**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3518**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Felder and Williams

Companion/Similar bill(s): 549

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Introduced in the House on January 10, 2023

Introduced in the Senate on March 30, 2023

Last Amended on February 21, 2024

Currently residing in the House

Summary: Motor vehicle financial responsibility

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2022 House Prefiled

12/15/2022 House Referred to Committee on **Education and Public Works**

1/10/2023 House Introduced and read first time ([House Journal‑page 196](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Education and Public Works** ([House Journal‑page 196](h:\hj\20230110.docx))

2/1/2023 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 2](h:\hj\20230201.docx))

2/7/2023 House Member(s) request name added as sponsor: Williams

2/7/2023 House Amended ([House Journal‑page 32](h:\hj\20230207.docx))

2/7/2023 House Read second time ([House Journal‑page 35](h:\hj\20230207.docx))

2/7/2023 House Roll call Yeas-107 Nays-2 ([House Journal‑page 38](h:\hj\20230207.docx))

2/8/2023 House Read third time and sent to Senate ([House Journal‑page 17](h:\hj\20230208.docx))

3/30/2023 Senate Amended

2/8/2023 Scrivener's error corrected

2/8/2023 Senate Introduced and read first time ([Senate Journal‑page 43](h:\sj\20230208.docx))

2/8/2023 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 43](h:\sj\20230208.docx))

3/9/2023 Senate Committee report: Favorable with amendment **Transportation** ([Senate Journal‑page 9](h:\sj\20230309.docx))

3/13/2023 Scrivener's error corrected

3/14/2023 Scrivener's error corrected

3/28/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 17](h:\sj\20230328.docx))

3/28/2023 Senate Amended ([Senate Journal‑page 17](h:\sj\20230328.docx))

3/29/2023 Scrivener's error corrected

3/30/2023 Senate Amended ([Senate Journal‑page 23](h:\sj\20230330.docx))

4/3/2023 Scrivener's error corrected

5/11/2023 Senate Amended ([Senate Journal‑page 148](h:\sj\20230511.docx))

5/12/2023 Scrivener's error corrected

2/21/2024 Senate Amended ([Senate Journal‑page 15](h:\sj\20240221.docx))

2/23/2024 Scrivener's error corrected

2/28/2024 Senate Read second time ([Senate Journal‑page 26](h:\sj\20240228.docx))

2/28/2024 Senate Roll call Ayes-45 Nays-0 ([Senate Journal‑page 26](h:\sj\20240228.docx))

2/29/2024 Senate Read third time and returned to House with amendments ([Senate Journal‑page 9](h:\sj\20240229.docx))

3/20/2024 House Concurred in Senate amendment and enrolled ([House Journal‑page 80](h:\hj\20240320.docx))

3/20/2024 House Roll call Yeas-98 Nays-3 ([House Journal‑page 81](h:\hj\20240320.docx))

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**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20221215.docx)

[02/01/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230201.docx)

[02/07/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230207.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230208.docx)

[03/09/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230309.docx)

[03/13/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230313.docx)

[03/13/2023-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230313a.docx)

[03/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230314.docx)

[03/28/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230328.docx)

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230329.docx)

[03/30/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230330.docx)

[04/03/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230403.docx)

[05/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230511.docx)

[05/12/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230512.docx)

[02/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20240221.docx)

[02/23/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20240223.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

February 21, 2024

H. 3518

Introduced by Reps. Felder and Williams

S. Printed 02/21/24--S. [SEC 2/23/2024 2:25 PM]

Read the first time February 08, 2023

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A bill

to amend the South Carolina Code of Laws by amending Section 56‑1‑395, relating to the Driver’s license reinstatement fee payment program, so as to provide the driverS’ licenseS issued under this program are valid for an additional six months, to revise the amount of reinstatement fees owed by persons to become eligible to obtain these drivers’ licenses, to revise the distribution of the administrative fees collected, to provide the Department of Motor Vehicles may provide persons in the program a fee schedule of the amounts owed and the ability to make online payments, to revise the types of drivers’ license suspensions that are covered by this section, and to revise the frequency that persons may participate in the program and the conditions for future participation; by amending Section 56‑1‑396, relating to the Driver’s license suspension amnesty period, so as to limit the types of qualifying suspensions; by amending Section 56‑10‑240, relating to the Requirement that upon loss of insurance, new insurance must be obtained or persons must surrender their registration and plates, written notice by insurerS, appeal of suspensions, enforcement, and penalties, so as to revise the period of time vehicle owners must surrender motor vehicle license plates and registration certificates for certain uninsured motor vehicles, to delete the provision that gives the department of motor vehicles discretion to authorize insurers to utilize alternate methods of providing certain notices to the department, to delete the provision that allows certain persons to appeal certain suspensions to the department of insurance for failure to meet the state’s financial responsibility requirements in error, and to allow these persons to provide certain documents to show the suspension was issued in error; by amending Section 56‑10‑245, relating to Per diem fineS for lapse in required coverage, so as to provide the fineS contained in the section may not exceed two hundred dollars per vehicle for a first offense; by amending article 5 OF chapter 10, title 56, relating to the establishMENT of the uninsured motorist fund, so as to revise the provisions of this article to regulate the operation of uninsured motor vehicles, to delete provisions relating to the establishment and collection of uninsured motor vehicle feeS, to make technical changes, to revise the amount of the motor vehicle reinstatement fee and provide it shall be increased annually, to provide suspended licenses, registration certificates, license plates, and decals may be returned to the department of motor vehicles by electronic means or in person, and to delete the provisions that require the department of motor vehicles to collect statistics regarding various motor vehicle registration, insurance, and uninsured motorist fund issues.

Amend Title To Conform

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

SECTION 1. Section 56-1-286(K) of the S.C. Code is amended to read:

(K)(L)(1) Within thirty days of the issuance of the notice of suspension the person may:

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

(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941; or

(c) obtain a temporary alcohol license by filing with from the Department of Motor Vehicles a form for this purpose. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty-five dollars of the fee collected by the Department of Motor Vehicles must be distributed 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 a motor vehicle without any restrictive conditions pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter; and.

(2) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its 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, then 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 shall enroll in an Alcohol and Drug Safety Action Program and 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 periods provided for in subsections (F) and (G); or and

(b) the person must enroll in the Ignition Device Program pursuant to Section 56-5-2941.

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

SECTION 2. Section 56-5-2951(B) of the S.C. Code is amended to read:

(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, either:

(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941; or

(1)(c) 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 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 provided for in this subsection be upheld during the contested case hearing, Twentytwenty-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. theThe 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.

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 and must enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941;

(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).

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

(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.

SECTION 3. This act takes effect on May 19, 2024.

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