**South Carolina General Assembly**

125th Session, 2023-2024

**A64, R80, H3433**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hixon and W. Newton

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Introduced in the House on January 10, 2023

Introduced in the Senate on March 15, 2023

Last Amended on May 10, 2023

Currently residing in the House

Summary: Saltwater privileges, suspension

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/8/2022 House Prefiled

 12/8/2022 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs**

 1/10/2023 House Introduced and read first time (House Journal‑page 167)

 1/10/2023 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** (House Journal‑page 167)

 3/7/2023 House Committee report: Favorable with amendment **Agriculture, Natural Resources and Environmental Affairs** (House Journal‑page 1)

 3/8/2023 Scrivener's error corrected

 3/9/2023 House Amended (House Journal‑page 27)

 3/9/2023 House Read second time (House Journal‑page 27)

 3/9/2023 House Roll call Yeas-114 Nays-0 (House Journal‑page 28)

 3/13/2023 Scrivener's error corrected

 3/15/2023 House Read third time and sent to Senate (House Journal‑page 18)

 3/15/2023 Senate Introduced and read first time (Senate Journal‑page 14)

 3/15/2023 Senate Referred to Committee on **Fish, Game and Forestry** (Senate Journal‑page 14)

 5/3/2023 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** (Senate Journal‑page 11)

 5/5/2023 Scrivener's error corrected

 5/10/2023 Senate Amended (Senate Journal‑page 42)

 5/10/2023 Senate Read second time (Senate Journal‑page 42)

 5/10/2023 Senate Roll call Ayes-45 Nays-0 (Senate Journal‑page 42)

 5/11/2023 Scrivener's error corrected

 5/11/2023 Senate Read third time and returned to House with amendments (Senate Journal‑page 146)

 5/16/2023 House Concurred in Senate amendment and enrolled (House Journal‑page 32)

 5/16/2023 House Roll call Yeas-98 Nays-0 (House Journal‑page 32)

 5/17/2023 Ratified R 80

 5/19/2023 Signed By Governor

 5/26/2023 Effective date 05/19/23

 5/26/2023 Act No. 64

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3433_20221208.docx)

[03/07/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3433_20230307.docx)

[03/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3433_20230308.docx)

[03/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3433_20230309.docx)

[03/13/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3433_20230313.docx)

[05/04/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3433_20230504.docx)

[05/05/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3433_20230505.docx)

[05/10/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3433_20230510.docx)

[05/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3433_20230511.docx)

 5/16/2023 House Roll call Yeas-98 Nays-0 ([House Journal‑page 32](file:///h%3A%5Chj%5C20230516.docx))

 5/17/2023 Ratified R 80 ([Senate Journal‑page 31](file:///h%3A%5Csj%5C20230517.docx))

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(A64, R80, H3433)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 50‑5‑2545 RELATING TO POINTS AND SUSPENSIONS PRIOR TO THE MARINE RESOURCES ACT OF 2000; BY REPEALING SECTION 50‑9‑1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES; BY AMENDING SECTION 50‑5‑2510, RELATING to THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50‑5‑2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO ALLOW FOR WRITTEN NOTICE BY UNITED STATES MAIL; BY AMENDING SECTION 50‑9‑1140, RELAting to THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; AND BY AMENDING SECTION 50‑9‑1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO ALLOW FOR WRITTEN NOTICE BY UNITED STATES MAIL AND TO PROVIDE FOR A METHOD OF APPEAL.

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

Repeal

SECTION 1. Sections 50‑5‑2545 and 50‑9‑1160 of the S.C. Code are repealed.

Suspension of saltwater privileges, notice

SECTION 2.A. Section 50-5-2510 of the S.C. Code is amended to read:

 Section 50-5-2510. (A) The department must suspend for one year the related saltwater privileges and associated licenses and permits issued to a person or entity that has accumulated eighteen or more points under any point category. Privileges related to each point category are as follows:

 (1) commercial: commercial saltwater fishing license, equipment license, and bait dealer license, and

 (2) recreational: recreational saltwater fishing license, pier license, charter fishing vessel license, shrimp baiting license, and any other saltwater licenses utilized for recreational purposes.

 (B) Any suspension under this article begins the twenty-first day after the department mails written notice of the suspension and ends the same day the following year.

B. Section 50-5-2515 of the S.C. Code is amended to read:

 Section 50-5-2515. (A) Upon determination by the department that a person or entity has accumulated sufficient points to warrant the suspension of any saltwater privilege, the department must notify the person or entity in writing that the person’s or entity’s saltwater privilege has been suspended, and the person or entity must return all the suspended licenses or permits in the person’s or entity’s name to the department no later than ten days following the effective date of the suspension.

 (B) The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person or entity at the address contained in the records of the department. The giving of notice by mail is complete twenty days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

Suspension of hunting and fishing privileges, notice

SECTION 3.A. Section 50-9-1140 of the S.C. Code is amended to read:

 Section 50-9-1140. The department shall suspend for one year the hunting and fishing privileges of a person who has eighteen or more points. The suspension begins the twenty-first day after the department mails written notice of the suspension, and ends the same day the following year.

B. Section 50-9-1150 of the S.C. Code is amended to read:

 Section 50-9-1150. (A) Upon determination that a person has accumulated sufficient points to warrant suspension of privileges, the department shall notify him in writing that his privileges are suspended, and the person shall return the license and any tags in the person’s name to the department no later than ten days following the effective date of the suspension.

 (B) The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person at the address contained in the records of the department. The giving of notice by mail is complete twenty days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.

 (C) A person whose privileges have been suspended may appeal the decision of the department under the Administrative Procedures Act.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 17th day of May, 2023.

Approved the 19th day of May, 2023.

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