOR VARIOUS VEHICLES AND VARIOUS LICENSE PLATES, DELINQUENT REGISTRATION AND LICENSE PENALTIES, THE ISSUANCE OF REFUNDS OF REGISTRATION AND LICENSE FEES, LICENSE PLATE SPECIFICATIONS AND THE ISSUANCE OF LICENSE PLATES AND REVALIDATION STICKERS, THE ISSUANCE OF "YEAR OF MANUFACTURE" LICENSE PLATES, "AMATEUR RADIO OPERATORS" LICENSE PLATES, "EMERGENCY MEDICAL TECHNICIANS" LICENSE PLATES, "MEMBERS OF THE UNITED STATES MILITARY RESERVE" LICENSE PLATES, "MEMBERS OF THE NATIONAL GUARD" LICENSE PLATES, "SPECIAL PERSONALIZED" LICENSE PLATES, LICENSE PLATES FOR VARIOUS ACTIVE AND RETIRED ELECTED OFFICIALS AND RETIRED JUDICIAL OFFICERS, "CONSERVE SOUTH CAROLINA" LICENSE PLATES, "VOLUNTEER FIREMEN" LICENSE PLATES, "NATIONAL WILD TURKEY FEDERATION" LICENSE PLATES, "PENN CENTER" LICENSE PLATES, "SOUTH CAROLINA NURSES" LICENSE PLATES, "AMERICAN LEGION" LICENSE PLATES, "SHAG COMMEMORATIVE" LICENSE

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PLATES, "KEEP SOUTH CAROLINA BEAUTIFUL" LICENSE PLATES, "SOUTH CAROLINA ELK ASSOCIATION" LICENSE PLATES, "CAROLINA PANTHERS" LICENSE PLATES, "SHARE THE ROAD" LICENSE PLATES, "SOUTH CAROLINA WILDLIFE" LICENSE PLATES, "HOMEOWNERSHIP: THE AMERICAN DREAM" LICENSE PLATES, "SONS OF CONFEDERATE VETERANS" LICENSE PLATES, "PUBLIC EDUCATION: A GREAT INVESTMENT" LICENSE PLATES, "SOUTH CAROLINA: FIRST IN GOLF" LICENSE PLATES, "CHARTER LIMOUSINE" LICENSE PLATES, "FRATERNAL ORDER OF POLICE" LICENSE PLATES, "UNITED STATES ARMED SERVICES" LICENSE PLATES, "UNITED STATES NAVAL ACADEMY" LICENSE PLATES, "COUNTY VETERANS AFFAIRS OFFICERS" LICENSE PLATES, "UNITES STATES AIR FORCE ACADEMY" LICENSE PLATES, "ARTS AWARENESS" LICENSE PLATES, "SALTWATER FISHING" LICENSE PLATES, "SUPPORT OUR TROOPS" LICENSE PLATES, "EMERGENCY MEDICAL SERVICE" LICENSE PLATES, "BOY SCOUTS OF AMERICA" AND "EAGLE SCOUT" LICENSE PLATES, "NATIVE AMERICAN" LICENSE PLATES, "SOUTH CAROLINA PEACH COUNCIL" LICENSE PLATES, "CANCER RESEARCH CENTERS OF THE CAROLINAS" LICENSE PLATES, "SQUARE DANCE" LICENSE PLATES, "SPECIAL OLYMPICS" LICENSE PLATES, "FRATERNITY AND SORORITY" LICENSE PLATES, "VIETNAM WAR VETERANS" LICENSE PLATES, "SOUTH CAROLINA AQUARIUM" LICENSE PLATES, "OUR FARMS - OUR FUTURE" LICENSE PLATES, "H.L. HUNLEY SUBMARINE" LICENSE PLATES, "REDUCE, REUSE, RECYCLE" LICENSE PLATES, "HUNTING ISLAND STATE PARK" LICENSE PLATES, "NONPROFIT ORGANIZATION" LICENSE PLATES, SPECIAL LICENSE PLATES PRODUCTION AND DISTRIBUTION GUIDELINES, "ROTARY INTERNATIONAL" LICENSE PLATES, "MARINE CORPS LEAGUE" LICENSE PLATES, "LIONS CLUB" LICENSE PLATES, "DUCKS UNLIMITED" LICENSE PLATES, "NASCAR" LICENSE PLATES, "CHOOSE LIFE" LICENSE PLATES, "SERTOMA INTERNATIONAL" LICENSE PLATES, "SOUTH CAROLINA TECHNOLOGY ALLIANCE" LICENSE PLATES, "IN GOD WE TRUST" LICENSE PLATES, "UNITED WE STAND" LICENSE PLATES, "MORRIS ISLAND LIGHTHOUSE" LICENSE PLATES, "GOD BLESS AMERICA" LICENSE PLATES, "NO MORE HOMELESS PETS" LICENSE PLATES, "HERITAGE

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CLASSIC FOUNDATION" LICENSE PLATES, "BREAST CANCER AWARENESS" LICENSE PLATES, "PARROT HEAD" LICENSE PLATES, "OPERATION DESERT STORM - DESERT SHIELD VETERAN" LICENSE PLATES, "OPERATION ENDURING FREEDOM VETERAN" LICENSE PLATES, "OPERATION IRAQI FREEDOM VETERAN" LICENSE PLATES, "VETERAN" LICENSE PLATES, "I BELIEVE" LICENSE PLATES, "SOUTH CAROLINA TENNIS PATRONS FOUNDATION" LICENSE PLATES, "TREE MY DOG" LICENSE PLATES, "UNITED STATES NAVY CHIEF PETTY OFFICER" LICENSE PLATES, "UNITED STATES MARINE CORPS" LICENSE PLATES, "SECOND AMENDMENT" LICENSE PLATES, "DEPARTMENT OF THE NAVY" LICENSE PLATES, "PARENTS AND SPOUSES OF ACTIVE DUTY OVERSEAS VETERANS" LICENSE PLATES, "STATE FLAG" LICENSE PLATES, "I SUPPORT LIBRARIES" LICENSE PLATES, "SOUTH CAROLINA EDUCATOR" LICENSE PLATES, "BEACH MUSIC" LICENSE PLATES, "CITADEL ALUMNI ASSOCIATION 'BIG RED'" LICENSE PLATES, "LARGEMOUTH BASS" LICENSE PLATES, "HIGH SCHOOL" LICENSE PLATES, "SOUTH CAROLINA WILDLIFE FEDERATION" LICENSE PLATES, "DR. MARY MCLEOD BETHUNE" LICENSE PLATES, "GADSDEN FLAG" LICENSE PLATES, "COMBAT-RELATED DISABLED VETERAN" LICENSE PLATES, "2010-11 BASEBALL NATIONAL CHAMPIONS" LICENSE PLATES, "COMBAT-RELATED DISABLED VETERAN" LICENSE PLATES, "RECIPIENTS OF THE DISTINGUISHED FLYING CROSS" LICENSE PLATES, "MOTORCYCLE AWARENESS" LICENSE PLATES, "SOUTH CAROLINA RIVERKEEPERS" LICENSE PLATES, "AUTISM AWARENESS" LICENSE PLATES, "SOUTH CAROLINA STANDS WITH ISRAEL" LICENSE PLATES, "AMERICAN RED CROSS" LICENSE PLATES, "CHASE AWAY CHILDHOOD CANCER" LICENSE PLATES, "SPECIAL PERSONALIZED MOTOR VEHICLE" LICENSE PLATES, "CLEMSON UNIVERSITY 2016 AND 2018 FOOTBALL NATIONAL CHAMPIONS" LICENSE PLATES, "2016 BASEBALL NATIONAL CHAMPIONS" LICENSE PLATES, "UNIVERSITY OF SOUTH CAROLINA 2017 WOMEN'S BASKETBALL NATIONAL CHAMPIONS" LICENSE PLATES, "PALMETTO CROSS" LICENSE PLATES, "VIRGINIA TECH" LICENSE PLATES, AND "POWERING THE PALMETTO STATE" LICENSE PLATES, SO AS TO PROVIDE FOR THE ANNUAL REGISTRATION AND LICENSING OF CERTAIN MOTOR

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VEHICLES, TO PROVIDE COUNTIES SHALL COLLECT CERTAIN FEES ASSESSED AGAINST VEHICLES POWERED BY ANY FUEL OTHER THAN MOTOR FUEL, TO PROVIDE A COUNTY MAY COLLECT CERTAIN DELINQUENCY FEES ON BEHALF OF THE DEPARTMENT; BY ADDING SECTION 56-3-117 SO AS TO PROVIDE THE DEPARTMENT MUST REFUSE TO RENEW THE MOTOR VEHICLE REGISTRATION OF A PERSON WHO HAS NOT PAID THE VEHICLE'S PERSONAL PROPERTY TAXES, PROVIDE A COUNTY OR MUNICIPALITY MUST NOTIFY THE DEPARTMENT OF PERSONS VIOLATING THIS CHAPTER; BY ADDING SECTION 56-3-205 SO AS TO PROVIDE THE DEPARTMENT MAY ISSUE REVALIDATION DECALS AND ENTER INTO AND SUPERVISE CONTRACTS WITH CERTAIN ENTITIES TO ISSUE LICENSE PLATES AND REVALIDATION DECALS, TO PROVIDE GOVERNMENTAL ENTITIES THAT ISSUE REVALIDATION DECALS MAY CHARGE A FEE TO DEFRAY THE COST OF ISSUING PLATES AND DECALS, AND PROVIDE A PLAN MUST BE DEVELOPED TO ALLOW EACH COUNTY TO ISSUE LICENSE PLATES AND REVALIDATION DECALS; AND TO REPEAL SECTIONS 56-3-905 AND 56-2-2740 RELATING TO THE DEPARTMENT REFUNDING A PORTION OF THE VEHICLE REGISTRATION FEE WHEN A LICENSE PLATE AND REGISTRATION IS SURRENDERED TO THE DEPARTMENT AND THE ISSUANCE OF BIENNIAL LICENSE PLATES AND REVALIDATION DECALS.

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Read the first time and referred to the Committee on Transportation.

S. 728 -- Senator Rice: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME SC 135 (NORTH A STREET) FROM S-183 (NE MAIN STREET) TO ITS INTERSECTION WITH S-221 (FLEETWOOD DRIVE/OLIVE STREET) IN THE TOWN OF EASLEY AND PICKENS COUNTY "PROFESSOR JOHN T. SIMPSON MEMORIAL DRIVE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

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The Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

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RECALLED

S. 728 -- Senator Rice: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME SC 135 (NORTH A STREET) FROM S-183 (NE MAIN STREET) TO ITS INTERSECTION WITH S-221 (FLEETWOOD DRIVE/OLIVE STREET) IN THE TOWN OF EASLEY AND PICKENS COUNTY "PROFESSOR JOHN T. SIMPSON MEMORIAL DRIVE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Senator GROOMS asked unanimous consent to make a motion to recall the Resolution from the Committee on Transportation.

The Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

S. 729 -- Senator Gustafson: A BILL TO AMEND SECTIONS 1 AND 2 OF ACT 725 OF 1969, RELATING TO KERSHAW HEALTH, TO PROVIDE FOR THE COMPOSITION OF THE KERSHAW HEALTH BOARD OF DIRECTORS, THE MANNER OF NOMINATION AND APPOINTMENT TO THE BOARD, AND THE TERMS OF BOARD MEMBERS, AND TO REVISE THE PURPOSE AND SCOPE OF THE BOARD'S POWERS AND DUTIES; TO AMEND SECTION 3 OF ACT 868 OF 1954, RELATING TO THE BOARD'S POWERS AND DUTIES, TO MAKE CONFORMING CHANGES; AND TO PROVIDE FOR THE APPOINTMENT OF A NEW BOARD OF DIRECTORS, AND TO STAGGER THE TERMS OF THE NEW BOARD OF DIRECTORS.

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Read the first time and ordered placed on the Local and Uncontested Calendar.

S. 730 -- Senator Bennett: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-31-70 SO AS TO PROVIDE CERTAIN TERMS AND THEIR DEFINITION, AND TO PROVIDE AN AIRPORT MANAGEMENT ENTITY MAY REGULATE THE USE OF AIRPORT FACILITIES BY VEHICLE COMPANIES.

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Read the first time and referred to the Committee on Transportation.

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S. 731 -- Senator Fanning: A CONCURRENT RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF THE HONORABLE PAUL SHORT, JR., OF CHESTER, TO CELEBRATE HIS LIFE AND ACHIEVEMENTS, AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 732 -- Senator Cromer: A SENATE RESOLUTION TO CONGRATULATE CHIEF ROY MCCLURKIN OF THE CITY OF NEWBERRY POLICE DEPARTMENT UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR HIS THIRTY-SEVEN YEARS OF DEDICATED SERVICE IN LAW ENFORCEMENT WITH THE CITY OF NEWBERRY, AND TO WISH HIM MUCH HAPPINESS AND FULFILLMENT IN THE YEARS AHEAD.

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The Senate Resolution was adopted.

REPORTS OF STANDING COMMITTEES

Senator ALEXANDER from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 533 -- Senators Shealy, Gambrell and Allen: A JOINT RESOLUTION TO PROHIBIT THE USE OF SECTION 14(c) OF THE FAIR LABOR STANDARDS ACT OF 1938 TO PAY SUBMINIMUM WAGES TO INDIVIDUALS WITH DISABILITIES.

Ordered for consideration tomorrow.

Senator CAMPSSEN from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3056 -- Reps. Hixon, Forrest and W. Newton: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REPEALING SECTIONS 50-19-210 THROUGH 50-19-240 ALL RELATING TO THE PRESTWOOD LAKE WILDLIFE REFUGE BOARD; BY REPEALING SECTIONS 50-19-1710 THROUGH 50-19-1730 ALL RELATING TO THE CATAWBA-WATEREE FISH AND GAME COMMISSION; BY REPEALING ARTICLE 1 OF CHAPTER 19, TITLE 50 RELATING TO THE CHEROKEE FISH AND GAME CLUB; BY REPEALING ARTICLE 3 OF CHAPTER 19, TITLE 50 RELATING TO THE DARLINGTON COUNTY ADVISORY FISH AND GAME COMMISSION; BY REPEALING ARTICLE 17 OF CHAPTER 19, TITLE 50 RELATING TO THE

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DUTIES OF THE LEE COUNTY LEGISLATIVE DELEGATION TO PROTECT FISH AND GAME IN LEE COUNTY; BY REPEALING ARTICLE 19 OF CHAPTER 19, TITLE 50 RELATING TO THE MARION COUNTY FISH AND GAME COMMISSION AND THE ESTABLISHMENT OF THE SHELLY LAKE FISH SANCTUARY IN MARION COUNTY; BY REPEALING ARTICLE 21 OF CHAPTER 19, TITLE 50 RELATING TO FISH AND WILDLIFE PROJECTS IN MARLBORO COUNTY; BY REPEALING ARTICLE 23 OF CHAPTER 13, TITLE 51 RELATING TO THE ENOREE RIVER GREENWAY COMMISSION; BY REDESIGNATING ARTICLE 5 OF CHAPTER 19, TITLE 50 AS "SLADE LAKE FISHING"; AND BY REDESIGNATING ARTICLE 29 OF CHAPTER 19, TITLE 50 AS "FISHING AND HUNTING IN LAKE WATEREE".

Ordered for consideration tomorrow.

Senator CAMPSER from the Committee on Fish, Game and Forestry submitted a favorable report on:

H. 3548 -- Reps. Ott, Forrest, Jefferson and R. Williams: A BILL TO AMEND SECTION 50-13-670, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE POSSESSION OF NONGAME DEVICES, SO AS TO DELETE THE PROHIBITION ON THE POSSESSION OF A GAME FISH DEVICE WHILE POSSESSING OR USING A NONGAME DEVICE.

Ordered for consideration tomorrow.

THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.

SECOND READING BILL

S. 691 -- Senator Hutto: A BILL TO CONSOLIDATE BARNWELL COUNTY (BLACKVILLE) SCHOOL DISTRICT NO. 19 AND BARNWELL COUNTY (WILLISTON) SCHOOL DISTRICT NO. 29 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT NO. 19 AND BARNWELL COUNTY SCHOOL DISTRICT NO. 29 ON JULY 1, 2022; TO PROVIDE THAT THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF SEVEN MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH

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THE 2022 GENERAL ELECTION, SEVEN MEMBERS MUST BE ELECTED FROM DEFINED SINGLE-MEMBER ELECTION DISTRICTS DRAWN FROM THE COMBINED GEOGRAPHIC AREA OF THE FORMER BARNWELL COUNTY SCHOOL DISTRICT NO. 19 AND THE FORMER BARNWELL COUNTY SCHOOL DISTRICT NO. 29; TO PROVIDE THAT THE MEMBERS OF THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2022 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO ESTABLISH THE BOARD'S POWERS, DUTIES, AND RESPONSIBILITIES; TO PROVIDE THAT THE DISTRICT SUPERINTENDENT IS THE CHIEF OPERATING OFFICER OF THE DISTRICT AND IS RESPONSIBLE TO THE BOARD FOR THE PROPER ADMINISTRATION OF ALL AFFAIRS OF THE DISTRICT AND SUBJECT TO ALL OTHER PROVISIONS OF LAW RELATING TO HIS DUTIES; TO INCLUDE INTERIM MILLAGE PROVISIONS FOR YEARS 2022 AND 2023, AND TO PROVIDE THAT BEGINNING IN 2024, THE BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

On motion of Senator HUTTO.

AMENDED, SECOND READING BILL

S. 711 -- Senator Corbin: A BILL TO ESTABLISH AND RECOGNIZE THE BLUE RIDGE-GREENBELT COMMUNITY IN GREENVILLE COUNTY, AND TO PROVIDE THAT THE BLUE RIDGE-GREENBELT COMMUNITY IS NOT A GOVERNMENTAL ENTITY AND MAY NOT EXERCISE ANY GOVERNMENTAL FUNCTIONS.

The Senate proceeded to a consideration of the Bill.

Senator CORBIN proposed the following amendment (711R002.KMM.TDC), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety and inserting:

/SECTION 1. There is established and recognized, within Greenville County, the Blue Ridge-Greenbelt Community, which is comprised of the parcel of real property located within the following

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boundaries: beginning at the boundary between South Carolina and North Carolina where the boundary intersects with Highway 25, traveling southward along Highway 25 to its intersection with Highway 290, eastward on Highway 290 to its intersection with Highway 253, northward on Highway 253 to its intersection with Few's Bridge Road, eastward on Few's Bridge Road to its intersection with Hall Road, northward on Hall Road to its intersection with Noe Road, northward on Noe Road to its intersection with Lindsey Bridge Road, westward on Lindsey Bridge Road to its intersection with Mountain View Road, northward on Mountain View Road to its intersection with Camp Creek Road, eastward on Camp Creek Road to its intersection with South Packs Road, southward on South Packs Road to its intersection with North Blue Ridge Road, southward on North Blue Ridge Road to its intersection with East Tyger Bridge Road, eastward on East Tyger Bridge Road to its intersection with Highway 101, southward on Highway 101 to its intersection with Edwards Lake Road, eastward on Edwards Lake Road to its intersection with Berry Mill Road, eastward on Berry Mill Road to its intersection with Mount Lebanon Church Road, southward then eastward on Mount Lebanon Church Road to its boundary with Spartanburg County, northward along the boundary with Spartanburg County to the boundary between South Carolina and North Carolina, and westward along the boundary between South Carolina and North Carolina to Highway 25 where Highway 25 crosses the boundary between South Carolina and North Carolina. /

Renumber sections to conform.

Amend title to conform.

Senator CORBIN explained the amendment.

The amendment was adopted.

There being no further amendments, the Bill, as amended, was read the second time, passed and ordered to a third reading.

**AMENDED, READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 527 -- Senator Alexander: A BILL TO AMEND SECTION 12-43-220, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLASSIFICATION OF

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PROPERTY AND THE APPLICABLE ASSESSMENT RATIOS FOR THE VARIOUS CLASSES OF PROPERTY FOR PURPOSES OF IMPOSITION OF THE PROPERTY TAX, SO AS TO DEFINE "LEGALLY SEPARATED" FOR PURPOSES OF THE CERTIFICATE CONTAINED IN THE APPLICATION FOR THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR OWNER-OCCUPIED RESIDENTIAL PROPERTY AND TO REQUIRE ANNUAL REAPPLICATION AND RECERTIFICATION TO MAINTAIN THE SPECIAL FOUR PERCENT ASSESSMENT RATIO FOR CERTAIN SEPARATED SPOUSES.

The Senate proceeded to a consideration of the Bill.

Senators GARRETT and MALLOY proposed the following amendment (527R001.KMM.BG), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. A. Section 12-43-220(c)(2)(iii) of the 1976 Code is amended to read:

"(iii) For purposes of subitem (ii) ~~(B) of this item, 'a member of my household':~~

(A) 'Member of my household' means:

~~(A)(a) the owner-occupant's spouse, except when that spouse is legally separated from~~ has filed a complaint for separate support and maintenance with the appropriate family court, lives separate and apart in a different residence, and no longer cohabitates as husband and wife with the owner-occupant; and

~~(B)(b) any child under the age of eighteen years of the owner-occupant claimed or eligible to be claimed as a dependent on the owner-occupant's federal income tax return.~~

(B) Regarding the circumstances in which a spouse has filed a complaint for separate support and maintenance with the appropriate family court, lives separate and apart in a different residence, and no longer cohabitates as husband and wife with the owner-occupant:

(a) if either party to a complaint for separate support and maintenance receives the special four-percent assessment ratio on a residence while the couple lives separate and apart in different residences and no longer cohabitates as husband and wife and the couple subsequently reconciles, then the spouse vacating a residence receiving the special four-percent assessment shall notify the county assessor in writing within six months of vacating that residence that the residence is no longer eligible for the special four-percent assessment ratio. A failure

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to provide timely notice to the assessor subjects the owner to the provisions of subitem (vii); and

(b) to prove that a person is divorced or has filed a complaint for separate support and maintenance with the appropriate family court and lives separate and apart in different residences and no longer cohabitates as husband and wife, the applicant shall provide a filed and stamped copy of the caption page of the action, a filed and stamped copy of the first page of the pleadings, or a filed and stamped copy of the order. The assessor may not require the submission of a financial declaration. Language in the order related to the disposition of the legal residence of the couple, or other owner-occupied real property owned by either party, whether independently or jointly, prior to any action must be provided to the assessor in order to claim the special assessment ratio allowed by subsection (c).”

B. Section 12-43-220(c)(2) of the 1976 Code is amended by adding at the end:

“(x) An applicant for the special four-percent assessment ratio allowed pursuant to item (c) who has filed a complaint for separate support and maintenance with the appropriate family court, who lives separate and apart in different residences, and no longer cohabitates as husband and wife with his spouse, and who is eligible pursuant to subitem (iii) must reapply and recertify annually to maintain the special four-percent assessment ratio on his independent, owner-occupied property until the applicant has been granted a divorce by a court of competent jurisdiction or the applicant has reconciled with his spouse, and the applicant can recover only one special four-percent ratio for his legal residence.”

SECTION 2. This act takes effect upon approval by the Governor. /
Renummer sections to conform.
Amend title to conform.

Senator GARRETT explained the amendment.

The amendment was adopted.

The question being the third reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 38; Nays 0

AYES

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Adams	Alexander	Allen
Bennett	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
<i>Johnson, Kevin</i>	Kimbrell	Kimpson
Loftis	Malloy	Martin
Massey	Peeler	Rankin
Rice	Sabb	Scott
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--38

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered sent to the House.

OBJECTION

S. 28 -- Senators Hutto, K. Johnson, Climer, McLeod and Stephens: A BILL TO AMEND SECTION 56-1-286 OF THE 1976 CODE, RELATING TO THE SUSPENSION OF A LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF A LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES AND HAVE A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, TO ALLOW A PERSON UNDER THE AGE OF TWENTY-ONE WHO IS SERVING A SUSPENSION OR DENIAL OF A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM; TO AMEND SECTION 56-1-385(A) OF THE 1976 CODE, RELATING TO THE REINSTATEMENT OF A PERMANENTLY REVOKED DRIVER'S LICENSE, TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING PRIOR TO OCTOBER 1, 2014; TO AMEND SECTION 56-1-400 OF THE 1976 CODE, RELATING TO THE SURRENDER OF A LICENSE AND ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICE ON A LICENSE, TO REMOVE THE

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REQUIREMENT THAT A PERSON SEEKING TO HAVE A LICENSE ISSUED MUST FIRST PROVIDE PROOF THAT ANY FINE OWED HAS BEEN PAID, AND TO INCLUDE A REFERENCE TO THE HABITUAL OFFENDER STATUTE; TO AMEND SECTION 56-1-1090(A) OF THE 1976 CODE, RELATING TO REQUESTS FOR RESTORATION OF THE PRIVILEGE TO OPERATE A MOTOR VEHICLE, TO ALLOW A PERSON CLASSIFIED AS A HABITUAL OFFENDER TO OBTAIN A DRIVER'S LICENSE WITH AN INTERLOCK RESTRICTION IF HE PARTICIPATES IN THE IGNITION INTERLOCK DEVICE PROGRAM; TO AMEND SECTION 56-1-1320(A) OF THE 1976 CODE, RELATING TO PROVISIONAL DRIVERS' LICENSES, TO ELIMINATE PROVISIONAL LICENSES FOR FIRST OFFENSE DRIVING UNDER THE INFLUENCE UNLESS THE OFFENSE OCCURRED PRIOR TO THE EFFECTIVE DATE OF THIS ACT; TO AMEND SECTION 56-1-1340 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, TO CONFORM INTERNAL STATUTORY REFERENCES; TO AMEND SECTION 56-5-2941 OF THE 1976 CODE, RELATING TO IGNITION INTERLOCK DEVICES, TO INCLUDE A REFERENCE TO THE HABITUAL OFFENDER STATUTE, REMOVE EXCEPTIONS TO IGNITION INTERLOCK DEVICES FOR OFFENDERS WHO ARE NONRESIDENTS AND FIRST-TIME OFFENDERS OF DRIVING UNDER THE INFLUENCE WHO DID NOT REFUSE TO SUBMIT TO CHEMICAL TESTS AND HAD AN ALCOHOL CONCENTRATION OF FIFTEEN ONE-HUNDREDTHS OF ONE PERCENT OR MORE, REQUIRE DEVICE MANUFACTURERS PAY CERTIFICATION FEES ASSOCIATED WITH IGNITION INTERLOCK DEVICES, PERMIT THOSE DRIVERS WITH PERMANENTLY REVOKED LICENSES AFTER OCTOBER 2014 TO SEEK RELIEF AFTER FIVE YEARS, AND MAKE THE RECORDS OF THE IGNITION INTERLOCK DEVICES THE RECORDS OF THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES; TO AMEND SECTION 56-5-2951 OF THE 1976 CODE, RELATING TO TEMPORARY ALCOHOL LICENSES, TO REQUIRE AN IGNITION INTERLOCK DEVICE RESTRICTION ON A TEMPORARY ALCOHOL LICENSE AND TO DELETE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES; AND TO AMEND SECTION 56-5-2990 OF THE 1976 CODE, RELATING TO SUSPENSION OF A CONVICTED PERSON'S DRIVER'S LICENSE AND THE PERIOD

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OF SUSPENSION, TO REQUIRE AN IGNITION INTERLOCK DEVICE IF A FIRST-TIME OFFENDER OF DRIVING UNDER THE INFLUENCE SEEKS TO END A SUSPENSION.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY proposed the following amendment (JUD0028.002), which was withdrawn:

Amend the bill, as and if amended, page 10, lines by striking line 15 in Section 56-1-286, as contained in SECTION 1, and inserting therein the following:

/ suspended had an alcohol concentration that was less than ~~eight~~
six /

Amend the bill further, as and if amended, beginning on page 11, line 11, and ending on page 14, line 3, by striking SECTION 3 in its entirety and inserting therein the following:

/ SECTION 3. Section 56 1 400 of the 1976 Code is amended to read:

“Section 56-1-400. (A)(1) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that the license be surrendered to the department. At the end of the suspension period, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system, the department shall issue a new license to the person.

(2) If the person has not held a license within the previous nine months, the department shall not issue or restore a license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and satisfied the department, after an investigation of the person’s driving ability, that it would be safe to grant the person the privilege of driving a motor vehicle on the public highways. The department, in the department’s discretion, where the suspension is for a violation under the point system, may waive the examination, application, and investigation. A record of the suspension must be endorsed on the license issued to the person, showing the grounds of the suspension.

(B) If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56-5-2941, the restriction on the license issued to the person must conspicuously

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identify the person as a person who only may drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Sections 56-1-286, ~~56-1-1090~~; 56-5-2945, ~~and 56-5-2947~~ except if the conviction was for Section 56-5-750, 56-5-2951, or 56-5-2990; or 56-5-2947, except if the conviction was for Section 56-5-750.

(C) For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall 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.

~~(D) Unless the person establishes that the person is entitled to the exemption set forth in subsection (B)(G),~~ No ignition interlock restricted license may be issued by the department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order.

(E) If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended indefinitely. If the person subsequently decides to have the ignition interlock device installed, the device must be installed for the length of time set forth in ~~Sections 56-1-286, 56-5-2945, and 56-5-2947~~ except if the conviction was for Section 56-5-750, 56-5-2951, or 56-5-2990 subsection (B).

(F) This provision does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23, Chapter 5 of this title.

~~(B)(1) A person who does not own a vehicle, as shown in the Department of Motor Vehicles' records, and who certifies that the person:~~

~~(a) cannot obtain a vehicle owner's permission to have an ignition interlock device installed on a vehicle;~~

~~(b) will not be driving a vehicle other than a vehicle owned by the person's employer; and~~

~~(c) will not own a vehicle during the ignition interlock period, may petition the department, on a form provided by the department, for issuance of an ignition interlock restricted license that permits the person to operate a vehicle specified by the employee according to the employer's needs as contained in the employer's statement during the~~

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days and hours specified in the employer's statement without having to show that an ignition interlock device has been installed.

~~(2) The form must contain:~~

~~(a) identifying information about the employer's noncommercial vehicles that the person will be operating;~~

~~(b) a statement that explains the circumstances in which the person will be operating the employer's vehicles; and~~

~~(c) the notarized signature of the person's employer.~~

~~(3) This subsection does not apply to:~~

~~(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person.~~

~~(b) a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.~~

~~(4) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the form specified by this subsection.~~

~~(5) The determination of eligibility for the waiver is subject to periodic review at the discretion of the department. The department shall revoke a waiver issued pursuant to this exemption if the department determines that the person has been driving a vehicle other than the vehicle owned by the person's employer or has been operating the person's employer's vehicle outside the locations, days, or hours specified by the employer in the department's records. The person may seek relief from the department's determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.~~

~~—(C) A person whose license has been suspended or revoked for an offense within the jurisdiction of the court of general sessions shall provide the department with proof that the fine owed by the person has been paid before the department may issue the person a license. Proof~~

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that the fine has been paid may be a receipt from the clerk of court of the county in which the conviction occurred stating that the fine has been paid in full.” /

Amend the bill further, as and if amended, beginning on page 16, line 14, and ending on page 26, line 23, by striking SECTION 7 in its entirety and inserting therein the following:

/ SECTION 7. Section 56-5-2941 of the 1976 Code is amended to read:

“Section 56-5-2941. (A)(1) The Department of Motor Vehicles shall require a person who ~~is a resident of this State and who~~ is convicted of violating the provisions of Sections 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947 except if the conviction was for Section 56-5-750, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or who is issued a temporary alcohol license pursuant to Section 56-1-286 or 56-5-2951, to have installed on any motor vehicle the person drives, except a moped or motorcycle, an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. ~~This section does not apply to a person convicted of a first offense violation of Section 56-5-2930 or 56-5-2933, unless the person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of fifteen one hundredths of one percent or more.~~

(2) The department may waive the requirements of this section if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person’s medical condition has improved to the extent that the person has become capable of properly operating an installed device.

(3) The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension, denial of license to operate a vehicle as an habitual offender pursuant to Section 56-1-1090, or denial of the issuance of a driver’s license or permit to have an ignition interlock device installed on any motor vehicle the person drives, except a moped or motorcycle.

(4) The length of time that a device is required to be affixed to a motor vehicle as is set forth in ~~Sections~~ Section 56-1-286; 56-1-1090;

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56-5-2945; 56-5-2947 except if the conviction was for Sections 56-5-750, 56-5-2951, and 56-5-2990; or 56-5-2947, except if the conviction was for Section 56-5-750.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle's records for offenses pursuant to Section 56-1-286; 56-1-1090; 56-5-2930; 56-5-2933; 56-5-2945; 56-5-2947 except if the conviction was for Sections 56-5-750, 56-5-2950; or 56-5-2951; or 56-5-2947, except if the conviction was for Section 56-5-750.

(C) If a resident of this State is convicted of violating a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, and, as a result of the conviction, the person is subject to an ignition interlock device requirement in the other state, the person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

(D) If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in another state, the person only may obtain a South Carolina driver's license if the person enrolls in the South Carolina Ignition Interlock Device Program pursuant to this section. The person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

(E) The person must be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services. A person accumulating a total of:

(1) two points or more, but less than three points, must have the length of time that the device is required extended by two months;

(2) three points or more, but less than four points, must have the length of time that the device is required extended by four months, shall submit to a substance abuse assessment pursuant to Section 56-5-2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles shall suspend the person's ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan;

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(3) four points or more must have the person's ignition interlock restricted license suspended for a period of six months, shall submit to a substance abuse assessment pursuant to Section 56-5-2990, and successfully shall complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the person not complete the recommended plan or not make progress toward completing the plan, the Department of Motor Vehicles shall leave the person's ignition interlock restricted license in suspended status, or, if the license has already been reinstated following the six-month suspension, shall resuspend the person's ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan. The Department of Alcohol and Other Drug Abuse Services is responsible for notifying the Department of Motor Vehicles of a person's completion and compliance with education and treatment programs. Upon reinstatement of driving privileges following the six-month suspension, the Department of Probation, Parole and Pardon Services shall reset the person's point total to zero points, and the person shall complete the remaining period of time on the ignition interlock device.

(F) The cost of the device must be borne by the person. However, unless a person is participating in the Interlock Ignition Device Program as an habitual offender pursuant to Section 56-1-1090(A), if the person is indigent and cannot afford the cost of the device, the person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services' Internet website. If the Department of Probation, Parole and Pardon Services determines that the person is indigent as it pertains to the device, the Department of Probation, Parole and Pardon Services may authorize a device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund also may be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person's financial conditions should be considered including, but not limited to, income,

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debts, assets, number of dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person's net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. 'Net income' means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

(G) The ignition interlock service provider shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed thirty dollars per month for each month the person is required to drive a vehicle with a device. A service provider who fails to properly remit funds to the Ignition Interlock Device Fund may be decertified as a service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of a device must be borne by the service provider.

(H)(1) The person shall have the device inspected every sixty days to verify that the device is affixed to the motor vehicle and properly operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the person's alcohol content at each attempt to start and running retest during each sixty-day period. Failure of the person to have the interlock device inspected every sixty days must result in one ignition interlock device point.

(2) Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately shall report devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the person's name, identify the vehicle upon which the failed device is installed, and the reason for the failed inspection.

(3) If the inspection report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point.

(4) If any inspection report or any photographic images collected by the device shows that the person has violated subsection (M), (O), or (P), the person must be assessed one and one-half ignition interlock device points.

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(5) The inspection report must indicate the person's alcohol content at each attempt to start and running retest during each sixty-day period. If the report reflects that the person violated a running retest by having an alcohol concentration of:

(a) two one-hundredths of one percent or more but less than four one-hundredths of one percent, the person must be assessed one-half ignition interlock device point;

(b) four one-hundredths of one percent or more but less than fifteen one-hundredths of one percent, the person must be assessed one ignition interlock device point; or

(c) fifteen one-hundredths of one percent or more, the person must be assessed two ignition interlock device points.

(6) A person may appeal less than four ignition interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer's decision on appeal is final and no appeal from such decision is allowed.

(I)(1) If a person's license is suspended due to the accumulation of four or more ignition interlock device points, the Department of Probation, Parole and Pardon Services must provide a notice of assessment of ignition interlock points which must advise the person of his right to request a contested case hearing before the Office of Motor Vehicle Hearings. The notice of assessment of ignition interlock points also must advise the person that, if he does not request a contested case hearing within thirty days of the issuance of the notice of assessment of ignition interlock points, he waives his right to the administrative hearing and the person's driver's license is suspended pursuant to subsection (E).

(2) The person may seek relief from the Department of Probation, Parole and Pardon Services' determination that a person's license is suspended due to the accumulation of four or more ignition interlock device points by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act. The filing of the request for a contested case hearing will stay the driver's license suspension pending the outcome of the hearing. However, the filing of the request for a contested case hearing will not stay the requirements of the person having the ignition interlock device.

(3) At the contested case hearing:

(a) the assessment of driver's license suspension can be upheld;

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(b) the driver's license suspension can be overturned, or any or all of the contested ignition interlock points included in the device inspection report that results in the contested suspension can be overturned, and the penalties as specified pursuant to subsection (E) will then be imposed accordingly.

(4) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the ignition interlock device. However, if the ignition interlock device is found to not be in working order due to failure of regular maintenance and upkeep by the person challenging the accumulation of ignition interlock points pursuant to the requirement of the ignition interlock program, such allegation cannot serve as a basis to overturn point accumulations.

(5) A written order must be issued by the Office of Motor Vehicle Hearings to all parties either reversing or upholding the assessment of ignition interlock points.

(6) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal does not stay the ignition interlock requirement.

(J) Five years from the date of the person's driver's license reinstatement and every five years thereafter, a fourth or subsequent offender whose license has been reinstated pursuant to Section 56-1-385, or a person with a lifetime ignition interlock requirement due to a conviction on or after October 1, 2014, may apply to the Department of Probation, Parole and Pardon Services for removal of the ignition interlock device and the removal of the restriction from the person's driver's license. The Department of Probation, Parole and Pardon Services may, for good cause shown, notify the Department of Motor Vehicles that the person is eligible to have the restriction removed from the person's license.

(K)(1) Except as otherwise provided in this section, it is unlawful for a person who is subject to the provisions of this section to drive a motor vehicle that is not equipped with a properly operating, certified ignition interlock device. A person who violates this subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year. The person must have the length of

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time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five thousand dollars or imprisoned not more than three years. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than ten thousand dollars or imprisoned not more than ten years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court.

(4) Nothing in this subsection shall be construed to prevent a person who is participating in the Ignition Interlock Device Program pursuant to Section 56-1-1090(A) and who drives a motor vehicle that is not equipped with a properly operating, certified ignition interlock device from being charged with a violation of Section 56-1-1100.

~~(L)(1) A person who is required in the course and scope of the person's employment to drive a motor vehicle owned by the person's employer may drive the employer's motor vehicle without installation of an ignition interlock device, provided that the person's use of the employer's motor vehicle is solely for the employer's business purposes.~~

~~(2) This subsection does not apply to:~~

~~(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person.;~~

~~(b) a person who is self employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that~~

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~~titling and registration of the vehicle by the business was not done to circumvent the intent of this section.~~

~~(3) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicles' form specified by Section 56-1-400(B).~~

~~(4) This subsection will be construed in parallel with the requirements of Section 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in Section 56-1-400(B).~~

~~(M)~~(L) It is unlawful for a person to tamper with or disable, or attempt to tamper with or disable, an ignition interlock device installed on a motor vehicle pursuant to this section. Obstructing or obscuring the camera lens of an ignition interlock device constitutes tampering. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(N)~~(M) It is unlawful for a person to knowingly rent, lease, or otherwise provide a person who is subject to this section with a motor vehicle without a properly operating, certified ignition interlock device. This subsection does not apply if the person began the lease contract period for the motor vehicle prior to the person's arrest for a first offense violation of Section 56-5-2930 or 56-5-2933 or prior to a person who is participating in the Ignition Interlock Device Program as an habitual offender pursuant to Section 56-1-1090(A) receiving his license with an ignition interlock restriction. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(O)~~(N) It is unlawful for a person who is subject to the provisions of this section to solicit or request another person, or for a person to solicit or request another person on behalf of a person who is subject to the provisions of this section, to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section or to conduct a running retest while the vehicle is in operation. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(P)~~(O) It is unlawful for another person on behalf of a person subject to the provisions of this section to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section or to conduct a running retest while that vehicle is in operation. A person who

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violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(Q)~~(P) Only ignition interlock devices certified by the Department of Probation, Parole and Pardon Services may be used to fulfill the requirements of this section.

(1) The Department of Probation, Parole and Pardon Services shall certify whether a device meets the accuracy requirements and specifications provided in guidelines or regulations adopted by the National Highway Traffic Safety Administration, as amended from time to time. Manufacturers of ignition interlock devices shall apply to the Department of Probation, Parole and Pardon Services for certification of devices provided to South Carolina drivers who are subject to the ignition interlock restriction. The Department of Probation, Parole and Pardon Services may charge an initial annual fee on the manufacturer's application for certification of each device, and a subsequent fee for every year the manufacturer continues to provide the certified device to South Carolina drivers. This fee shall be remitted to the Ignition Interlock Device Fund for use by the Department of Probation, Parole and Pardon Services in support of the Ignition Interlock Device Program.

(2) All devices certified to be used in South Carolina must be set to prohibit the starting of a motor vehicle when an alcohol concentration of two one-hundredths of one percent or more is measured and all running retests must record violations of an alcohol concentration of two one-hundredths of one percent or more, and must capture a photographic image of the driver as the driver is operating the ignition interlock device. The photographic images recorded by the ignition interlock device may be used by the Department of Probation, Parole and Pardon Services to aid in the Department of Probation, Parole and Pardon Services' management of the Ignition Interlock Device Program; however, neither the Department of Probation, Parole and Pardon Services, the Department of Probation, Parole and Pardon Services' employees, nor any other political subdivision of this State may be held liable for any injury caused by a driver or other person who operates a motor vehicle after the use or attempted use of an ignition interlock device.

~~(2)~~(3) The Department of Probation, Parole and Pardon Services shall maintain a current list of certified ignition interlock devices and manufacturers. The list must be updated at least quarterly. If a particular certified device fails to continue to meet federal requirements, the device must be decertified, may not be used until it is compliant with federal requirements, and must be replaced with a device that meets federal

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requirements. The cost for removal and replacement must be borne by the manufacturer of the noncertified device.

(3)(4) Only ignition interlock installers certified by the Department of Probation, Parole and Pardon Services may install and service ignition interlock devices required pursuant to this section. The Department of Probation, Parole and Pardon Services shall maintain a current list of vendors that are certified to install the devices.

~~(R)~~(Q) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon Services' Internet website. The information regarding a person's participation in the Ignition Interlock Device Program recorded by the ignition interlock device is collected at the direction of the Department of Probation, Parole and Pardon Services and is a record of the department. Information obtained by the Department of Probation, Parole and Pardon Services and ignition interlock service providers regarding a person's participation in the Ignition Interlock Device Program is to be used for internal purposes only and is not subject to the Freedom of Information Act. A person participating in the Ignition Interlock Device Program or the person's family member may request that the Department of Probation, Parole and Pardon Services provide the person or family member with information obtained by the department and ignition interlock service providers. The Department of Probation, Parole and Pardon Services may release the information to the person or family member at the department's discretion. The Department of Probation, Parole and Pardon Services and ignition interlock service providers must purge all photographic images collected by the device no later than twelve months from the date of the person's completion of the Ignition Interlock Device Program. The Department of Probation, Parole and Pardon Services may retain the images past twelve months if there are any pending appeals or contested case hearings involved with that person, and at their conclusion must purge the images. The Department of Probation, Parole and Pardon Services and ignition interlock service providers must purge all personal information regarding a person's participation in the Ignition Interlock Device Program no later than twelve months from the date of the person's completion of the Ignition Interlock Device Program except for that information which is relevant for pending legal matters.

~~(S)~~(R) The Department of Probation, Parole and Pardon Services shall develop policies including, but not limited to, the certification, use,

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maintenance, and operation of ignition interlock devices and the Ignition Interlock Device Fund.

(F)(S) This section shall apply retroactively to any person currently serving a suspension or denial of the issuance of a license or permit due to a suspension listed in subsection (A).” /

Re-number sections to conform.

Amend title to conform.

Senator Malloy proposed the following amendment (JUD0028.004), which was not adopted:

Amend the bill, as and if amended, beginning on page 26, line 25, and ending on page 33, line 14, by striking SECTION 8 in its entirety and inserting therein the following:

/ SECTION 8. Section 56-5-2951 of the 1976 Code is amended to read:

“Section 56-5-2951. (A) The Department of Motor Vehicles shall suspend the driver’s license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to, a person who drives a motor vehicle and refuses to submit to a test provided for in Section 56-5-2950 or has an alcohol concentration of fifteen one-hundredths of one percent or more. The arresting officer shall issue a notice of suspension which is effective beginning on the date of the alleged violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(B)(1) Within thirty days of the issuance of the notice of suspension, the person may:

(a) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure; and

(1)(b) obtain a temporary alcohol license from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty-five dollars of the fee must be distributed ~~by the Department of Motor Vehicles~~ to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy-five 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 temporary alcohol license allows the person to drive ~~without any restrictive conditions~~ pending the outcome of the contested case hearing provided for in ~~subsection (F)~~ this section or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer’s

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decision and the Department of Motor Vehicles sends notice to the person that the person is eligible to receive a restricted license pursuant to subsection (H); and.

~~(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with the Office of Motor Vehicle Hearings' rules of procedure.~~

(2) At the contested case hearing, if:

(a) the suspension is upheld, the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990;

(b) the suspension is overturned, the person must have the person's driver's license, permit, or nonresident operating privilege reinstated.

(3) The provisions of this subsection do not affect the trial for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(C) The period of suspension provided for in subsection (I) begins on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continues until the person applies for a temporary alcohol license and requests a contested case hearing.

(D) If a person does not request a contested case hearing, the person waives the person's right to the hearing, and the person's suspension must not be stayed but continues for the period provided for in subsection (I).

(E) The notice of suspension must advise the person:

(1) of the person's right to obtain a temporary alcohol driver's license and to request a contested case hearing before the Office of Motor Vehicle Hearings;

~~(2) the notice of suspension also must advise the person~~ that, if the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, the person waives the person's right to the contested case hearing, and the suspension continues for the period provided for in subsection (I); and

~~(3) the notice of suspension also must advise the person~~ that, if the suspension is upheld at the contested case hearing or the person does not request a contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program.

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(F)(1) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

~~(1)(a)~~ was lawfully arrested or detained;

~~(2)(b)~~ was given a written copy of and verbally informed of the rights enumerated in Section 56-5-2950;

~~(3)(c)~~ refused to submit to a test pursuant to Section 56-5-2950;

or

~~(4)(d)~~ consented to taking a test pursuant to Section 56-5-2950, and the:

~~(a)(i)~~ reported alcohol concentration at the time of testing was fifteen one-hundredths of one percent or more;

~~(b)(ii)~~ individual who administered the test or took samples was qualified pursuant to Section 56-5-2950;

~~(c)(iii)~~ tests administered and samples obtained were conducted pursuant to Section 56-5-2950; and

~~(d)(iv)~~ machine was working properly.

(2) Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

(3) A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days the person's license was suspended before the person received a temporary alcohol license and requested the contested case hearing.

(4) The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person requesting the contested case hearing or the person's attorney appears at the contested case hearing.

(G) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with the Administrative Law Court's appellate rules. The filing of an appeal stays the suspension until a final decision is issued on appeal.

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~~(H)(4) If the person did not request a contested case hearing or the suspension is upheld at the contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990, and may apply for a restricted license if the person is employed or enrolled in a college or university. The restricted license permits the person to drive only to and from work and the person's place of education and in the course of the person's employment or education during the period of suspension. The restricted license also permits the person to drive to and from the Alcohol Drug Safety Action Program classes or to a court ordered drug program. The department may issue the restricted license only upon showing by the person that the person is employed or enrolled in a college or university, that the person lives further than one mile from the person's place of employment, place of education, or location of the person's Alcohol and Drug Safety Action Program classes, or the location of the person's court ordered drug program, and that there is no adequate public transportation between the person's residence and the person's place of employment, the person's place of education, the location of the person's Alcohol and Drug Safety Action Program classes, or the location of the person's court ordered drug program.~~

~~(2) If the department issues a restricted license pursuant to this subsection, the department shall designate reasonable restrictions on the times during which and routes on which the person may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of attendance of the person's court ordered drug program, or residence must be reported immediately to the department by the person.~~

~~(3) The fee for a restricted license is one hundred dollars, but no additional fee may be charged because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the state's general fund, and 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.~~

~~(4) Driving a motor vehicle outside the time limits and route imposed by a restricted license is a violation of Section 56-1-460.~~

(I)(1) Except as provided in item (3), the period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or a law of another state that prohibits a person from driving a motor

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vehicle while under the influence of alcohol or other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) six months for a person who refuses to submit to a test pursuant to Section 56-5-2950; or

(b) one month for a person who takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

(2) The period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, a person who has been convicted previously for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or another law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) for a second offense, nine months if the person refuses to submit to a test pursuant to Section 56-5-2950, or two months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more;

(b) for a third offense, twelve months if the person refuses to submit to a test pursuant to Section 56-5-2950, or three months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more; and

(c) for a fourth or subsequent offense, fifteen months if the person refuses to submit to a test pursuant to Section 56-5-2950, or four months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

(3) ~~In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a~~

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person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(J) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension ~~or ignition interlock restricted license requirement~~ pursuant to subsection (I) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program. After the person's driving privilege is restored, the person shall continue the services of the Alcohol and Drug Safety Action Program. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until the completion of the Alcohol and Drug Safety Action Program. A person shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 before the person's driving privilege can be restored at the conclusion of the suspension period ~~or ignition interlock restricted license requirement~~.

(K) When a nonresident's privilege to drive a motor vehicle in this State has been suspended pursuant to the provisions of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license or permit.

(L) The department shall not suspend the privilege to drive of a person under the age of twenty-one pursuant to Section 56-1-286, if the person's privilege to drive has been suspended pursuant to this section arising from the same incident.

(M) A person whose driver's license or permit is suspended pursuant to this section is not required to file proof of financial responsibility.

(N) An insurer shall not increase premiums on, add surcharges to, or cancel the automobile insurance of a person charged with a violation of Section 56-1-286, 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs based solely on the violation unless the person is convicted of the violation.

(O) The department shall administer the provisions of this section.

~~(P) If a person does not request a contested case hearing within the thirty day period as authorized pursuant to this section, the person may file with the department a form after enrolling in a certified Alcohol and Drug Safety Action Program to apply for a restricted license. The restricted license permits him to drive only to and from work and his~~

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~~place of education and in the course of his employment or education during the period of suspension. The restricted license also permits him to drive to and from Alcohol and Drug Safety Action Program classes or a court ordered drug program. The department may issue the restricted license at any time following the suspension upon a showing by the individual that he is employed or enrolled in a college or university, that he lives further than one mile from his place of employment, place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court ordered drug program, and that there is no adequate public transportation between his residence and his place of employment, his place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court ordered drug program. The department must designate reasonable restrictions on the times during which and routes on which the individual may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of his court ordered drug program, or residence must be reported immediately to the department by the licensee. The route restrictions, requirements, and fees imposed by the department for the issuance of the restricted license issued pursuant to this item are the same as those provided in this section had the person requested a contested case hearing. A restricted license is valid until the person successfully completes a certified Alcohol and Drug Safety Action Program, unless the person fails to complete or make satisfactory progress to complete the program.” /~~

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

ACTING PRESIDENT PRESIDES

Senator TALLEY assumed the Chair.

Senator HUTTO spoke on the amendment.

Senator MALLOY spoke on the amendment.

The question being the adoption of the amendment.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 5; Nays 36

AYES

Allen	Fanning	Gustafson
Hembree	Malloy	

Total--5

NAYS

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Goldfinch
Grooms	Harpoottian	Hutto
Jackson	<i>Johnson, Kevin</i>	Kimbrell
Kimpson	Martin	Massey
Matthews	McLeod	Peeler
Rankin	Rice	Sabb
Scott	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

Total--36

The amendment failed.

PRESIDENT PRESIDES

At 12:56 P.M., the PRESIDENT assumed the Chair.

Senator MALLOY proposed the following amendment (JUD0028.005):

Amend the bill, as and if amended, page 27, by striking line 1 through line 40, in Section 56-5-2951(B), as contained in SECTION 8, and inserting therein the following:

/ ~~(1)~~(c) obtain a temporary alcohol license with an ignition interlock device restriction pursuant to Section 56-1-400 from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license and such fee must be held in trust by the Department of Motor Vehicles until final disposition of any contested case hearing. Should the temporary suspension

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provided for in this subsection be upheld during the contested case hearing. ~~Twenty-five~~ twenty-five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment, while ~~The~~ remaining seventy-five 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 temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F), this section or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer's decision and the Department of Motor Vehicles sends notice to the person that the person is eligible to receive a restricted license pursuant to subsection (H); and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with the Office of Motor Vehicle Hearings' rules of procedure. The ignition interlock restriction must be maintained on the temporary alcohol license for three months. If the contested case hearing has not reached a final disposition by the time the ignition interlock restriction has been removed, the person can obtain a temporary alcohol license without an ignition interlock restriction.

(3) At the contested case hearing, if:

(a) the suspension is upheld, the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990;

(b) the suspension is overturned, the person must have the person's driver's license, permit, or nonresident operating privilege reinstated and the person must be reimbursed by the Department of Motor Vehicles in the amount of the fees provided for in subsection (B)(1)(c).

(4) The provisions of this subsection do not affect the trial for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945. /

Renumber sections to conform.

Amend title to conform.

Senator MALLOY objected to further consideration of the Bill.

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**COMMITTEE AMENDMENT ADOPTED
AMENDMENT PROPOSED, CARRIED OVER**

S. 354 -- Senator Rice: A BILL TO AMEND SECTION 56-2-105, RELATING TO THE ISSUANCE OF GOLF CART PERMIT DECALS AND REGISTRATIONS AND THE OPERATION OF GOLF CARTS WITHIN THE STATE, SO AS TO PROVIDE A MUNICIPALITY MAY ALLOW PERMITTED GOLF CARTS TO BE OPERATED WITHIN ITS JURISDICTION UNDER CERTAIN CONDITIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Transportation proposed the following amendment (354R001.KMM.LKG), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 56-2-105 of the 1976 Code is amended by adding:

“(H)A municipality may, by ordinance, allow the operation of a permitted golf cart within its jurisdiction on primary highways upon which the posted speed limit is thirty miles per hour or less, secondary highways upon which the posted speed limit is thirty-five miles per hour or less, streets, or roads.”

SECTION 2. This act takes effect upon approval by the Governor. /
Re-number sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senators HUTTO and CROMER proposed the following amendment (354R004.SP.CBH):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ “Section 56-2-105. (A) For the purposes of this section;

(1) ‘Daylight hours’ means the hours between nine o’clock in the morning until five o’clock in the evening.

(2) ‘~~gated~~ Gated community’ means any homeowners' community with at least one access controlled ingress and egress which includes the presence of a guard house, a mechanical barrier, or another method of controlled conveyance; and-

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(B)(1) ~~An individual~~ A person or business owner of a vehicle commonly known as a golf cart ~~may~~ must obtain a permit decal and registration from the Department of Motor Vehicles upon presenting proof of ownership and liability insurance as provided in Section 38-77-140 for the golf cart and upon payment of a five dollar fee. A golf cart permit must be replaced with a new permit every five years, or at the time the permit holder changes his address.

(2) A person operating a golf cart must be at least sixteen years of age and hold a valid driver's license. The operator of a golf cart being operated on a highway or street must have in his possession:

(a) the registration certificate issued by the department;

(b) proof of liability insurance as provided in Section 38-77-140 for the golf cart; and

(c) his driver's license.

(C)(1) During daylight hours only:

~~(1)(a)~~ A permitted golf cart may be operated within four miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less.

~~(2)(b)~~ A permitted golf cart may be operated within four miles of a point of ingress and egress to a gated community and only on a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less.

~~(3)(c)~~ Within four miles of the registration holder's address, and while traveling along a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less, a permitted golf cart may cross a highway or street at an intersection where the highway has a posted speed limit of more than thirty-five miles an hour.

~~(4)(d)~~ A permitted golf cart may be operated along a secondary highway or street for which the posted speed limit is thirty-five miles an hour or less on an island not accessible by a bridge designed for use by automobiles.

(2) A golf cart is prohibited from operating on a four-lane highway.

(3) Restrictions on the use of a golf cart on certain streets, at certain hours, and within certain distances shall not apply to a golf cart used by a public safety agency in connection with the performance of its duties.

(D) ~~A person operating a permitted golf cart must be at least sixteen years of age and hold a valid driver's license. The operator of a permitted~~

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~~golf cart being operated on a highway or street must have in his possession:~~

- ~~(1) the registration certificate issued by the department;~~
- ~~(2) proof of liability insurance for the golf cart; and~~
- ~~(3) his driver's license.~~

~~(E) A golf cart permit must be replaced with a new permit every five years, or at the time the permit holder changes his address.~~

~~(F)(1) A political subdivision may, on designated streets or roads within the political subdivision's jurisdiction, reduce the area in which a permitted golf cart may operate from four miles to no less than two miles.~~

(2) A political subdivision may, on primary highways, secondary highways, streets, or roads within the political subdivision's jurisdiction, create separate golf cart paths on the shoulder of its primary highways, secondary highways, streets and roads for the purpose of golf cart transportation, if:

(a) the political subdivision obtains the necessary approvals, if any, to create the golf cart paths; and

(b) the golf cart path is:

(i) separated from the traffic lanes by a hard concrete curb;

(ii) separated from the traffic lanes by parking spaces; or

(iii) separated from the traffic lanes by a distance of four feet

or more.

(3) In a county with a population of no less than one hundred fifty thousand and no more than two hundred fifty thousand persons:

(a) if a municipality has jurisdiction over a barrier island, the municipality may enact an ordinance allowing for the operation of a golf cart at night on designated portions of the barrier island within the municipality, provided the golf cart is equipped with working headlights and rear lights; or

(b) if a barrier island is not within the jurisdiction of a municipality, the county in which the barrier island is located may enact an ordinance allowing for the operation of a golf cart at night on designated portions of the county, provided the golf cart is equipped with working headlights and rear lights.

If a municipality or county enacts an ordinance allowing golf carts to operate at night on a barrier island, the requirements of subsection (C), other than operation in daylight hours only, shall still apply to all permitted golf carts.

(4) A political subdivision may not reduce or otherwise amend the other restrictions placed on the operation of a permitted golf cart contained in this section.

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~~(G) The provisions of this section that restrict the use of a golf cart to certain streets, certain hours, and certain distances shall not apply to a golf cart used by a public safety agency in connection with the performance of its duties.~~

(E) A municipality may, by ordinance, allow the operation of a golf cart within its jurisdiction on primary highways upon which the posted speed limit is thirty miles per hour or less, secondary highways upon which the posted speed limit is thirty-five miles per hour or less, streets, or roads, provided, however, that golf carts shall not be permitted for use on a four-lane highway. A municipality may not reduce or otherwise amend the other restrictions placed on the operation of a permitted golf cart contained in this section.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

On motion of Senator HUTTO, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 40 -- Senator Grooms: A BILL TO AMEND SECTION 5-29-30 OF THE 1976 CODE, RELATING TO THE RIGHT OF MUNICIPALITIES TO ESTABLISH ON-STREET PARKING FACILITIES, TO PROVIDE THAT MUNICIPALITIES MAY NOT ESTABLISH OR ALTER PARKING FACILITIES ON ANY STATE HIGHWAY FACILITY WITHOUT THE PRIOR APPROVAL OF THE DEPARTMENT OF TRANSPORTATION; TO AMEND SECTION 57-5-840 OF THE 1976 CODE, RELATING TO ALTERATIONS BY A MUNICIPALITY OF STATE HIGHWAY FACILITIES, TO PROVIDE THAT RESTRICTIONS ON THE USE OF STATE HIGHWAY FACILITIES BY A MUNICIPALITY ARE SUBJECT TO PRIOR APPROVAL BY THE DEPARTMENT OF TRANSPORTATION; TO AMEND ARTICLE 5, CHAPTER 5, TITLE 57 OF THE 1976 CODE, RELATING TO CONSTRUCTION OF THE STATE HIGHWAY SYSTEM, BY ADDING SECTION 57-5-845, TO PROVIDE THAT PARKING ON STATE HIGHWAY FACILITIES LOCATED ON BARRIER ISLANDS IS FREE AND ANY RESTRICTIONS MAY ONLY BE MADE BY THE DEPARTMENT

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OF TRANSPORTATION; TO AMEND SECTION 57-7-210 OF THE 1976 CODE, RELATING TO OBSTRUCTIONS IN HIGHWAYS, TO PROVIDE THAT THE FINE FOR VIOLATIONS IS CALCULATED ON A PER-DAY BASIS; TO AMEND SECTION 57-7-220 OF THE 1976 CODE, RELATING TO THE REMOVAL OF OBSTRUCTIONS IN HIGHWAYS, TO PROVIDE THAT OBSTRUCTIONS ON ANY PORTION OF A PUBLIC HIGHWAY MUST BE REMOVED AS SOON AS POSSIBLE BY THE GOVERNMENTAL ENTITY RESPONSIBLE FOR MAINTAINING THE HIGHWAY; AND TO DEFINE NECESSARY TERMS.

CARRIED OVER

S. 425 -- Senators Alexander, McLeod, Young and Gustafson: A BILL TO AMEND ARTICLE 1, CHAPTER 35, TITLE 43 OF THE 1976 CODE, RELATING TO DUTIES AND PROCEDURES OF INVESTIGATIVE ENTITIES CONCERNING ADULT PROTECTION, BY ADDING SECTION 43-35-87, TO AUTHORIZE BANKING INSTITUTIONS TO DECLINE CERTAIN FINANCIAL TRANSACTION REQUESTS IN CASES OF THE SUSPECTED FINANCIAL EXPLOITATION OF A VULNERABLE ADULT, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senator YOUNG explained the Bill.

On motion of Senator MALLOY, the Bill was carried over.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bill was read the third time and ordered sent to the House of Representatives:

S. 296 -- Senators Climer, Fanning and M. Johnson: A BILL TO AMEND SECTION 56-2-105 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF MOTOR VEHICLES' ISSUANCE OF GOLF CART PERMITS AND THE OPERATION OF GOLF CARTS ALONG THE STATE'S HIGHWAYS, TO PROVIDE THAT A MUNICIPALITY OF A CERTAIN SIZE AND POPULATION MAY ADOPT AN ORDINANCE THAT ALLOWS FOR THE OPERATION DURING NON-DAYLIGHT HOURS OF GOLF CARTS THAT ARE EQUIPPED WITH WORKING HEADLIGHTS AND REAR LIGHTS.

The Senate proceeded to a consideration of the Bill.

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Senator CLIMER explained the Bill.

**READ THE THIRD TIME
SENT TO THE HOUSE**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 236 -- Senator Young: A BILL TO AMEND SECTION 7-7-1000, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POOLING PRECINCTS IN MUNICIPAL ELECTIONS, SO AS TO PROVIDE THAT ANY PRECINCT CONTAINING THREE THOUSAND OR MORE VOTERS, AN INCREASE FROM FIVE HUNDRED OR MORE VOTERS, HAVE ITS OWN POLLING PLACE; THAT THE TOTAL NUMBER OF REGISTERED VOTERS IN THE MUNICIPAL POOLED PRECINCTS CANNOT EXCEED THREE THOUSAND, AN INCREASE FROM ONE THOUSAND FIVE HUNDRED; AND THAT POOLED MUNICIPAL POLLING PLACES CANNOT BE MORE THAN FIVE MILES, AN INCREASE FROM THREE MILES, FROM THE NEAREST PART OF ANY POOLED PRECINCT.

S. 435 -- Senator Cromer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38-43-25 SO AS TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ISSUE A LIMITED LINES TRAVEL INSURANCE PRODUCER LICENSE; TO AMEND SECTION 38-1-20, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO TITLE 38, SO AS TO DELETE THE DEFINITION OF "TRAVEL INSURANCE" AND TO ADD TRAVEL INSURANCE TO THE DEFINITION OF "MARINE INSURANCE"; AND TO AMEND ARTICLE 6 OF CHAPTER 43, TITLE 38, RELATING TO LIMITED LINES TRAVEL INSURANCE, SO AS TO DEFINE NECESSARY TERMS, TO PROVIDE THAT TRAVEL INSURANCE MUST BE CLASSIFIED AND FILED AS MARINE INSURANCE SUBJECT TO CERTAIN EXCEPTIONS, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF INSURANCE TO ESTABLISH A TRAVEL INSURANCE PRODUCER LICENSE AND ESTABLISH CERTAIN REQUIREMENTS FOR AN APPLICANT, TO ASSESS A PREMIUM TAX ON TRAVEL INSURANCE PREMIUMS AND ESTABLISH CERTAIN REPORTING REQUIREMENTS, TO ESTABLISH CERTAIN REQUIREMENTS FOR TRAVEL PROTECTION PLANS, TO PROVIDE CERTAIN

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SALES PRACTICES FOR TRAVEL INSURERS, TO ESTABLISH CERTAIN LICENSING REQUIREMENTS FOR TRAVEL ADMINISTRATORS FOR TRAVEL INSURANCE, AND TO AUTHORIZE THE DIRECTOR TO PROMULGATE REGULATIONS.

CARRIED OVER

S. 499 -- Senators Campsen, Rice, Talley, Loftis, Climer and Kimbrell: A BILL TO ENACT THE "SOUTH CAROLINA ELECTION COMMISSION RESTRUCTURING ACT"; TO AMEND CHAPTER 1, TITLE 7 OF THE 1976 CODE, RELATING TO ELECTIONS, BY ADDING SECTION 7-1-110, TO PROVIDE THAT THE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE OF REPRESENTATIVES HAVE THE RIGHT TO INTERVENE AND HAVE STANDING ON BEHALF OF THEIR RESPECTIVE BODIES IN ACTIONS THAT CHALLENGE THE VALIDITY OF AN ELECTION LAW, AN ELECTION POLICY, OR THE MANNER IN WHICH AN ELECTION IS CONDUCTED; TO AMEND SECTION 7-3-10(a) OF THE 1976 CODE, RELATING TO THE STATE ELECTION COMMISSION, TO PROVIDE THAT THE MEMBERSHIP OF THE COMMISSION CONSISTS OF FIVE MEMBERS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; AND TO AMEND SECTION 7-3-20(A) OF THE 1976 CODE, RELATING TO THE EXECUTIVE DIRECTOR OF THE STATE ELECTION COMMISSION, TO REVISE HIS PROCEDURE OF APPOINTMENT.

The Senate proceeded to a consideration of the Bill.

Senator MASSEY explained the Bill.

On motion of Senator KIMPSON, the Bill was carried over.

CARRIED OVER

S. 351 -- Senators McLeod and Malloy: A BILL TO AMEND SECTION 24-3-180 OF THE 1976 CODE, RELATING TO PROVIDING TRANSPORTATION AND CLOTHES TO A DISCHARGED INMATE, TO PROVIDE THAT THE INMATE MUST BE PROVIDED WITH WRITTEN NOTICE THAT THE INMATE IS ELIGIBLE TO REGISTER TO VOTE AND INSTRUCTIONS CONCERNING HOW TO REGISTER TO VOTE; TO AMEND ARTICLE 1, CHAPTER 13, TITLE 24 OF THE 1976

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CODE, RELATING TO PRISONERS GENERALLY, BY ADDING SECTION 24-13-190, TO PROVIDE THAT AN INMATE MUST BE PROVIDED WITH WRITTEN NOTICE THAT HE MAY REGISTER TO VOTE AND INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE AT THE COMPLETION OF HIS SENTENCE; TO AMEND ARTICLE 5, CHAPTER 21, TITLE 24 OF THE 1976 CODE, RELATING TO PROBATION, BY ADDING SECTION 24-21-495, TO PROVIDE THAT A PERSON'S PROBATION AGENT MUST PROVIDE HIM WITH WRITTEN NOTICE THAT HE MAY REGISTER TO VOTE AND INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE AT THE COMPLETION OF HIS SENTENCE; TO AMEND ARTICLE 7, CHAPTER 21, TITLE 24 OF THE 1976 CODE, RELATING TO PAROLE, BY ADDING SECTION 24-21-720, TO PROVIDE THAT A PAROLEE MUST BE PROVIDED WITH WRITTEN NOTICE THAT HE MAY REGISTER TO VOTE AND INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE AT THE COMPLETION OF HIS SENTENCE; TO AMEND SECTION 24-21-930 OF THE 1976 CODE, RELATING TO THE RESTORATION OF CIVIL RIGHTS UPON RECEIVING A PARDON, TO REQUIRE THAT A PARDON ORDER SHALL EXPLICITLY STATE THAT THE RESTORATION OF CIVIL RIGHTS INCLUDES THE RIGHT TO VOTE AND THAT THE PARDONED PERSON IS PROVIDED WITH INSTRUCTIONS ABOUT HOW TO REGISTER TO VOTE.

On motion of Senator MARTIN, the Bill was carried over.

CARRIED OVER

S. 628 -- Senator Davis: A BILL TO ENACT THE "PHARMACY ACCESS ACT"; TO AMEND CHAPTER 43, TITLE 40 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA PHARMACY PRACTICE ACT, BY ADDING SECTIONS 40-43-210 THROUGH 40-43-280, TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT DOES NOT CREATE A DUTY OF CARE FOR A PERSON WHO PRESCRIBES OR DISPENSES A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERS AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE THAT CERTAIN PHARMACISTS MAY DISPENSE A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTER AN INJECTABLE HORMONAL CONTRACEPTIVE PURSUANT TO A STANDING PRESCRIPTION DRUG ORDER, TO PROVIDE A JOINT PROTOCOL FOR DISPENSING A SELF-ADMINISTERED

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HORMONAL CONTRACEPTIVE OR ADMINISTERING AN INJECTABLE HORMONAL CONTRACEPTIVE WITHOUT A PATIENT-SPECIFIC WRITTEN ORDER, TO REQUIRE CONTINUING EDUCATION FOR A PHARMACIST DISPENSING A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERING AN INJECTABLE HORMONAL CONTRACEPTIVE, TO IMPOSE REQUIREMENTS ON A PHARMACIST WHO DISPENSES A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR ADMINISTERS AN INJECTABLE HORMONAL CONTRACEPTIVE, TO PROVIDE THAT A PRESCRIBER WHO ISSUES A STANDING PRESCRIPTION DRUG ORDER FOR A SELF-ADMINISTERED HORMONAL CONTRACEPTIVE OR INJECTABLE HORMONAL CONTRACEPTIVE IS NOT LIABLE FOR ANY CIVIL DAMAGES FOR ACTS OR OMISSIONS RESULTING FROM THE DISPENSING OR ADMINISTERING OF THE CONTRACEPTIVE, AND TO PROVIDE THAT THE SOUTH CAROLINA PHARMACY PRACTICE ACT SHALL NOT BE CONSTRUED TO REQUIRE A PHARMACIST TO DISPENSE, ADMINISTER, INJECT, OR OTHERWISE PROVIDE HORMONAL CONTRACEPTIVES; AND TO AMEND ARTICLE 1, CHAPTER 6, TITLE 44 OF THE 1976 CODE, RELATING TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, BY ADDING SECTION 44-6-115, TO PROVIDE FOR PHARMACIST SERVICES COVERED UNDER MEDICAID; AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill.

Senator CASH proposed the following amendment (628R006.SP.RJC), which was withdrawn:

Amend the bill, as and if amended, page 7, by striking line 16 and inserting:

/SECTION 5. This act takes effect upon approval by the Governor and is repealed June 30, 2024. /

Re-number sections to conform.

Amend title to conform.

The amendment was withdrawn.

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Senator CROMER proposed the following amendment (628R007.SP.RWC):

Amend the bill, as and if amended, on page 4, by striking lines 40 through 43 and inserting:

/ (E) If a participant's benefit plan includes contraception services, then health insurers and the State Health Plan must provide coverage for services provided under this chapter and reimburse providers at the same payment rate that would apply if the services had been rendered by a physician. /

Renumber sections to conform.

Amend title to conform.

On motion of Senator CROMER, the Bill was carried over.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

S. 401 -- Senators Gustafson, Hembree and Fanning: A BILL TO AMEND SECTION 6-1-320 OF THE 1976 CODE, RELATING TO THE LIMITATION ON MILLAGE INCREASES, TO ALLOW THE GOVERNING BODY OF A COUNTY TO SUSPEND THE LIMITATION FOR THE PURPOSE OF SUPPORTING A FIRE PROTECTION DISTRICT.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (DG401C003.NBD.DG21), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Section 6-1-320 of the 1976 Code is amended by adding an appropriately lettered new subsection at the end to read:

“() Notwithstanding the limitation upon millage rate increases contained in subsection (A), the governing body of a county, by a positive majority vote, may adopt an ordinance or resolution to suspend the millage rate limitation for the purpose of supporting a fire protection district created pursuant to Chapter 19, Title 4, or Chapter 11, Title 6. However, the positive majority vote must occur no later than the second anniversary of the effective date of this subsection.” /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

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Senator CAMPSSEN spoke on the Bill.

Senator GUSTAFSON spoke on the Bill.

Remarks to be Printed

On motion of Senator HEMBREE, with unanimous consent, the remarks of Senator GUSTAFSON, when reduced to writing and made available to the Desk, would be printed in the Journal.

The amendment was adopted.

The question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

Ayes 22; Nays 20

AYES

Alexander	Allen	Davis
Fanning	Gambrell	Garrett
Gustafson	Harpootlian	Hembree
Hutto	<i>Johnson, Kevin</i>	Kimpson
Malloy	Matthews	McElveen
McLeod	Sabb	Scott
Setzler	Shealy	Stephens
Williams		

Total--22

NAYS

Adams	Bennett	Campsen
Cash	Climer	Corbin
Cromer	Goldfinch	Grooms
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Rice	Talley	Turner
Verdin	Young	

Total--20

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

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Motion Adopted

On motion of Senator MASSEY, the Senate agreed to stand adjourned.

ADJOURNMENT

At 2:45 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

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