**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4211**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. West, G.M. Smith, W. Newton, Bannister, Gagnon and Leber

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Introduced in the House on March 29, 2023

Currently residing in the House

Summary: Overtaking and passing another vehicle

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/29/2023 House Introduced and read first time (House Journal‑page 69)

 3/29/2023 House Referred to Committee on **Education and Public Works** (House Journal‑page 69)

 6/7/2023 House Member(s) request name added as sponsor: Leber

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**VERSIONS OF THIS BILL**

[03/29/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4211_20230329.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-1885, RELATING TO OVERTAKING AND PASSING OTHER VEHICLES IN THE FARTHEST LEFT-HAND LANE, SO AS TO INCREASE THE FINE FOR VIOLATIONS FROM TWENTY-FIVE DOLLARS TO TWO HUNDRED DOLLARS AND to PROVIDE TWO POINTS MUST BE ASSESSED AGAINST THE VIOLATOR’S MOTOR VEHICLE OPERATING RECORD; AND BY AMENDING SECTION 56-1-720, RELATING TO POINTS THAT MAY BE ASSESSED AGAINST A PERSON’S DRIVING RECORD FOR MOTOR VEHICLE VIOLATIONS, SO AS TO PROVIDE UNLAWFUL DRIVING IN THE FaRTHEST LEFT-HAND LANE IS A TWO-POINT VIOLATION.

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

SECTION 1. Section 56-5-1885(E) of the S.C. Code is amended to read:

 (E)(1) A person who is adjudicated to be in violation of the provisions of this section must be fined not more than twenty-fivetwo hundred dollars, no part of which may be suspended and must have two points assessed against his motor vehicle operating record. No court costs, assessments, or surcharges may be assessed against a person who violates a provision of this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for a failure to appear in court when summoned or for a failure to pay an imposed fine. A violation of this section does not constitute a criminal offense. Notwithstanding Section 56-1-640, a violation of this section must not be:

 (a) included in the offender's motor vehicle records maintained by the Department of Motor Vehicles;

 (b) included in the criminal records maintained by SLED; or

 (c) reported to the offender's motor vehicle insurer.

 (2) A violation of this section is not negligence per se, or contributory negligence, and is not admissible as evidence in a civil action.

 (3) A law enforcement officer must not search, and may not request consent to search, a vehicle, or the driver or occupant of the vehicle, solely because of a violation of this section.

 (4) A person charged with a violation of this section may admit or deny the violation, enter a plea of nolo contendere, or be tried before either a judge or a jury. If the trier of fact is convinced beyond a reasonable doubt that the person violated the provisions of this section, then the penalty is a civil fine

pursuant to item (1) of this subsection. If the trier of fact determines that the State has failed to prove beyond a reasonable doubt that the person violated the provisions of this section, then no penalty shall be assessed.

 (5) A person found to be in violation of this section may bring an appeal to the court of common pleas.

SECTION 2. Section 56-1-720 of the S.C. Code is amended to read:

 Section 56-1-720. There is established a point system for the evaluation of the operating record of persons to whom a license to operate motor vehicles has been granted and for the determination of the continuing qualifications of these persons for the privileges granted by the license to operate motor vehicles. The system shall have as its basic element a graduated scale of points assigning relative values to the various violations in accordance with the following schedule:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 14 | VIOLATION | POINTS |   |  |  |
| 15 | Reckless driving | 6 |  |  |  |
| 1617 | Passing stopped school bus | 6 |  |  |  |
| 181920 | Hit-and-run, property damages only | 6 |  |  |  |
| 212223 | Driving too fast for conditions, or speeding: |  |  |  |  |
| 242526 |   | (1) | No more than 10 m.p.h. above the posted limits | 2 |   |
| 2728293031 |  | (2) | More than 10 m.p.h. but less than 25 m.p.h. above the posted limits | 4 |  |
| 323334 |  | (3) | 25 m.p.h. or above the posted limits | 6 |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 123 | Disobedience of any official traffic control device | 4 |   |  |  |
| 456 | Disobedience to officer directing traffic | 4 |  |  |  |
| 78 | Failing to yield right-of-way | 4 |  |  |  |
| 910 | Driving on wrong side of road | 4 |  |  |  |
| 1112 | Passing unlawfully | 4 |  |  |  |
| 1314 | Turning unlawfully | 4 |  |  |  |
| 151617 | Driving through or within safety zone | 4 |  |  |  |
| 181920 | Shifting lanes without safety precaution | 2 |  |  |  |
| 212223 | Improper dangerous parking | 2 |  |  |  |
| 2425 | Following too closely | 4 |  |  |  |
| 2627 | Failing to dim lights | 2 |  |  |  |
| 2829 | Operating with improper lights | 2 |  |  |  |
| 3031 | Operating with improper brakes | 4 |  |  |  |
| 323334 | Operating a vehicle in unsafe condition | 2 |  |  |  |
| 3536 | Driving in improper lane | 2 |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| 1 | Improper backing | 2 |  |  |  |
| 234 | Endangerment of a highway worker, no injury | 2 |  |  |  |
| 567 | Unlawful driving in the farthest left-hand lane  | 2 |  |  |  |
| 891011 | Endangerment of a highway worker, injury results | 4 |  |  |  |

SECTION 3. This act takes effect upon approval by the Governor.

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