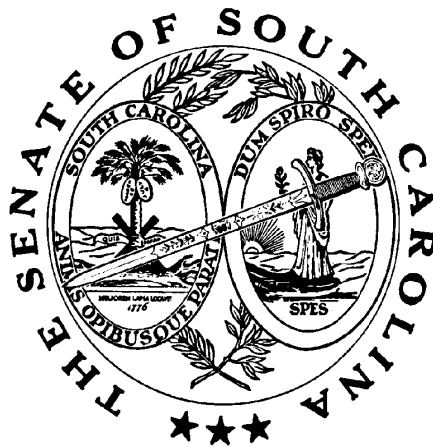


NO. 45

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

TUESDAY, MARCH 28, 2023

Tuesday, March 28, 2023
(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:

Psalm 57:1

We hear the Psalmist declare: "Be merciful to me, O God, be merciful to me; for in you my soul takes refuge; in the shadow of your wings I will take refuge, until the destroying storms pass by."

Bow with me as we pray, please: Glorious Lord, everywhere around us here in our State we see evidence of the absolute wonder of Your creation. Nature's springtime gifts warm our hearts. Yet today we cannot get out of our minds the death and destruction to the west of us in Mississippi, Alabama and even in Georgia. We pray, Lord, that You will hold in Your loving arms all who have had their world turned upside-down by terrifying winds, horrendous loss of property and the overwhelming death of loved ones -- including the innocent souls killed yesterday at the Covenant Church School in Nashville. Dear God, this Senate prayerfully embraces all of our sisters and brothers who have lost so very much, even as we humbly thank You for the blessings You give to us by Your grace. In Your name we pray, dear Lord. Amen.

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

Call of the Senate

Senator SETZLER moved that a Call of the Senate be made. The following Senators answered the Call:

Adams	Alexander	Bennett
Campsen	Cash	Cromer
Davis	Fanning	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimpson	Loftis	Malloy
Martin	Massey	Matthews

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McElveen	Peeler	Reichenbach
Rice	Scott	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

Expression of Personal Interest

Senator KIMPSON rose for an Expression of Personal Interest.

Remarks to be Printed

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

REGULATION WITHDRAWN AND RESUBMITTED

The following was received:

Document No. 5151

Agency: Department of Labor, Licensing and Regulation-State Board of Nursing

Chapter: 91

Statutory Authority: 1976 Code Section 40-33-10(E)

SUBJECT: Handling Patient Records Upon the Death, Disappearance, or Incapacity of a Licensee

Received by President of the Senate January 10, 2023

Referred to Committee on Medical Affairs

Legislative Review Expiration May 10, 2023

Withdrawn and Resubmitted March 27, 2023

Doctor of the Day

Senator K. JOHNSON introduced Dr. Victoria Pollard of Columbia, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator SETZLER, at 12:05 P.M., Senator ALLEN was granted a leave of absence for today.

Leave of Absence

On motion of Senator MATTHEWS, at 12:55 P.M., Senator SABB was granted a leave of absence for today.

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Leave of Absence

On motion of Senator McELVEEN, at 2:53 P.M., Senator SCOTT was granted a leave of absence until 3:20 P.M.

Leave of Absence

On motion of Senator SENN, at 2:53 P.M., Senator VERDIN was granted a leave of absence until 4:10 P.M.

Leave of Absence

At 3:11 P.M., Senator CROMER requested a leave of absence until 4:00 P.M.

CO-SPONSORS ADDED

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

S. 108 Sens. Kimbrell, Climer and Senn
S. 284 Sens. Kimpson and Senn
S. 298 Sen. Campsen
S. 303 Sens. Adams and Kimbrell
S. 355 Sen. Turner
S. 483 Sens. Cromer and Garrett
S. 521 Sen. Williams
S. 527 Sen. Turner
S. 557 Sens. Garrett and Alexander
S. 581 Sens. Grooms and Corbin
S. 668 Sen. McLeod

RECALLED

S. 230 -- Senator Talley: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES THE MIDDLE TYGER RIVER ALONG MAIN STREET IN THE TOWN OF STARTEX IN SPARTANBURG COUNTY "FITZHUGH DAVID POWERS MEMORIAL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

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

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

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RECALLED AND ADOPTED

S. 675 -- Senators Malloy and Martin: A CONCURRENT RESOLUTION TO EXPRESS THAT THE GENERAL ASSEMBLY BELIEVES THAT NASCAR RACING IS AN INTEGRAL AND VITAL PART OF THE STATE AND THE ECONOMY, TO CONGRATULATE THE DARLINGTON RACEWAY FOR ANNOUNCING THE CONTINUATION OF A SECOND RACE TO ITS SCHEDULE, DOUBLING THE ECONOMIC IMPACT TO THE STATE, TO CELEBRATE NASCAR'S SEVENTY-FIFTH ANNIVERSARY, TO IDENTIFY SOUTH CAROLINA'S RICH NASCAR HISTORY, AND TO NAME THE WEEKS AROUND BOTH RACES, MAY 8-MAY 15, 2023, AND AUGUST 28-SEPTEMBER 5, 2023, AS "DARLINGTON RACEWAY WEEK", TWO WEEKS TOO TOUGH TO TAME.

Senator DAVIS asked unanimous consent to make a motion to recall the Resolution from the Committee on Labor, Commerce and Industry.

The Resolution was recalled from the Committee on Labor, Commerce and Industry.

Senator DAVIS asked unanimous consent to make a motion to take the Resolution up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Resolution. The question then was the adoption of the Resolution.

On motion of Senator DAVIS, the Resolution was adopted.

RECALLED

H. 3678 -- Rep. Rose: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE CROSSING THE CSX AND NORFOLK SOUTHERN RAILROAD TRACKS ALONG BLOSSOM STREET IN THE CITY OF COLUMBIA IN RICHLAND COUNTY "THE HONORABLE L. CASEY MANNING BRIDGE RESPECTED JUDGE AND TRAILBLAZING GAMECOCK" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS BRIDGE CONTAINING THESE WORDS.

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

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

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 679 -- Senator Stephens: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF EDDIE CLAY BERRY, JR. AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0353km-hw23.docx : 17d96e4a-0e21-4eee-9e27-3dfb4681f1fe

The Senate Resolution was adopted.

S. 680 -- Senator Fanning: A SENATE RESOLUTION TO RECOGNIZE AND HONOR PHIL SUGGS, A MUSIC TEACHER IN YORK SCHOOL DISTRICT 1, UPON THE OCCASION OF HIS RETIREMENT AFTER THIRTY-NINE YEARS OF OUTSTANDING SERVICE, AND TO WISH HIM CONTINUED SUCCESS AND HAPPINESS IN ALL HIS FUTURE ENDEAVORS.

lc-0106ha-gm23.docx : afe7c7a7-5f29-47ea-9026-e034079a3632

The Senate Resolution was adopted.

S. 681 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR THOMAS HOLLAND UPON THE OCCASION OF HIS RETIREMENT FROM GREENWOOD COUNTY PARKS AND RECREATION AFTER THIRTY YEARS OF DEDICATED SERVICE, AND WISH HIM MANY YEARS OF ENJOYMENT AND RELAXATION IN A WELL-DESERVED RETIREMENT.

lc-0290wab-gm23.docx : 17fdd309-7ece-4e21-99a4-94e96bc05969

The Senate Resolution was adopted.

S. 682 -- Senator Garrett: A SENATE RESOLUTION TO RECOGNIZE AND HONOR LISA HAWTHORNE, A CLERK AND POLL WORKER IN THE GREENWOOD COUNTY VOTER REGISTRATION AND ELECTIONS OFFICE, UPON THE OCCASION OF HER RETIREMENT AFTER FORTY-ONE YEARS OF EXEMPLARY SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0108ha-gm23.docx : c7e9104f-0094-41f8-a076-55501309edc2

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The Senate Resolution was adopted.

S. 683 -- Senators Hutto, Matthews and McLeod: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-41-80, RELATING TO PENALTIES FOR UNAUTHORIZED ABORTIONS, SO AS TO ELIMINATE PENALTIES PERTAINING TO A PREGNANT WOMAN PROCURING A DRUG OR MEDICINE FOR SELF ADMINISTRATION OR SUBMITTING TO AN OPERATION OR PROCEDURE TO TERMINATE A PREGNANCY.

smin-0053mw23.docx : 1d1663ed-40a1-4f03-b234-5bc02b118278

Read the first time and referred to the Committee on Medical Affairs.

S. 684 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-27-10, RELATING TO DEFINITIONS CONCERNING ELECTRIC UTILITIES AND ELECTRIC COOPERATIVES SO AS TO DEFINE TERMS RELATED TO ELECTRIC VEHICLE CHARGING STATIONS; AND BY AMENDING SECTION 58-27-1060, RELATING TO ELECTRIC VEHICLE CHARGING STATIONS, SO AS TO PROVIDE THAT AN ELECTRIC UTILITY, A MUNICIPALITY, A CONSOLIDATED POLITICAL SUBDIVISION, THE PUBLIC SERVICE AUTHORITY, AND ELECTRIC COOPERATIVES THAT PROVIDE, OWN, OPERATE, OR MAINTAIN AN ELECTRIC VEHICLE CHARGING STATION MUST DO SO THROUGH A SEPARATE, UNREGULATED ENTITY, SO AS TO PROVIDE THAT ELECTRIC CHARGING STATION FEES, TERMS, RATES, CHARGES, AND CONDITIONS MUST BE ON A NON-DISCRIMINATORY BASIS, AND SO AS TO PROVIDE THAT REVENUE DERIVED FROM AN ELECTRIC CHARGING STATION SHALL NOT SUBSIDIZE THE OWNER'S INVESTMENTS AND OPERATIONS.

sr-0345km23.docx : a2b041fc-f555-4b28-9362-abeaf19e66bf

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

S. 685 -- Senator Malloy: A JOINT RESOLUTION CONSTITUTION TO PROVIDE FOR A STATEWIDE ADVISORY REFERENDUM TO BE HELD AT THE SAME TIME AS THE 2024 GENERAL ELECTION TO DETERMINE WHETHER THE QUALIFIED ELECTORS OF THIS STATE FAVOR LEAGAL USE OF MEDICAL CANNABIS.

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sr-0084jg23.docx : cce38037-61ce-4ed5-adf0-9beb2f87e584

Read the first time and referred to the Committee on Medical Affairs.

S. 686 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO BOARD OF ACCOUNTANCY, DESIGNATED AS REGULATION DOCUMENT NUMBER 5170, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0288wab-rt23.docx : 7c0596ec-6f7a-4a79-9f3e-de67d9d15336

Read the first time and ordered placed on the Calendar without reference.

S. 687 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR R.10-17, R.10-20, R.10-24, R.10-27, R.10-32, R.10-34, AND R.10-42, DESIGNATED AS REGULATION DOCUMENT NUMBER 5160, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0291wab-dbs23.docx : 4efd9c0d-4a00-401c-842a-f3e98c28a7cb

Read the first time and ordered placed on the Calendar without reference.

S. 688 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION REGULATION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION, RELATING TO FEE SCHEDULE FOR R.10-3, R.10-14, R.10-30, R.10-33, R.10-40, AND R.10-41, DESIGNATED AS REGULATION DOCUMENT NUMBER 5157, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

lc-0289wab-dbs23.docx : 9a3db67c-8d8d-431f-a3bd-b5aafcd4d97d

Read the first time and ordered placed on the Calendar without reference.

S. 689 -- Senator Fanning: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO BOYS STATE TO USE THE CHAMBERS OF THE SOUTH CAROLINA SENATE AND HOUSE

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OF REPRESENTATIVES ON FRIDAY, JUNE 16, 2023, PROVIDED THE SENATE OR HOUSE OF REPRESENTATIVES IS NOT IN SESSION, AND THE CHAMBERS MAY NOT BE USED IF THE SENATE OR HOUSE OF REPRESENTATIVES IS IN SESSION OR THE CHAMBERS ARE OTHERWISE UNAVAILABLE.

lc-0286sa-jn23.docx : db8fc334-a2d9-42e1-83ef-56329f694b27

The Concurrent Resolution was introduced and referred to the Committee on Operations and Management.

H. 4174 -- Reps. Rutherford, Howard, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, Cobb-Hunter, Collins, Connell, B. J. Cox, B. L. Cox, Crawford, Cromer, Davis, Dillard, Elliott, Erickson, Felder, Forrest, Gagnon, Garvin, Gatch, Gibson, Gilliam, Gilliard, Guest, Guffey, Haddon, Hager, Hardee, Harris, Hart, Hartnett, Hayes, Henderson-Myers, Henegan, Herbkersman, Hewitt, Hiott, Hixon, Hosey, Hyde, Jefferson, J. E. Johnson, J. L. Johnson, S. Jones, W. Jones, Jordan, Kilmartin, King, Kirby, Landing, Lawson, Leber, Ligon, Long, Lowe, Magnuson, May, McCabe, McCravy, McDaniel, McGinnis, Mitchell, J. Moore, T. Moore, A. M. Morgan, T. A. Morgan, Moss, Murphy, Neese, B. Newton, W. Newton, Nutt, O'Neal, Oremus, Ott, Pace, Pedalino, Pendarvis, Pope, Rivers, Robbins, Rose, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West, Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES UPON THE PASSING OF KEVIN ALEXANDER GRAY OF RICHLAND COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

lc-0277cm-gm23.docx : 670b51a8-765a-4282-a537-ac6dc95fffe8

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

HOUSE CONCURRENCES

S. 437 -- Senator Rice: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR VETERANS FOR THEIR SERVICE TO THE UNITED STATES AND TO CALL FOR THE CREATION OF A

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NEW MILITARY BASE THAT WOULD ASSIST VETERANS IN THEIR TRANSITION TO CIVILIAN LIFE.

Returned with concurrence.

Received as information.

S. 655 -- Senator Bennett: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR PEGGY BANGLE OF DORCHESTER COUNTY AND TO COMMEND HER DEDICATED AND EXEMPLARY COMMITMENT TO HER COMMUNITY.

Returned with concurrence.

Received as information.

S. 656 -- Senators Shealy and Setzler: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR JOHN DAVID THOMPSON FOR A LIFETIME OF DEDICATED COMMUNITY SERVICE AND TO EXTEND BEST WISHES AS HE CONTINUES TO SERVE IN THE DAYS AHEAD.

Returned with concurrence.

Received as information.

S. 658 -- Senators McElveen, K. Johnson, Adams, Alexander, Allen, Bennett, Matthews, Campsen, Cash, Climer, Corbin, Cromer, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Hutto, Jackson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Senn, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO CONGRATULATE THE PASTOR AND CONGREGATION OF FIRST PRESBYTERIAN CHURCH OF SUMTER, TO COMMEND THEM FOR TWO HUNDRED YEARS OF FAITH AND DISTINGUISHED SERVICE TO OUR STATE, AND TO EXTEND BEST WISHES FOR CONTINUED SUCCESS IN THE YEARS TO COME.

Returned with concurrence.

Received as information.

S. 661 -- Senator Jackson: A CONCURRENT RESOLUTION TO EXPRESS DEEP APPRECIATION FOR THE DEDICATED PUBLIC SERVICE OF TONIA MORRIS, DEPUTY STATE TREASURER FOR THE SOUTH CAROLINA TREASURER'S OFFICE, TO CONGRATULATE HER ON THE OCCASION OF HER

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RETIREMENT FROM SERVICE TO THE STATE OF SOUTH CAROLINA AFTER AN EXEMPLARY CAREER OF MORE THAN TWENTY-EIGHT YEARS, AND TO WISH FOR HER A FUTURE BLESSED WITH GOOD HEALTH AND MUCH JOY.

Returned with concurrence.

Received as information.

S. 678 -- Senators McElveen and K. Johnson: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE ALICE DRIVE MIDDLE SCHOOL STEM STUDENTS AND STEM LEAD TEACHER, DR. MARINA MOSNEAGUTA, FOR THEIR SIGNIFICANT SCHOLASTIC ACHIEVEMENTS AND TO CONGRATULATE THEM FOR CAPTURING THE STATE CHAMPIONSHIP IN THE SAMSUNG SOLVE FOR TOMORROW STEM COMPETITION.

Returned with concurrence.

Received as information.

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

THIRD READING BILLS

S. 377 -- Senator Campsen: A BILL TO AMEND ACT 844 OF 1952, RELATING TO THE COMPOSITION, RESIDENCY, AND TERMS OF THE SCHOOL TRUSTEES OF CERTAIN SCHOOL DISTRICTS IN CHARLESTON COUNTY, SO AS TO PROVIDE THAT THE MOULTRIE SCHOOL DISTRICT NO. 2 BOARD OF TRUSTEES SHALL CONSIST OF SEVEN MEMBERS, AT LEAST THREE OF WHOM MUST BE RESIDENTS OF THE TOWN OF MOUNT PLEASANT.

On motion of Senator CAMPSSEN.

S. 654 -- Senator Hutto: A BILL TO CONSOLIDATE BARNWELL SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 INTO ONE SCHOOL DISTRICT TO BE KNOWN AS THE BARNWELL COUNTY SCHOOL DISTRICT; TO ABOLISH BARNWELL COUNTY SCHOOL DISTRICT 45, BARNWELL COUNTY CONSOLIDATED SCHOOL DISTRICT, AND BARNWELL COUNTY SCHOOL DISTRICT 80 ON JULY 1, 2024; TO PROVIDE THAT THE BARNWELL COUNTY SCHOOL

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DISTRICT MUST BE GOVERNED BY A BOARD OF TRUSTEES CONSISTING OF FIVE MEMBERS, WHICH INITIALLY MUST BE APPOINTED BY THE BARNWELL COUNTY LEGISLATIVE DELEGATION, AND BEGINNING WITH THE 2024 GENERAL ELECTION, EACH OF THE FIVE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT MUST BE ELECTED FROM SINGLE-MEMBER ELECTION DISTRICTS AS DELINEATED ON A DESIGNATED MAP NUMBER ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE; TO PROVIDE THAT THE MEMBERS OF THE BARNWELL COUNTY SCHOOL DISTRICT BOARD OF TRUSTEES MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE 2024 GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS' TERMS; TO PROVIDE DEMOGRAPHIC INFORMATION FOR THE NEWLY DRAWN ELECTION DISTRICTS; 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 2024 AND 2025; AND TO PROVIDE THAT BEGINNING IN 2026, THE BARNWELL COUNTY SCHOOL DISTRICT SHALL HAVE TOTAL FISCAL AUTONOMY.

On motion of Senator HUTTO.

S. 657 -- Senator Fanning: A BILL TO AMEND SECTION 3 OF ACT 802 OF 1954, AS AMENDED, RELATING TO THE COMPOSITION OF THE BOARD OF THE CHESTER COUNTY NATURAL GAS AUTHORITY, SO AS TO CHANGE THE METHOD OF APPOINTMENT; AND TO AMEND SECTION 5 OF ACT 802 OF 1954, RELATING TO REVENUES, SO AS TO ALLOW THE BOARD TO UTILIZE NET REVENUES.

On motion of Senator FANNING.

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

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY

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AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

The Senate proceeded to the consideration of the Bill.

Senator MALLOY proposed the following amendment (SJ-330.BJ0016S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 16-11-740(B)(2) and inserting:

— (2) A person who violates the provisions of this ~~section~~ subsection is guilty of a ~~felony~~ misdemeanor and, upon conviction,

Amend the bill further, SECTION 1, by striking Section 16-11-740(B)(2)(c) and (d) and (B)(3) and inserting:

(c) if the amount of the damage or loss is twenty-five thousand dollars or more, must be fined in the discretion of the court or imprisoned not more than twenty years, or both.

(3) A person who violates the provisions of this subsection is guilty of a felony if the destruction or damage results in the death or bodily injury of a person, or an imminent danger to the life, health, or safety of a person, and, upon conviction, must be fined in the discretion of the court or imprisoned for not more than twenty-five years, or both.

(4) Evidence of the amount of damages or loss shall be calculated to include the cost of the repair or replacement of equipment, buildings, or structures damaged, the estimated lost revenue caused by the destructive acts, and any related damages than can reasonably be associated with the interruption of service to affected, dedicated utility customers.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

The question then being the third reading of the Bill, as amended.

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

S. 484 -- Senators Campsen, Goldfinch, Hutto, Davis and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "SOUTH CAROLINA WATERWAYS PROTECTION ACT"; BY ADDING SECTION 50-9-975 SO AS TO ESTABLISH THE SOUTH CAROLINA WATERWAYS PROTECTION FUND AND THE PURPOSES FOR WHICH REVENUES IN THE FUND MAY BE EXPENDED; BY AMENDING SECTION 50-23-220, RELATING TO THE DEPOSIT AND USE OF FUNDS FOR CERTAIN FEES, SO AS TO REQUIRE THAT THREE DOLLARS FROM EACH FEE FOR AN APPLICATION OR RENEWAL OF A CERTIFICATE OF NUMBER MUST BE DEPOSITED INTO THE SOUTH CAROLINA WATERWAYS PROTECTION FUND; BY AMENDING SECTION 50-23-340, RELATING TO CERTIFICATES OF NUMBER, SO AS TO INCREASE THE APPLICATION AND RENEWAL FEE FROM TEN DOLLARS TO THIRTEEN DOLLARS; AND BY ADDING SECTION

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12-37-3215 SO AS TO REQUIRE THAT A TAX NOTICE FOR A UNITED STATES COAST GUARD DOCUMENTED WATERCRAFT MUST INCLUDE A WATERWAYS PROTECTION FEE OF THREE DOLLARS.

The Senate proceeded to the consideration of the Bill.

Senator SETZLER proposed the following amendment (SMIN-484.MW0003S), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 50-9-975(D) and (E) and inserting:

(D) The department shall allocate funds in a manner that ensures that each of the regions of this state receives no more than twenty-five percent of the funds annually.

(E) The South Carolina Office of Resilience, upon request from the department, may assist in the maintenance of a grant program established under this section.

(F) The department must provide an annual report on its website disclosing expenditures from the fund.

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senator CAMPSER proposed the following amendment (SFGF-484.BC0009S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 50-9-975(B), (C), (D), and (E) and inserting:

(B) Revenues for the fund must be remitted to the State Treasurer and credited to an account that is separate and distinct from the general fund. Balances in the fund must be retained and carried forward annually and interest earned on balances in the fund must be credited to the fund.

(C) The fund must only be used by the department for the following purposes:

(1) the removal of hazardous, abandoned, or unattended vessels, marine debris, or hazards to navigation from the waters of this State;

(2) identification, marking, and lighting of hazards to navigation in accordance with applicable rules governing aids to navigation; and

(3) the development and administration of a grant program to provide funds to applicants, whether public or private, to remove hazardous, abandoned, or unattended vessels, marine debris, or hazards to navigation from the waters of this State.

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(D) The department must allocate annual fund revenues for use in the four game zones of this State based upon the number of registered and documented watercraft in each game zone. If the department determines a game zone's proportional allocation is not used or obligated by the end of a fiscal year, it may distribute up to seventy-five percent of the unused and unobligated allocation for use in the other game zones on an as-needed basis. The remaining unused and unobligated allocation must be added to the game zone's proportional allocation for the following fiscal year. For the purpose of this subsection, Game Zone 1 consists of the entirety of Greenville, Oconee, and Pickens Counties and Game Zone 2 consists of no part of Greenville, Oconee, and Pickens Counties.

(E) The South Carolina Office of Resilience, upon request from the department, may assist in the development and administration of a grant program established under this section.

(F) The department must provide an annual report on its website disclosing expenditures from the fund.

Amend the bill further, SECTION 4, by striking Section 12-37-3215(A)(2) and inserting:

(2) The owner of an abandoned, junked, or adrift watercraft or outboard motor seized pursuant to this chapter, in addition to any other penalties imposed in this chapter, must also be fined not less than five hundred dollars nor more than the cost of performing the removal of the abandoned, junked, or adrift watercraft or outboard motor. The revenue collected from this fine must be remitted to the State Treasurer and deposited into the South Carolina Waterways Protection Fund.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

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

Ayes 41; Nays 1

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis

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Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Malloy	Martin
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Scott	Senn
Setzler	Shealy	Stephens
Talley	Turner	Verdin
Williams	Young	

Total--41

NAYS

Massey

Total--1

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

CARRIED OVER

H. 3605 -- Reps. G.M. Smith, Sandifer, Carter, Kirby, Oremus, Magnuson, Pace, Long, Elliott, Burns, May, Beach, Forrest, Blackwell, B. Newton, Caskey and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-1-80, RELATING TO INVESTIGATIONS OF LICENSEES, SO AS TO REQUIRE THE DIRECTOR TO SEND INFORMATION REGARDING AN INVESTIGATION TO THE LICENSEE; BY ADDING SECTION 40-1-85 SO AS TO ESTABLISH INFORMAL CONFERENCES; BY AMENDING SECTION 40-1-90, RELATING TO DISCIPLINARY ACTION PROCEEDINGS, SO AS TO ALLOW A LICENSEE TO REQUEST CERTIFICATION OF AN INVESTIGATION FROM THE DIRECTOR; AND BY AMENDING SECTION 40-1-140, RELATING TO EFFECT OF PRIOR CRIMINAL CONVICTIONS OF APPLICANTS, SO AS TO PROHIBIT THE DENIAL OF A LICENSE BASED SOLELY OR IN PART ON A PRIOR CRIMINAL CONVICTION IN CERTAIN CIRCUMSTANCES.

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

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**COMMITTEE AMENDMENT ADOPTED
AMENDED, AMENDMENT PROPOSED, OBJECTION**

H. 3518 -- Reps. Felder and Williams: 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

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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.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (SR-3518.KM0011S), which was adopted:

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

SECTION 1. Section 56-1-395 of the S.C. Code is amended to read:

Section 56-1-395. (A) The Department of Motor Vehicles shall establish a driver's license reinstatement fee payment program. A person who is a South Carolina resident, is eighteen years of age or older, and has had his driver's license suspended may apply to the Department of Motor Vehicles to obtain a license valid for no more than ~~six~~twelve months to allow time for payment of reinstatement fees. If the person has served all of his suspensions, has met all other conditions for reinstatement, and owes ~~three~~two hundred dollars or more of South Carolina reinstatement fees only for suspensions that are listed in subsection (E), the Department of Motor Vehicles may issue a ~~six-month~~twelve-month license upon payment of a ~~thirty-five~~forty dollar administrative fee and payment of ~~fifteen~~ten percent of the reinstatement fees owed. Of the forty-dollar administrative fee, the

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department may retain five dollars to cover the cost of operating the program. The remainder must be credited to the State Highway Fund established in Section 57-11-20.

(B) During the period of the ~~six-month~~ twelve-month license, the person must make periodic payments of the reinstatement fees owed. Monies paid shall be applied to suspensions in chronological order, with the oldest fees being paid first. The department may provide the person with a fee schedule that shows how much the person may pay every month to satisfy the fees that he owes in a timely manner. The department may allow a person to make payments towards the payment program online. However, the first and final payments must be paid in person at one of the department's branch offices.

(C) When all fees are paid, and the department records demonstrate that the person has no other suspensions, the person is eligible to renew his regular driver's license.

(D) If all fees are not paid by the end of the ~~six-month~~ twelve-month period, existing suspensions shall be reactivated.

(E) This subsection applies only to a person whose driver's license has been suspended pursuant to Sections 34-11-70, ~~56-1-120~~, 56-1-170, 56-1-185, 56-1-240, 56-1-270, 56-1-290, 56-1-460(A)(1), ~~56-2-2740~~, 56-9-351, 56-9-354, 56-9-357, 56-9-430, 56-9-490, 56-9-610, 56-9-620, 56-10-225, 56-10-240, ~~56-10-270~~, 56-10-520, 56-10-530, and 56-25-20.

(F) No person may participate in the payment program more than one time in any ~~three-year~~ two-year period. Once a person has participated in the payment program for a suspension, the person cannot enter into another payment program for the same suspension. If the person receives another payment program-qualifying suspension pursuant to subsection (E) while already enrolled in the payment program, the person cannot add the new suspension to the existing payment program. If a person who is currently participating in a payment plan commits a subsequent infraction for which his license is suspended for some period of time, then he may no longer participate in the payment plan for the prior offense.

~~—(G) The payment program administrative fee of thirty 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.~~

SECTION 2. Section 56-1-396(F) of the S.C. Code is amended to read:

(F) Qualifying suspensions include, and are limited to, suspensions pursuant to Sections ~~34-11-70, 56-1-120, 56-1-170, 56-1-185, 56-1-240,~~

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~~56-1-270, 56-1-290, 56-1-460(A)(1), 56-2-2740, 56-9-351, 56-9-354, 56-9-357, 56-9-430, 56-9-490, 56-9-610, 56-9-620, 56-10-225, 56-10-240, 56-10-270, and 56-10-520, 56-10-530, and 56-25-20.~~ Qualifying suspensions do not include suspensions pursuant to Section 56-5-2990 or 56-5-2945, and do not include suspensions pursuant to Section 56-1-460, if the person drives a motor vehicle when the person's license has been suspended or revoked pursuant to Section 56-5-2990 or 56-5-2945.

SECTION 3. Section 56-10-240(A) and (B) of the S.C. Code are amended to read:

Section 56-10-240. (A) If, during the period for which it is licensed, a motor vehicle is or becomes an uninsured motor vehicle, then the vehicle owner immediately shall obtain insurance on the vehicle or ~~within five days after the effective date of cancellation or expiration of his liability insurance policy~~ surrender the motor vehicle license plate and registration certificate issued for the motor vehicle.

(B) The Department of Motor Vehicles, ~~in its discretion, may authorize insurers to utilize alternative methods of providing notice of cancellation, refusal to renew, new policies written, and renewals to the department. The department~~ may not reissue a registration certificate and license plate for that vehicle until satisfactory evidence has been filed by the owner or by the insurer who gave the cancellation or refusal to renew notice to the department that the vehicle is insured. Upon receiving information to the effect that a policy is canceled or otherwise terminated on a motor vehicle registered in South Carolina, the department shall suspend the owner's driving privileges, license plate, and registration certificate and shall initiate action as required within fifteen days of the notice of cancellation to pick up the license plate and registration certificate. A person who has had his driving privileges, vehicle license plate, and registration certificate suspended by the department, but who at the time of suspension possesses liability insurance coverage sufficient to meet the financial responsibility requirements as set forth in this chapter, has the right to appeal provide documents showing that the vehicle was actually insured during the suspension period ~~the suspension immediately to the Director of the Department of Insurance department.~~ If the Director of the Department of Insurance department determines that the person has sufficient liability insurance coverage, ~~he shall notify the department and~~ the suspension is voided immediately. The department shall give notice by first class mail of the cancellation or suspension of driving and registration privileges to the vehicle owner at his last known address.

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SECTION 4. Section 56-10-245 of the S.C. Code is amended to read:

Section 56-10-245. Whenever a person furnishes proof of liability insurance, or surrenders or has his registration or license tags confiscated for failure to produce proof of insurance, after the Department of Motor Vehicles receives notice of the lapse or termination of the required liability insurance, the department shall compare the effective date of the lapse or termination with the date of the proof of insurance or the date of the confiscation or surrender. If the department determines there was a lapse in the required coverage, the department shall assess, in addition to other fines or penalties imposed by the law, a per diem fine in the amount of five dollars. The fine provided for in this section and the two hundred dollar reinstatement fee pursuant to Section 56-10-240 ~~of the 1976 Code~~ must not be assessed if the person furnishes proof, as documented by his sworn statement, that the motor vehicle upon which the coverage has lapsed or been terminated has not been operated upon the roads, streets, or highways of this State during the lapse or termination, and the lapse or termination is due to military service or illness as documented by a signed physician's statement. The total amount of the fine provided for in this section may not exceed two hundred dollars per vehicle for a first offense. Revenue generated by the fine imposed pursuant to this section 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.

SECTION 5. Article 5, Chapter 10, Title 56 of the S.C. Code is amended to read:

Article 5

~~Establishment of Uninsured Motorist Fund~~ Operating an Uninsured Motor Vehicle

Section 56-10-510. ~~In addition to any other fees prescribed by law, every person registering an uninsured motor vehicle, as defined in Section 56-9-20, at the time of registering or reregistering the uninsured vehicle, shall pay a fee of five hundred and fifty dollars. Notwithstanding any other provision of law, fifty dollars of the uninsured motor vehicle fee is nonrefundable and is directed to be paid to the South Carolina Reinsurance Facility for the recoupment of assessments or losses of the South Carolina Reinsurance Facility pursuant to Section 56-10-554 until otherwise ordered by the director of the Department of Insurance. However, if the uninsured motor vehicle is being registered for a period of less than a full year, the uninsured motor vehicle fee exclusive of any nonrefundable portion must be prorated to conform to the registration period. This uninsured motor vehicle fee shall be~~

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~~increased annually based upon and in relation to the average rate level increases for private passenger automobile insurance coverages by insurers in this State. The director of the Department of Insurance, by annual order, will set this exact fee. The application for registering an uninsured vehicle must have the following statements printed on or attached to the first page of the form, boldface, twelve point type: "THIS \$550 FEE IS NOT AN INSURANCE PREMIUM AND YOU ARE NOT PURCHASING ANY INSURANCE BY PAYING THIS FEE. THIS \$550 UNINSURED MOTORIST FEE IS FOR THE PRIVILEGE TO DRIVE AND OPERATE AN UNINSURED MOTOR VEHICLE ON THE SOUTH CAROLINA ROADS." This uninsured motorist notice required by this section must also be given to the person registering an uninsured motor vehicle. The director shall prescribe the exact format of this notice by regulation and shall adjust the amount of this fee annually as part of the order by the director of the Department of Insurance adjusting the uninsured motorist fee in relation to the average rate level increases for private passenger automobile insurance coverages by insurers in this State. Every person applying for registration of a motor vehicle and declaring it to be an insured motor vehicle, under the penalties set forth in Section 56-10-520, shall execute and furnish to the director his certificate that the motor vehicle is an insured motor vehicle as defined by the laws of this State, or that the director has issued to its owner, in accordance with Section 56-9-60, a certificate of self insurance applicable to the vehicle sought to be registered. The director, or his designee, may require any registered owner of a motor vehicle declared to be insured or any applicant for registration of a motor vehicle to be an insured to submit a certificate of insurance on a form prescribed by the director. The director must forward the certificate of insurance or bond to the insurance company or surety company, whichever is applicable, for verification as to whether the policy or bond named in the certificate is currently in force. At that time, and not later than thirty days following receipt of the certificate of insurance, the insurance company or surety company must cause to be filed with the director a written notice if the policy or bond was not applicable as to the named insured. The director must prescribe the manner in which the written notice must be made. The refusal or neglect of any owner within thirty days to submit the certificate of insurance when required by the director or his designee or the notification by the insurance company or surety company that the policy or bond named in the certificate of insurance is not in effect, must require the director to~~

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~~suspend any driver's license and all registration certificates and license plates issued to the owner of the motor vehicle until the person:~~

~~—(1) has paid to the director of the Department of Motor Vehicles a fee of three hundred dollars to be disposed of as provided for in Sections 56-10-550 and 56-10-552 with respect to the motor vehicle determined to be uninsured; and~~

~~—(2) furnishes proof of financial responsibility for the future in the manner prescribed in Section 56-10-10, et seq. of this chapter. An order of suspension required by this section is not effective until the director has offered the person an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings to show cause why the order should not be enforced. Notice of the opportunity for hearing must be included in the order of suspension. When three years have elapsed from the effective date of the suspension required in this section, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. If the director determines that the fee applicable to the registration of an uninsured motor vehicle has been paid on the vehicle in question on or before the date that the insurance certificate was requested, no suspension action must be taken. The director shall suspend the driver's license and all registration certificates and license plates of any person on receiving a record of his conviction of a violation of any provisions of Section 56-10-520, but the director shall dispense with the suspension when the person is convicted for a violation of Section 56-10-520 and the Department of Motor Vehicle's records show conclusively that the motor vehicle was insured or that the fee applicable to the registration of an uninsured motor vehicle has been paid by the owner before the date and time of the alleged offense. Reserved~~

Section 56-10-520. (A)(1) It is unlawful for a ~~A~~ person who owns an uninsured motor vehicle:

~~—(1) licensed in the this State; or~~

~~—(2) subject to registration in the this State;~~

~~—who operates or permits the operation of that motor vehicle to operate or allow the operation of the uninsured motor vehicle in this State, without first having paid to the director the uninsured motor vehicle fee required by Section 56-10-510, to be disposed of as provided by Section 56-10-550, is guilty of a misdemeanor.~~

~~(2) It is unlawful for a person who is not the owner of an uninsured motor vehicle to operate the uninsured motor vehicle in this state if the person operating the motor vehicle knows that the motor vehicle is uninsured. A person who is the operator of an uninsured motor vehicle and not the titled owner, who knows that the required fee has not been~~

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~~paid to the director, is guilty of a misdemeanor and, upon conviction, must:~~

~~(3) A person who violates subsection (A)(1) or (2) is guilty of a misdemeanor and, upon conviction,:~~

~~(a) for a first offense, must be fined ~~no~~ not less than one hundred dollars and not more than two hundred dollars or imprisoned for thirty days, or both;~~

~~(b) for a second offense, must be fined two hundred dollars or imprisoned for thirty days, or both; or~~

~~(c) for a third or subsequent offense, must be imprisoned for not less than forty-five days nor more than six months.~~

~~(4) Only convictions pursuant to this section which occurred within five years, including and immediately preceding the date of the last conviction, constitute prior convictions within the meaning of this section.~~

~~The director or his designee, having reason to believe that a motor vehicle is being operated or has been operated on any specified date, may require the owner of such motor vehicle to submit the certificate of insurance provided for by Section 56-10-510. The refusal or neglect of the owner who has not, before the date of operation, paid the uninsured motor vehicle fee required by Section 56-10-510 as to such motor vehicle, to furnish such certificate must be prima facie evidence that the motor vehicle was an uninsured motor vehicle at the time of such operation. A person who presents or causes to be presented to the director a false certificate that a motor vehicle is an insured motor vehicle or false evidence that a motor vehicle sought to be registered is an insured motor vehicle, is guilty of a misdemeanor and, upon conviction, must be fined pursuant to Section 56-10-260.~~

~~Abstracts of records of conviction, as defined in this title, of any violation of any of the provisions of this section must be forwarded to the director as prescribed by Section 56-9-330.~~

~~(B) The ~~director~~ Department of Motor Vehicles shall suspend the driver's license and all registration certificates and license plates of any titled owner of an uninsured motor vehicle upon receiving notice of a violation of any provisions of this section, and the ~~director~~ department shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of such ~~the~~ person until such ~~the~~ person pays the reinstatement fee applicable to the registration of an uninsured motor vehicle as prescribed in Section 56-10-510 and furnishes proof of future financial responsibility as prescribed by this section. Notice of such suspension shall be made in the form provided~~

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for in Section 56-1-465. However, when three years have elapsed from the date proof was required, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. When the suspension results from a conviction for presenting or causing to be presented to the director a false certificate as to whether a motor vehicle is an insured motor vehicle or false evidence that any motor vehicle sought to be registered is insured, then the director shall not thereafter reissue the driver's license and the registration certificates and license plates issued in the name of the person so convicted for a period of one hundred eighty days from the date of the order of suspension, and only then when all other provisions of law have been complied with by the person as provided in this section.

(C) The director-department shall suspend the driver's license of any person who is the operator but not the titled owner of a motor vehicle upon receiving notice of a violation of any provisions of this section, and he shall not thereafter reissue the driver's license until thirty days from the date of the order of suspension.

(D) The reinstatement fee shall be six hundred dollars until adjusted in accordance with this section. The reinstatement fee may be adjusted annually, at the beginning of the calendar year, based upon and in relation to the average rate level for private passenger automobile insurance coverages by insurers in this State. The Department of Insurance, by annual order, will set the exact fee. The Department of Insurance shall annually notify the Department of Motor Vehicles by the first business day of October of the reinstatement fee for the upcoming calendar year.

Section 56-10-530. When it appears to the ~~director~~ Department of Motor Vehicles from ~~the its records of his office~~ that an uninsured motor vehicle as defined in Section 56-9-20, subject to registration in the State, is involved in a reportable accident in the State resulting in death, injury, or property damage ~~with respect to which motor vehicle the owner thereof has not paid the uninsured motor vehicle fee as prescribed in Section 56-10-510,~~ the ~~director~~ department shall, in addition to enforcing the applicable provisions of Section 56-10-10, et seq. ~~of this chapter,~~ suspend such owner's driver's license and all of his license plates and registration certificates until such person has complied with those provisions of law and has paid to the ~~director of the Department of Motor Vehicles~~ a department a reinstatement fee as provided by Section 56-10-510~~520~~, ~~to be disposed of as provided by Section 56-10-550, with respect to the motor vehicle involved in the accident and furnishes proof of future financial responsibility in the manner prescribed in Section~~

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~~56-9-350, et seq.~~ However, no order of suspension required by this section must become effective until the ~~director-~~ department has offered the person an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings to show cause why the order should not be enforced. ~~Notice of the opportunity for a contested case hearing must be included in the order of suspension. Notice of such suspension shall be made in the form provided for in Section 56-1-465. However, when three years have elapsed from the effective date of the suspension herein required, the director may relieve such person of the requirement of furnishing proof of future financial responsibility.~~ The presentation by a person subject to the provisions of this section of a certificate of insurance, executed by an agent or representative of an insurance company qualified to do business in this State, showing that on the date and at the time of the accident the vehicle was an insured motor vehicle as herein defined or, ~~presentation by such person of evidence that the additional fee applicable to the registration of an uninsured motor vehicle had been paid to the department before the date and time of the accident,~~ is sufficient bar to the suspension provided for in this section.

Section 56-10-535. ~~The director, upon receiving notice at the time of application or at any time during participation in the fund that a titled owner of a motor vehicle has been convicted of one of the following violations: disobedience of any official traffic device; failure to stop for law enforcement officer when signaled; disobedience to any officer directing traffic; failure to stop for a school bus; leaving the scene of an accident where injury to a person or damage to property results; theft or unlawful taking of a vehicle; racing on public highways; driving under the influence of intoxicating liquor or narcotic drugs or where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results; reckless driving where injury to a person of over six hundred dollars per person or damage to property of the insured or other person of over one thousand dollars results, homicide or assault arising out of the operation of a motor vehicle; any felony involving the use of a motor vehicle; the transporting of illegal whiskey or unlawful drugs or other controlled or narcotic substances; reckless homicide; wilful making of false statements in the application for license or registration; impersonating an applicant for license or registration or procuring a license or registration through impersonation whether for himself or another; any three or more moving traffic convictions; any two or more accidents for which the owner is responsible and where injury to a person of over six hundred dollars per person or damage to property of the insured or other~~

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~~persons of over one thousand dollars results, or if any household driver has been licensed for less than three years; then the director shall require the owner to furnish proof of financial responsibility in the manner prescribed by the director.~~

~~—However, when three years have elapsed from the effective date of any conviction for the above offenses, the director may relieve such person of the requirement of furnishing proof of future financial responsibility.~~ Reserved

~~Section 56-10-540. Whenever any proof of financial responsibility filed by any person as required by this chapter no longer fulfills the purpose for which required, the director shall require other proof of financial responsibility as required by this chapter and shall suspend such person's driver's license, registration, certificates, and license plates and decals pending the furnishing of proof in a manner prescribed by the director. Notice of such suspension shall be made in the form provided for in Section 56-1-465.~~

A person whose driver's license or registration certificates, or license plates and decals have been suspended as provided in this chapter and have not been reinstated shall immediately return, either in person or electronically, every such license, registration certificate, and set of license plates and decals held by him to the director department. A person failing to comply with this requirement shall be guilty of a traffic infraction and, upon conviction, shall be punished as provided in Section 56-9-340~~340~~, et seq.

Section 56-10-550. Except as provided in Sections 56-10-552 and 56-10-554, funds collected by ~~the director of the~~ Department of Motor Vehicles under the provisions of this chapter must be placed on deposit with the State Treasurer and held in a special fund to be known as the "Uninsured Motorists Fund" to be disbursed as provided by law. ~~The director of the~~ Department of Insurance as provided in Sections 38-77-151 and 38-77-154 may expend monies from such funds for the administration of Title 38.

Section 56-10-551. When any insurance policy certified under this chapter is canceled or terminated, the insurer shall report the fact to the ~~director~~ Department of Motor Vehicles within fifteen days after the cancellation electronically or on a form prescribed by the director.

Section 56-10-552. (A) For each two dollars of the yearly premium for uninsured motorist coverage paid to the Department of Motor Vehicles pursuant to Section 38-73-470, one dollar and twenty cents 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

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11-43-167. The remaining eighty cents must be placed in a special fund, to be known as the “Uninsured Enforcement Fund”, to be used by the Department of Public Safety for the purpose of enforcement and administration of Article 3, Chapter 10, Title 56.

(B) Fifty percent of the reinstatement fee as provided by Section 56-10-510(1)~~520~~ must be transferred by the Department of Public Safety and recorded to the Uninsured Enforcement Fund to be used by the Department of Public Safety as provided by subsection (A) of this section. The remaining fifty percent of the reinstatement fee as provided by Section 56-10-510- ~~520~~ must be retained in the Uninsured Motorist Fund to be used as provided in Sections 56-10-550, 38-77-151, and 38-77-154.

Section 56-10-553. ~~The Department of Motor Vehicles must collect data and maintain statistics on the total number of vehicles registered in the State as of June thirtieth of each year, the number of motorists who voluntarily paid the five hundred fifty dollar fee at the time of registration during the fiscal year, the number of motorists who paid the penalty fee after being detected by the Department of Motor Vehicles as being uninsured during the fiscal year, the number of certificates of insurance filed during the fiscal year, the net revenue collections for these fees by the fiscal year, the net funds available in the Uninsured Motorist Fund, and the net funds received from the Department of Insurance from the uninsured motorist fee during the fiscal year.~~

~~—The Department of Motor Vehicles must provide an annual report to the General Assembly and the Department of Insurance containing the information required in this section.~~ Reserved

Section 56-10-554. ~~As provided in Section 56-10-510, fifty dollars of the uninsured motor vehicle fee paid per vehicle is nonrefundable and must be used to recoup assessments or losses of the South Carolina Reinsurance Facility. Upon collection by the director of the Department of Motor Vehicles from any person registering an uninsured vehicle, this money must be placed by the director of the Department of Motor Vehicles on deposit with the State Treasurer to be held in a special account called the “Recoupment Fund”, payable on a quarterly basis, to provide for the recoupment of facility assessments or losses. Upon final recoupment of facility losses as the South Carolina Reinsurance Facility ceases to exist, the director of the Department of Insurance shall by order (1) set the uninsured motor vehicle fee which does not include the fifty dollars dedicated for the recoupment of facility assessments or losses; (2) inform the director of the Department of Motor Vehicles that the facility assessments or losses have been recouped and when the~~

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~~Department of Motor Vehicles must cease collection from every person registering an uninsured motor vehicle, as well as transmittal to the State Treasurer, of this fifty dollar portion; and (3) direct the State Treasurer to transfer any used portion of the "Recoupment Fund" to the "Uninsured Motorist Fund". The director of the Department of Motor Vehicles must cease collection of this fifty dollars as part of the uninsured motor vehicle fee which has been dedicated for the recoupment of facility assessments or losses as provided in the order issued by the director of the Department of Insurance. Reserved~~

SECTION 6. Section 56-9-20(1) of the S.C. Code is amended to read:

(1) "Insured motor vehicle": A motor vehicle as to which there is bodily injury liability insurance and property damage liability insurance, meeting all of the requirements of item ~~(7)~~(5) of this section, or as to which a bond has been given or cash or securities delivered in lieu of such insurance or as to which the owner has qualified as a self-insurer in accordance with the provisions of Section 56-9-60;

SECTION 7. Section 56-9-20(14) of the S.C. Code is amended to read:

(14) "Uninsured motor vehicle": Any motor vehicle which is not an insured motor vehicle as defined in item ~~(3)~~(1) of this section.

SECTION 8. Section 56-3-210 of the S.C. Code is amended to read:

Section 56-3-210. (A)(1) The department is authorized to administer a program for and regulate the issuance of temporary license plates for ~~newly-acquired vehicles~~ items required to be registered in this State and items that are purchased in this State that may be registered in a foreign jurisdiction.

(2) The department, pursuant to this section and with input from temporary license plate distributors, shall establish the design and layout of all temporary license plates to be issued within the State. Temporary license plates shall be of a material specified by the department so as to resist deterioration or fading from exposure to the elements during the period for which display is required.

(3) Temporary license plates must be six inches wide and at least eleven inches in length. Temporary motorcycle and moped license plates must be four inches wide and seven inches in length.

(4) Each temporary license plate must contain a vehicle's identifying information as determined by the department, including, but not limited to, the date of expiration, the name of the issuing entity or standard identifier as determined by the department, and a unique identifying license plate text assigned by the department. The temporary

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license plate text must be linked to the vehicle record and the vehicle's owner in the department's vehicle database. In order to operate on the highways of this State, an item must display either a valid temporary license plate issued pursuant to this title or a valid metal license plate, and, when applicable, a decal that the owner intends to transfer pursuant to Section 56-3-1290.

~~(4)(5)~~ Licensed motor vehicle dealers, leasing companies, the department, and other entities shall not:

—— (a) obtain or procure a temporary license plate from any entity other than ~~the department or one of the department's~~ a registered temporary license plate ~~distributors~~distributor; ~~or~~

—— (b) charge a fee that exceeds the actual cost of issuing a temporary license plate plus standard shipping and handling costs.

(B)(1) Only statewide motor vehicle dealer associations in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers may be temporary license plate distributors. Except as otherwise provided in this section, only temporary license plate distributors may sell or distribute temporary license plates.

(2) If a temporary license plate distributor is unable to provide temporary license plates for the department in a timely manner, the department may solicit for and select a different temporary license plate distributor. The department's solicitation and selection of a different temporary license plate distributor is subject to the provisions of the State Consolidated Procurement Code.

(3) If the only temporary license plate distributors in this State do not respond to a solicitation as provided for in item (2) then this subsection is of no force or effect.

~~(5)(C)(1)~~ The department is authorized to administer an electronic system for county auditors' offices, licensed motor vehicle dealers, leasing companies, and other entities authorized by the department to use in issuing temporary license plates. The department may contract with ~~vendors~~ third parties to provide service connection between the issuing entities and the department, or may provide the service directly to participating entities. Licensed dealers, leasing companies, and other entities participating in the electronic registration and titling program that fail to comply with the program's requirements may be removed from the program by the department.

(2) Third parties contracted pursuant to this section are authorized to produce temporary license plates and temporary vehicle registration transactions on behalf of the department. The department shall develop program terms, conditions, standards, and specifications required for

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certification. Third parties requesting certification must agree to the terms, conditions, standards, and specifications in order to participate.

~~— (6) Each temporary license plate must contain a vehicle's identifying information as determined by the department, to include the date of issue, the date of expiration, the name of the issuing entity, and a unique identifying license plate text that will be assigned by the department.~~

~~— (7) The temporary license plate text must be linked to the vehicle record and the vehicle's owner in the department's vehicle database. The issuing entity must produce a temporary license plate with the prescribed plate text immediately upon sale of a vehicle and assignment of a temporary license plate, so that law enforcement and authorized entities can identify the owner of the vehicle.~~

(8)(D) The department, with input from temporary license plate distributors, shall develop program specifications that define the requirements of the temporary license plate program governing the issuance of temporary license plates by all authorized entities. The design, specifications, and method of distribution of all temporary plates shall be the same.

~~— (9) Registered temporary license plate distributors must be statewide dealer associations.~~

~~— (a) Licensed dealers and leasing companies must receive temporary license plates from registered temporary license plate distributors.~~

~~— (b) Counties and other nondealer entities may receive temporary license plates from a registered distributor or the department.~~

~~— (B) A person who newly acquires a vehicle or an owner of a foreign vehicle that is being moved into this State, that is required to be registered under this chapter, and that is not properly registered and licensed, before operating the vehicle on the state's highways during the forty-five day period contained in this section, must:~~

~~— (1) transfer a license plate from another vehicle pursuant to subsection (G) of this section and Section 56-3-1290;~~

~~— (2) purchase a new license plate and registration;~~

~~— (3) purchase a temporary license plate from the department pursuant to subsection (D) of this section;~~

~~— (4) purchase a temporary license plate from the county auditor's office in the county in which the person resides pursuant to subsection (D) of this section; or~~

~~— (5) obtain a temporary license plate from a dealer of new or used vehicles pursuant to subsection (E) of this section.~~

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~~—(C) The owner of a foreign vehicle being moved into this State from a state in which the vehicle is properly licensed and registered need not purchase a temporary license plate. The owner has forty five days to properly license and register the vehicle in South Carolina, unless his foreign registration is expired, in which case he must properly license and register the vehicle immediately.~~

~~—(D) The department or the county auditor's office must, upon proper application, issue a temporary license plate to a casual buyer of a vehicle pursuant to subsection (B) of this section. The expiration date may not extend beyond forty five days from the vehicle's date of purchase or lease. The bill of sale, title, lease contract, temporary registration card issued in conjunction with a temporary license plate, or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase to a law enforcement officer. The bill of sale, title, lease contract, or copy of one of these documents must provide a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale or lease. The department may charge a five dollar fee for the temporary license plate. The county auditor's office also may charge a five dollar fee for the temporary license plate to defray the expenses of the county auditor's office associated with the production and issuance of the temporary license plates.~~

~~(E) A licensed vehicle dealer or a leasing company of new or used vehicles may issue to the buyer or lessee of a vehicle at the time of its sale or lease a temporary license plate in accordance with subsection (A). The expiration date may not extend beyond forty five days from the date of purchase or lease. Issuing entities may utilize no more than the top upper fifty percent free space on their temporary license plates for dealer or company identification. Traceable temporary license plates from issuing entities that do not utilize the plate for dealer or company identification must include an identifier selected by the department. Third party providers that produce temporary license plates must not charge an additional fee to issuing entities that chose to issue traceable temporary license plates that include the identifier selected by the department. The ~~bottom~~ lower fifty percent of all temporary license plates is reserved to display the temporary license plate number and other information required by the department pursuant to Section 56-3-210(A)(4).~~ The bill of sale, title, lease contract, temporary registration card issued in conjunction with a temporary license plate, or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase or lease to a law enforcement officer.

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~~The bill of sale, title, lease contract, or copy of one of these documents must contain a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale or lease.~~

(F) Except as provided for in this ~~section~~ chapter, a dealer or leasing company may not use a temporary license plate for any other purpose, which includes, but is not limited to, vehicle demonstration, employee use, or transporting vehicles from one location to another location. A dealer or leasing company may not place a temporary license plate on a vehicle until the vehicle is sold to a purchaser and until the temporary license plate number and other identifying information has been recorded in the electronic database and printed on the ~~bottom~~ lower fifty percent of the temporary license plate. A dealer that issues or allows a temporary license plate to be issued in violation of this section also may have the dealer violation points, as determined by the department, assessed. A nondealer issuing entity that violates this section may have its issuing privileges suspended by the department. The department shall develop a process for tracking fraudulently issued or sold temporary plates.

~~(F)~~(G) Any person or entity authorized by this ~~section~~ chapter to issue a temporary license plate shall maintain records as required by the department. Records maintained pursuant to this subsection shall be open to inspection by the department or its agents during reasonable business hours. Records must include the inventory control number of each temporary license plate, the vehicle identification number, issuance date, and expiration date.

~~(G)~~ If a person intends to transfer a license plate from one vehicle to another vehicle, he may place the license plate to be transferred on the newly acquired vehicle on the date of its purchase. The bill of sale and a copy of the registration which corresponds to the license plate must be maintained in the newly acquired vehicle at all times to verify its date of purchase to a law enforcement officer. The purchaser must register the vehicle with the department within forty five days from its purchase date. A person who transfers a license plate or allows a license plate to be transferred in violation of this subsection is subject to the vehicle registration and licensing provisions of law.

~~(H)~~ A person must replace a temporary license plate issued pursuant to this section with a permanent license plate and registration card as required by Section 56-3-110 within forty five days of acquiring the vehicle or moving a foreign vehicle into this State. A person who operates a vehicle in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars. Licensed motor vehicle dealers, leasing companies, and other entities

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may provide temporary license plates only for items that are purchased from that dealer, company, or entity.

(I) ~~Nothing in this section may be construed to displace or effect the responsibility of a person to obtain insurance before operating a vehicle. The total fee for the temporary license plates the department or counties issue pursuant to this chapter shall be calculated based on:~~

(1) the five-dollar cost of the plate, which must be placed in a special restricted account to be used solely by the department for the costs associated with the production and issuance of new license plates; and

(2) an additional five dollars which must be placed credited to the State Highway Fund as established by Section 57-11-167, to be distributed as provided in Section 11-43-167.

(J)~~(1) Only one temporary license plate shall be issued to a purchaser of a vehicle for the vehicle he has purchased before it is registered permanently. The department may issue special permits to consumers who have not received their registration within the prescribed forty five days. The total fee for the temporary license plates issued pursuant to this chapter by licensed dealers, leasing companies, and other entities must be calculated based on:~~

(a) the actual cost of the license plate plus issuing and printing, as well as standard shipping and handling costs; and

(b) an additional five dollars which must be remitted to the department to be credited to the State Highway Fund, as established by Section 57-11-167, to be distributed as provided in Section 11-43-167.

(2) Dealers, leasing companies, and other entities shall not charge any fees for traceable temporary license plates in excess of the fees provided for in this subsection.

(K) ~~The department may restrict or revoke the ability to issue temporary license plates for an issuing entity found to be in violation of this section. The bill of sale, title, lease contract, temporary registration card issued in conjunction with a temporary license plate or copy of one of these documents must be maintained in the vehicle at all times to verify the vehicle's date of purchase or lease. The bill of sale, title, lease contract, or copy of one these documents must contain a description of the vehicle, the name and address of both the seller and the purchaser of the vehicle, and its date of sale or lease.~~

(L) All temporary license plates must be valid for no more than forty-five days and must be affixed at all times to the rear of the item in an unobscured and secure manner.

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(M) Only one temporary license plate may be issued to a purchaser of an item. The temporary license plate must be used only on the item for which it was issued and must not be transferred, loaned, or assigned to any other person or item.

SECTION 9. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-211. The department, licensed dealers, leasing companies, and other entities may issue temporary license plates to operate any item that is purchased in this State that may be registered in a foreign jurisdiction and farm trucks registered in another jurisdiction that are harvesting and transporting seasonal crops. Temporary license plates issued pursuant to this section must meet all standards specified in Section 56-3-210.

SECTION 10. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-212. (A) The department, licensed dealers, leasing companies, and other entities may issue temporary license plates to operate any item that will be registered in this State or vehicles used solely for corporate research and development. In the case of the need to move trailers and semi trailers before they have been purchased, temporary license plates may be issued to those items for the sole purpose of being moved from the manufacturer to the dealer's or purchaser's place of business. Temporary license plates issued pursuant to this section must meet all standards specified in Section 56-3-210.

(B) A person who newly acquires a vehicle or an owner of a vehicle registered in a foreign jurisdiction that is being moved into this State, that is required to be registered under this title, and that is not properly registered and licensed, before operating the vehicle on the State's highways during the forty-five-day period contained in this section, must:

- (1) transfer a license plate from another vehicle pursuant to Section 56-3-1290;
- (2) purchase a new license plate and registration;
- (3) purchase a temporary license plate from the department; or
- (4) purchase a temporary license plate from the county auditor's office in the county in which the person resides.

(C) The department, upon proper application, must issue a temporary license plate to a casual buyer of any item that will be registered in this State.

(D) If a person intends to transfer a license plate from one item to another item that is the same type and classification, then he may place

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the license plate to be transferred on the newly acquired item on the date of its purchase. The bill of sale and a copy of the registration which corresponds to the license plate must be maintained with the newly acquired item at all times to verify its date of purchase to a law enforcement officer. The purchaser must register the item with the department within forty-five days from its purchase date. A person who transfers a license plate or allows a license plate to be transferred in violation of this subsection is subject to the vehicle registration and licensing provisions of law.

(E) A person must replace a temporary license plate issued pursuant to this section with a permanent license plate and registration card as soon as he receives them, or by the end of the expiration period of the temporary license plate, whichever occurs first, unless the provisions of Section 56-3-213 apply. A person who operates an item in violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars. This subsection does not apply to vehicles used solely for corporate research and development or trailers and semi trailers that have temporary license plates for the sole purpose of being moved from the manufacturer to the dealer's or purchaser's place of business.

(F) The owner of a foreign vehicle being moved into this State from a state in which the vehicle is properly licensed and registered has forty-five days to properly license and register the vehicle in South Carolina, unless his foreign registration is expired, in which case he must license and register the vehicle immediately.

(G) Nothing in this section may be construed to displace or effect the responsibility of a person to obtain insurance before operating a vehicle.

SECTION 11. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-213. (A) The department may issue solely to South Carolina residents, as proven by showing their driver's license or identification card issued by the department, special permits to operate any item otherwise required to be registered under this title when the item does not display the required license plate or registration card. In the case of a newly acquired vehicle, the department may issue a special permit pursuant to this section only when it has reason to believe that a person has made all attempts to appropriately register the item within the forty-five days of acquiring the vehicle. The department retains the authority to issue special permits at other times when extenuating circumstances exist. Special permits issued pursuant to this section must be valid for no more than forty-five days and must be affixed to the rear

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of the item in an unobscured and secure manner to operate. The department is the only entity authorized to provide a special permit pursuant to this section. There is no fee for special permits issued pursuant to this section.

(B) The provisions of this section do not apply to items registered in a foreign jurisdiction or used for corporate research and development.

SECTION 12. Section 56-3-2340(A) of the S.C. Code is amended to read:

Section 56-3-2340. (A) The Department of Motor Vehicles, or its designated agent, ~~may allow~~ shall require licensed motor vehicle dealers to issue ~~first time~~ temporary motor vehicle registrations and temporary license plates directly from the dealership. ~~A dealership shall apply to the department upon forms approved and provided by the department. The department may request information necessary to ensure the integrity of the current licensing system. The department may allow or refuse a dealership the right to issue motor vehicle registrations or license plates based upon criteria established by the department. If a dealership previously is denied the privilege to issue registrations and license plates, upon meeting the established criteria, the dealership may be allowed to issue registrations or license plates. If in the opinion of the department a bond is necessary to ensure the payment of fees associated with the registering and licensing of a vehicle, the department may require a bond not to exceed the estimated value of new license plates and validation stickers held by the dealership or the department's designated agent. Unless disallowed by the department, any dealership that begins a transaction through a third-party vendor pursuant to Section 56-3-210(C)(2) that provides a service connection between issuing entities and the department must complete the entire transaction, including titling and registering the vehicle in the same manner. Unless extenuating circumstances apply, at the department's discretion, dealers may not obtain certificates of title, temporary motor vehicle registrations, or temporary license plates from the department's branch offices. A dealership must make attempts to apply to the department electronically, including utilizing digital scans of forms approved and provided by the department.~~

SECTION 13. Article 3, Chapter 3, Title 56 of the S.C. Code is amended by adding:

Section 56-3-214. (A) The department shall implement a quality assurance program to ensure the integrity of the electronic registration and titling program. Pursuant to this section, the quality assurance entity shall perform quality assurance reviews of data and submitted forms

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through the electronic vehicle registration system. The department shall develop program standards and specifications for quality assurance. Quality assurance entities must agree to the program terms, conditions, standards, specifications, and bond requirement in order to participate.

(B)(1) A quality assurance entity must be a statewide motor vehicle dealer association in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers.

(2) If the quality assurance entity does not meet reasonable accuracy standards, the department may solicit for and select a different quality assurance provider without regard to this subsection and in accordance with the State Consolidated Procurement Code.

(3) If a statewide motor vehicle dealer association in which at least thirty percent and no fewer than two hundred members are licensed South Carolina motor vehicle dealers does not respond to a solicitation to be a quality assurance entity, then this subsection does not apply.

(C) The quality assurance entity shall review all required documents for all transactions for all applications of title and registration submitted by dealers in accordance with department standards.

(D) The quality assurance entity shall charge a fee of ten dollars per vehicle sold by the dealer. The ten-dollar fee is an official fee and may be charged to the consumer by the dealership. The fee shall be a standalone line item on a dealer invoice or bill of sale and is not calculated as part of the purchase price of the vehicle.

(E) The department may allow or refuse a dealership the right to issue temporary motor vehicle registrations or temporary license plates through the electronic registration and titling program should the accuracy rate of its documentation fall below ninety-five percent as determined through the quality assurance entity and reported to the Department of Motor Vehicles on a monthly basis or upon request by the Department.

(F) If a dealership previously is denied the privilege to issue registrations and temporary license plates, upon meeting the established criteria, the dealership may be allowed to issue registrations or license plates again.

(G) The quality assurance entity shall carry a bond to ensure departmental standards and the protection of personally identifiable information remains intact. The bond amount shall be determined by the department.

(H) The department is authorized to collect a transaction fee from the quality assurance entity that transmits or retrieves data from the department pursuant to this section. The fee must not exceed five dollars

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for each transaction. Two-dollars and fifty-cents of each fee collected pursuant to this subsection These fees must be credited to the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The other two-dollars and fifty-cents of each fee collected pursuant to this subsection shall be retained by the Department of Motor Vehicles and earmarked in an account for the sole purpose of technology modernization. Fees in the account may be carried forward from fiscal year to fiscal year.

SECTION 14. Section 8-21-15(B) of the S.C. Code is amended to read:

(B) This section does not apply to:

- (1) state-supported governmental health care facilities;
- (2) state-supported schools, colleges, and universities;
- (3) educational, entertainment, recreational, cultural, and training programs;
- (4) the State Board of Financial Institutions;
- (5) sales by state agencies of goods or tangible products produced for or by these agencies;
- (6) charges by state agencies for room and board provided on state-owned property;
- (7) application fees for recreational activities sponsored by state agencies and conducted on a draw or lottery basis;
- (8) charges for vendor fees, convenience fees, transaction fees, or other similar fees that allow a person to pay a state agency or contracted vendor on behalf of a state agency for goods, services, fees, or other items through any payment method other than cash;
- ~~(8)~~(9) court fees or fines levied in a judicial or adjudicatory proceeding.

SECTION 15. Section 56-14-30 of the S.C. Code is amended to read:

Section 56-14-30. (A) Before engaging in business as a recreational vehicle dealer in this State, a person first must ~~make application~~ apply to the Department of Motor Vehicles for a license. Each license issued expires on the last day of the month ~~twelve-thirty-six~~ months from the date of issue, the “licensing period”, and must be displayed prominently at the established place of business. The fee for the license is one hundred and fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business.

(B)(1) During the dealer license application process, the department shall provide all information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer’s records. If a complaint has

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been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(D) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(2) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action against that dealer without regard to the time period provided in this subsection.

~~(B)~~(C) A licensed South Carolina recreational vehicle dealer may exhibit and sell recreational vehicles, as defined by Section 56-14-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Any recreational vehicle displayed must be owned by the dealer holding the temporary license. Before exhibiting and selling recreational vehicles at temporary locations, the dealer shall first ~~make application~~ apply to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid recreational vehicle dealer's license issued pursuant to this chapter. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses ~~in any one licensing period every twelve months~~. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.

~~(C)~~(D) The provisions of this section may not be construed as allowing the sale of any type of motor vehicles other than recreational vehicles at authorized temporary locations.

~~(D)~~(E) A person who fails to secure either a temporary or a permanent license as required in this chapter and sells a recreational vehicle is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~fifty~~ one hundred dollars or more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

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(2) ~~not less than two~~ five hundred dollars ~~or more than one thousand dollars~~ or imprisoned for not more than ~~six months~~ thirty days, or both, for the second offense; and

(3) not less than ~~one~~ two thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

~~(E)~~(F) For purposes of this section, ~~the~~ each unauthorized sale of each a recreational vehicle where the dealer has not applied for and received a license from the department appropriate for that sale constitutes a separate offense. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The Department of Motor Vehicles shall enforce the provisions contained in this section. The ticketing agency shall retain fifty percent of all fines collected pursuant to this section.

~~(F)~~(G) Nothing in this section shall be construed to prevent a licensed recreational vehicle dealer from providing vehicles for demonstration or test driving purposes.

SECTION 16. Section 56-14-40 of the S.C. Code is amended to read:

Section 56-14-40. (A) Before a license as a recreational vehicle dealer is issued, an applicant shall file an application with the department and provide information the department may require including, but not limited to, the name and addresses of individuals who own or control ten percent or more of the interest in the business.

(B)(1) Each applicant shall furnish a surety bond in the penal amount of ~~thirty~~ fifty thousand dollars on a form prescribed by the department.

~~(2) A new bond or a proper continuation certificate must be delivered provided to the department annually every twelve months during the license period before a dealer's license may be renewed. The dealer or surety, or the dealer's or surety's designee, must notify the department of any bond name or address changes during the licensing period. Notice must be provided within thirty days of a change. Proof of the bond and the proper continuation of the bond may be provided to the Department of Motor Vehicles on the same database used for vehicle insurance pursuant to Article 7, Chapter 10, Title 56.~~

~~(3) A dealer's license expires immediately upon expiration or termination of a dealer's bond, or a decrease of a dealer's bond below fifty thousand dollars.~~

~~(4) The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety.~~

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____ (5) The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a recreational vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a recreational vehicle by a licensed recreational vehicle dealer or the dealer's agent acting for the dealer, or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or his agent of any provisions of this chapter.

____ (6)(a) In instances of taxes or fees owned to the State that pertain solely to the process of buying, selling, titling, or registering vehicles by a recreational vehicle dealer, the department may maintain a cause of action against the dealer's surety bond and may recover damages if the owed taxes and fees are not paid in full within the time period prescribed by law. The department shall distribute the collected taxes and fees to the appropriate entity as prescribed by law.

____ (b) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

____ (c) This subsection does not apply to monies a recreational vehicle dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made a bona fide, good faith effort by registered or certified mail, return receipt requested, or by private delivery service acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. For purpose of this subsection, the dealer should make a bona fide, good faith effort to refund the monies due to the customer within sixty days of the date of sale.

____ (7) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer and against the dealer's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for claims is limited to ~~thirty~~ fifty thousand dollars on each bond and to the amount of the actual loss incurred.

____ (8) The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

____ (C) If, during a license ~~year~~ period, there is a change in the information a dealer gave the department in obtaining or retaining a license, the

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licensee must report the change to the department within thirty days on a form prescribed by the department.

(D) If a licensee ceases to be a recreational vehicle dealer, he shall notify the department within ten days and return any license and all dealer license plates.

(E) In the event of a licensee's death, the personal representative of the deceased licensee may, with the consent of the probate court and upon an application to the department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the license period or eighteen months after the licensee's death, the personal representative must take all actions to apply for a recreational vehicle dealer license under his name and meet all requirements for a licensed recreational vehicle dealer in order to continue operating the business.

SECTION 17. Section 56-14-50 of the S.C. Code is amended to read:

Section 56-14-50. No recreational vehicle dealer may be issued or allowed to maintain a recreational vehicle dealer's license unless:

(1) The dealer maintains a bona fide place of business for selling or exchanging recreational vehicles, which must be the principal business conducted from the location. A bona fide place of business includes a permanent, enclosed building, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, occupied by the owner or operator and easily accessible by the public, at which a permanent business of bartering, trading, or selling recreational vehicles or displaying vehicles for bartering, trading, or selling is conducted, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter.

(2) The business must display a permanent sign identifying the business with letters at least six inches in height, clearly readable from the nearest major avenue of traffic.

(3) The business must have a reasonable area or lot to properly display recreational vehicles.

(4) A recreational vehicle dealer may use his license to conduct business on property adjacent to or within sight of his bona fide established place of business. The property adjacent to or within sight of his bona fide established place of business is deemed to be contiguous even if there exists single intervening landmark such as a road or a railroad track. The property adjacent to or within sight of his bona fide established place of business must display the same permanent sign as

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the bona fide established place of business pursuant to item (2). The property adjacent to or within sight of his bona fide established place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the property adjacent to or within sight of his bona fide established place of business must be maintained at the bona fide established place of business. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license pursuant to this item must provide on the dealer license application the street address of the property adjacent to or the property within sight of his bona fide place of business and affirm that the dealer has met any local requirements to lawfully conduct business at that location.

SECTION 18. Section 56-14-70 of the S.C. Code is amended to read:

~~Section 56-14-70. A license may be denied, suspended, or revoked if the applicant or licensee or an agent of the applicant or licensee is determined by the department to have:~~

- ~~—(a) made a material misstatement in the application for the license;~~
- ~~—(b) violated any provision of this chapter;~~
- ~~—(c) been found by a court of competent jurisdiction to have committed any fraud connected with the sale or transfer of a vehicle;~~
- ~~—(d) employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers by the laws of this State;~~
- ~~—(e) been convicted of any violation of law involving the acquisition or transfer of a title to a vehicle or of any violation of law involving tampering with, altering, or removing vehicle identification numbers or markings;~~
- ~~—(f) been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a vehicle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);~~
- ~~—(g) refused or failed to comply with the department's reasonable requests to inspect or copy the records, books, and files of the dealer or failed to maintain records of each vehicle transaction as required by this chapter or by state and federal law pertaining to odometer records; or~~
- ~~—(h) given, loaned, or sold a vehicle dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a~~

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violation of this section by the dealer to whom the license plate was originally issued.

~~—The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall inform the licensee of his right to request a contested case hearing with the Office of Motor Vehicle Hearings in accordance with the rules of procedure for the Administrative Law Court and pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall file a request in writing with the Office of Motor Vehicle Hearings within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.~~

~~—Upon a denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates. The department may deny, suspend, or revoke an application or licensee for any reason prescribed in Section 56-15-350.~~

SECTION 19. Section 56-15-310 of the S.C. Code is amended to read:

Section 56-15-310. (A)(1) Before engaging in business as a dealer or wholesaler in this State, a person first must ~~make application~~ apply to the Department of Motor Vehicles for a license. Each license issued expires ~~twelve~~ thirty-six months from the month of issue, ~~the~~ (licensing period), and must be displayed prominently at the established place of business. The fee for the license is one hundred and fifty dollars. The license applies to only one place of business of the applicant and is not transferable to another person or place of business ~~except that a licensed dealer may exhibit and sell motor homes, as defined by Section 56-15-10, at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. No other exhibitions may be allowed, except as may be permitted by this section. Before exhibiting and selling motor homes at temporary locations as permitted above, the dealer shall first make application to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid dealer's license issued pursuant to this chapter. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be prominently displayed at the temporary place of business. No dealer may purchase more than six temporary licenses in any one licensing period. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.~~

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(2) During the dealer license application process, the department shall provide any information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(C) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 59-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(3) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action without regard to the time periods provided in this subsection.

~~—Any person failing to secure a temporary license as required by this section is guilty of a misdemeanor and, upon conviction, must be punished in the same manner as he would be punished for failure to secure his regular dealer's license.~~

~~—The provisions of this section may not be construed as allowing the sale of any type of motor vehicles other than motor homes at authorized temporary locations.~~

(B) A person who fails to secure either a temporary or a permanent license as required in this chapter and facilitates an unauthorized sale a motor vehicle in violation of this chapter is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~fifty~~ one hundred dollars or more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) ~~not less than two~~ five hundred dollars or ~~more than one thousand dollars or~~ imprisoned for not more than ~~six months~~ thirty days, or both, for the second offense; and

(3) not less than ~~one~~ two thousand dollars or more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

For purposes of this section, the sale of each motor vehicle constitutes a separate offense. For purposes of this section, each instance of an unauthorized sale of a motor vehicle where the dealer has not applied for

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and received a license from the department appropriate to that sale is conclusively deemed to be a separate and distinct offense. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The ticketing entity shall retain fifty percent of any fines collected under this section.

SECTION 20. Section 56-15-320 of the S.C. Code is amended to read:

Section 56-15-320. (A) Before a license as a "wholesaler" or "dealer" is issued to an applicant, he shall file an application with the Department of Motor Vehicles and furnish the information the department may require including, but not limited to, information adequately identifying by name and address individuals who own or control ten percent or more of the interest in the business. The policy of this section is full disclosure.

(B)(1) Each applicant for licensure as a dealer or wholesaler shall furnish a surety bond in the penal amount of ~~thirty-five~~ fifty thousand dollars on a form prescribed by the director of the department.

(2) A new bond or a proper continuation certificate must be provided to the department every twelve months during the license period. The dealer or surety, or his designee must alert the department of any bond name or address changes during the license period within thirty days of the change. Proof of the bond and the proper continuation of it may be provided to the Department of Motor Vehicles using the same database as vehicle insurance pursuant to Article 7, Chapter 10, of Title 56.

(3) A dealer's license expires immediately upon expiration, termination, or a decrease of a dealer's bond below fifty thousand dollars.

(4) The bond must be given to the department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety.

(5) The bond must be conditioned upon the applicant or licensee complying with the statutes applicable to the license and as indemnification for loss or damage suffered by an owner of a motor vehicle, or his legal representative, by reason of fraud practiced or fraudulent representation made in connection with the sale or transfer of a motor vehicle by a licensed dealer or wholesaler or the dealer's or wholesaler's agent acting for the dealer or wholesaler or within the scope of employment of the agent or loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent of this chapter.

(6) In instances of taxes or fees owed to the State that pertain to the process of buying, selling, titling, or registering vehicles by the dealer,

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the department has a right of action against the dealer's surety bond and may recover damages if those taxes and fees are not paid in full within the time period prescribed by law. The department shall distribute the taxes and fees to the appropriate entity as prescribed in state law.

(a) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

(b) This subsection does not apply to monies the dealer has attempted to refund to a customer due to an error made by the dealer when the dealer can demonstrate that he has made an attempt by registered or certified mail, return receipt requested, or by private delivery service which is acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. The dealer must make a bone fide good faith attempt to refund money due to the customer within sixty days of the date of sale.

(7) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer's or wholesaler's surety upon the bond and may recover damages as provided in this chapter. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for claims is limited to ~~thirty~~ fifty thousand dollars on each bond and to the amount of the actual loss incurred. The surety may terminate its liability under the bond by giving the department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect liability incurred or accrued before the cancellation.

(C) If, during a license ~~year~~ period, there is a change in the information a dealer or wholesaler gave the department in obtaining or retaining a license under this section, the licensee shall report the change to the department within thirty days after the change occurs on the form the department requires.

(D) If a licensee ceases being a dealer or wholesaler, within ten days of that time, he shall notify the department of this fact and return to the department a license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

(E) In the event of the licensee's death, the personal representative of the deceased licensee may, with the explicit consent of the probate court and upon an application to the Department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the licensing period or eighteen months after the death, the personal representative must take all actions to apply for a vehicle dealer

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license under his or her own name and meet all requirements for a licensed vehicle dealer in order to continue operating the business.

SECTION 21. Section 56-15-330 of the S.C. Code is amended to read:

Section 56-15-330. No dealer or wholesaler may be issued or allowed to maintain a motor vehicle dealer's license unless:

(1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging motor vehicles which must be the principal business conducted from the fixed location. ~~The sale of motorcycle or motor driven cycles need not be the principal business conducted from the fixed location.~~ A bona fide established place of business for any motor vehicle dealer includes a permanent, enclosed building or structure, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of motor vehicles or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters. Wholesaler dealers are not required to have space to display vehicles.

(2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business. This subsection does not apply to wholesale dealers.

(3) The dealer's place of business must have a reasonable area or lot to properly display motor vehicles. This subsection does not apply to wholesale dealers.

(4) A dealer may use his license to conduct business on property adjacent to or within sight of his bona fide established place of business. The property adjacent to or within sight of the bona fide established place of business is deemed to be contiguous even if there exists a single intervening landmark such a road or a rail road track. The property adjacent to or the property within sight of the bona fide place of business must display the same permanent dealership sign as the bona fide established place of business pursuant to item (2). The property adjacent to or property within sight of the bona fide place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the property adjacent to or property within sight of the bona fide place of business must be maintained at the bone fide

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established place of business. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license pursuant to this subsection must provide on the dealer license application the street address of the adjacent property or the property within sight and affirm that the dealer has met any local requirements lawfully conduct business at that location.

SECTION 22. Section 56-15-350 of the S.C. Code is amended to read:

Section 56-15-350. ~~(A) Any license~~ licenses in the name of the same applicant issued under this chapter may be denied, suspended, or revoked, if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have refused to comply with, been convicted of, or pleaded nolo contendere to any of the following offenses in this State or another jurisdiction in the United States:

— ~~(a)(1)~~ made a material misstatement in the application for the license;

— ~~(b)(2)~~ violated any provision of this chapter or the requirements contained in Article 3, Chapter 19, Title 56;

— ~~(c)(3) been found by a court of competent jurisdiction~~ to have committed any fraud connected with the sale or transfer of a motor vehicle;

— ~~(d)(4)~~ employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;

— ~~(e)(5) been convicted of any violation of~~ violated any law involving the acquisition or transfer of a title to a motor vehicle;

— ~~(6) or of any violation of law involving tampering~~ tampered with, altering ~~altered~~, or removing ~~removed~~ motor vehicle identification numbers or markings;

— ~~(f)(7) been found by a court of competent jurisdiction to have~~ violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motor vehicle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);

— ~~(g)(8)~~ refused or failed to comply with the department's reasonable requests to inspect or copy the records, books, and files of the dealer or wholesaler or failed to maintain records of each motor vehicle transaction as required by this chapter or by state and federal law pertaining to odometer records; ~~or~~

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— ~~(h)(9) Given~~given, loaned, or sold a dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any vehicle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.

— (10) accepted or delivered a certificate of title to any other dealer, wholesaler, or any other person in which the title or assignment of title is signed in blank;

— (11) committed any of the following crimes for which there is a conviction or plea of guilty or plea of nolo contendere and for which the conviction or plea date was ten or less years from the date of the application or renewal application of:

— (a) a violent crime as defined in Section 16-1-60;

— (b) a crime involving illegal drugs, other than simple possession of marijuana;

— (c) a crime involving tax evasion or failure to pay taxes or fees as required by law;

— (d) a crime involving the illegal use, carrying, or possession of a dangerous weapon;

— (e) any crime having an element of identity theft, misuse of another person's identity information, larceny, embezzlement, false statements, falsification of documents, false swearing or dishonest or deceitful dealing; or

— (f) a crime having an element of criminal sexual battery or conduct of any type or degree with a minor or an adult;

— (12) failed to pay on demand any civil penalty imposed by the department authorized by this chapter which the person or licensee has failed to appeal or for which the person or licensee has exhausted appeals;

— (13) failed to surrender a dealer license as required by this chapter or allowing any third party to sell any vehicles or operate a dealership; or

— (14) had a previous dealer license revoked for that applicant under this section.

— (B) Items (A)(1)-(11) do not apply to any pardoned or expunged crime within the ten-year time period;

— (C) The department may deny future dealer licenses for the same applicant if a previous dealer license was revoked for that applicant

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under this section. When assessing the license application, with respect to acts identified in item (A)(14) in a foreign jurisdiction, the department shall determine if the facts of the act would constitute a violation in this State. If the acts leading to a revocation in a foreign jurisdiction would not constitute a violation in this State, then the department may not use the act as sole justification to deny, suspend, or revoke a license.

(D) The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall inform the licensee of his right to request a contested case hearing with the Office of Motor Vehicle Hearings in accordance with the rules of procedure for the Administrative Law Court and pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall file a request in writing with the Office of Motor Vehicle Hearings within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.

(E) Upon a denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates.

SECTION 24. Title 56 of the S.C. Code is amended by adding:

CHAPTER 37

Motor Vehicle Dealer Performance Evaluation System

Section 56-37-10. This article applies to any dealer licensed under Title 56 regardless of the dealer license type.

Section 56-37-20. As used in this title:

(1) "Immediate family" means spouse, parent, stepparent, child, stepchild, sister, brother, grandparent, and grandchild.

(2) "Suspend" means temporarily prevent from continuing.

(3) "Revoke" means prevent from continuing for at least ten years.

(4) "Violation" means a single found incident leading to the issuance of points. For purposes of this Article, a violation could be a single sale, a single vehicle, a single document, or other similar items.

(5) "Open title" means a dealer selling a vehicle without paying the complete financial obligation needed to obtain the title for the sold vehicle

(6) "Out-of-trust" means, upon the purchase of a vehicle by a dealer and the seller has completed his portion of the certificate of title, the dealer or purchaser intentionally leaves the buyer or purchaser assignment blank on the title.

(7) "Dealer" means any entity licensed as a dealer under this Title without regard to the type of dealer license issued by the department.

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Section 56-37-30. (A) There is established a points system for evaluating the performance record of any dealer licensed under this Title and its continuing ability to operate as a dealer in this State. The Department may only impose the sanctions described below if they are found to have occurred in the course of dealer-related business, to include a private citizen acting on behalf of a licensed dealer in their role as a dealer. If any dealer or employee of a dealership makes these errors in their role as a private citizen, those violations are not counted against the dealer license but may be penalized in accordance with State law.

(B) For multiple record errors over a six-month period of time, the department may impose a two-point violation against a dealer license for the following:

- (1) errors or omissions on transactions regarding incoming or outgoing documents;
- (2) incorrect acquisition or sale dates;
- (3) incorrect vehicle identification numbers;
- (4) incorrect make, model, or type of body;
- (5) incorrect incoming or outgoing odometer reading;
- (6) incorrect name and address of the person a vehicle was acquired from or transferred to;
- (7) inability to provide an account for a dealer, transporter, or wholesale auto auction plate; or
- (8) issuance of a second temporary plate to a purchaser;

(C) The following are four-point violations:

- (1) dealer selling at address different than indicated on dealer application and license;
- (2) failure to deliver a title to a buyer or the department within forty-five days of the date of sale;
- (3) reasonable records request unavailable upon the demand of the department;
- (4) issuance of any temporary license plate to a person not authorized to have the plate;
- (5) misuse of dealer, transporter, or wholesale auto auction plate;
- (6) operating or allowing the operation of a vehicle with a suspended dealer plate;

(D) The following are six-point violations:

- (1) selling out-of-trust or breach-of-trust;
- (2) possession of an open title;
- (3) altering or changing documents to avoid or delay registration;
- (4) maintaining or producing fraudulent records;
- (5) licensure as a wholesaler dealer only, but selling vehicles retail;

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(6) having a volume of sales that do not warrant the number of license plates issued;

(7) dealer or auction facilitating a wholesaler selling retail;

(8) failure to remit any state-owed fees within the time period prescribed by law to the Department;

(9) conviction by the licensee involving acquisition or transfer of a title to a vehicle;

(10) conviction by the licensee of a criminal offense or judgment in a civil case in which there is fraud connected to the sale or transfer of a vehicle;

(11) use of fraudulent methods or practices.

(E) The Department's Inspector General or the Inspector General's designee has the authority to issue sanctions based on findings during inspections and audits. The Department may turn any records of sanctions over to the law enforcement entity with jurisdiction over the licensed location of the dealership for criminal prosecution.

Section 56-37-40. (A) There is created a Dealer Sanction Review Board that consists of the Executive Director of the department or his designee, a department employee with expertise in dealer licensing regardless of dealer license type, two non-franchise automobile dealers, and three franchise automobile dealers. All dealers serving on the board must have been in business no less than ten years and be in good standing with the department. The department is responsible for ensuring the board is seated at the beginning of each fiscal year. Unless the board decides otherwise or a board member no longer qualifies to remain on the board, individuals on the board serve for three fiscal years and may serve a maximum of nine consecutive years. The department in conjunction with the board should take efforts to ensure that dealers represent all regions of the state and the sizes of dealerships owned. The two statewide dealer associations shall choose their members. The chairperson shall be elected and rotated between dealer members serving on the board.

(B) Dealers licensed pursuant to this title may contest sanctions provided for in this article by written request to the department no later than thirty days after receiving formal notice of the sanctions being levied.

(1) All notices of sanctions are deemed received no later than thirty days after mailing by the department.

(2) No later than sixty days after receiving the written request from the dealer, the board must determine if the sanctions and corresponding

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points must be posted to the dealer's record as maintained by the department.

(3) No contested sanctions and corresponding points may be posted until the board has made a determination.

(4) The board's decision is considered final unless a dealer files protest in administrative law court within twenty days of being provided written notice.

(5) The board may decide to decrease the number of points levied for a sanction, but the board may not increase the number of points levied for a sanction beyond those specified in this article.

(C) If a dealer licensed under this title does not contest sanctions within the time period prescribed in subsection (B), the assessed points are effective will be posted to the dealer's record maintained by the department.

Section 56-37-50. In computing the total number of points levied against any dealer after a particular violation, those accrued as a result of violations during the twelve-month period including and immediately preceding the last violation must be counted at their full value. Those accrued from twelve to twenty-four months preceding the last violation must be counted at one-half their established value, and those resulting from violations which occurred more than twenty-four months prior to the last violation must not be counted.

Section 56-37-60. (A) Any dealer who has accumulated points under the provisions of this article must have the number of points reduced by four upon proving to the satisfaction of the Department of Motor Vehicles that the dealer has completed a voluntary course related to the proper licensing of dealers in this State. Before an entity may administer the course, and every three years thereafter, the department must approve the course. Entities offering this course must provide documentation, to the satisfaction of the department, regarding the training provided during the course. The department is not obligated to offer this course on its own.

(B) No dealer's points may be reduced more than one-time in a three-year period by completing a course related to the proper licensing of a dealer in this state.

Section 56-37-70. (A) The department must suspend the license of any dealer for seven days upon the accumulation of twelve points or if the dealer has misused any department computer system or third-party computer system that contains department data, including allowing another dealer location other than the one licensed by the department access to the system.

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(B) The department must suspend the license of any dealer for thirty days upon the second accumulation of twelve points within a three-year period from the end-date of the prior suspension.

(C) The department must suspend the license of any dealer for three years upon the third accumulation of twelve points within a three-year period. Dealers may not re-apply for any kind of dealer license for three years after the last issued points. Should the provisions of this subsection apply, then the department may deny applications for any type of dealer license when the applicant is a member of the immediate family of the suspended dealer. The department shall notify the licensee or applicant by certified mail at the mailing address provided in his application of its intention to suspend his license at least thirty days in advance and shall provide the licensee an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure and the Administrative Procedures Act of this State. A licensee desiring a contested case hearing must request the hearing in writing within thirty days of receiving notice of the proposed suspension of his dealer's or wholesaler's license. Should the dealer not request a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the suspension of the dealer license must go into effect. If the dealer requests a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the dealer may continue to operate until the Office of Motor Vehicle Hearings makes a final ruling in the contested case. Upon the suspension of a license, the licensee shall immediately return to the department the license and all dealer license plates.

Section 56-37-80. (A) The Department of Motor Vehicles must immediately revoke the license of any dealer issued pursuant to this Title upon:

(1) a conviction involving theft or possessions of a stolen vehicle, involvement with a chop shop, or a violation of law involving tampering with, altering, or removing vehicle identification numbers or markings; or

(2) a conviction in administrative, civil, or criminal court of a dealer violation of State or federal law regarding the disconnecting, resetting, altering, or otherwise unlawful tampering with a motor vehicle's odometer.

(B) Upon the revocation of a license, the licensee, or his designee, shall immediately return to the department the license and all dealer

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license plates. The department must revoke the dealer license plates if the plates are not returned to the department.

(C) The department may deny any application for dealer licenses for ten years after notification of the conviction if the applicant is a member of the immediate family as a dealer whose license has been revoked. At the conclusion of the ten-year period, a dealer whose license has been revoked may apply to the Dealer Sanctions Review Board to be relicensed. However, upon review of the board, a dealer whose license has been revoked may continue to be denied a dealer license of any type.

SECTION 25. Section 56-16-140 of the S.C. Code is amended to read:

Section 56-16-140. (A)(1) Before engaging in business as a motorcycle dealer or motorcycle wholesaler in this State, every person must first ~~make application~~ apply to the Department of Motor Vehicles for a license. Every license issued expires ~~twelve~~ thirty-six months from the date of issue and must be prominently displayed at the established place of business. The fee for the license is ~~fifty-one hundred and fifty~~ fifty dollars. The license applies to only one place of business of the applicant and is not transferable to any other person or place of business, except as provided in item (2).

(2)(a) A licensed dealer may exhibit motorcycles and their related products at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a dealer's exhibition license. Before exhibiting motorcycles and their related products as provided in this item, the dealer shall first apply to the department for an exhibition license. The applicant shall provide the department with the name, location, and dates of the particular exhibition for which he is seeking an exhibition license.

(b) A dealer must hold a valid dealer's license pursuant to this section to be issued an exhibition license. Exhibition licenses are valid for a period not to exceed ten consecutive days, must be prominently displayed at the exhibition site, apply to only the licensee, and may not be transferred to another dealer or exhibition location. A dealer may not purchase more than six exhibition licenses ~~in any licensing period~~ every twelve months.

(B)(1) During the dealer license application process, the department shall provide all information that would be needed in an audit or a review by its agents. Upon issuing a license, the department shall be reasonable in its requests to inspect or copy a dealer's records. If a complaint has been filed against a dealer, the department must present that complaint to the dealer in writing and allow the dealer the opportunity to cure

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before proceeding with punitive or enforcement action. Complaints arising from alleged violations of:

(a) Section 56-37-30(B) must be cured by the dealer within sixty days of being notified of the complaint;

(b) Section 56-37-30(D) must be cured by the dealer within forty-five days of being notified of the complaint; or

(c) Section 56-37-30(D) must be cured by the dealer within thirty days of being notified of the complaint.

(2) If the department determines that the same dealer has received a similar type of complaint within twelve months of a previous complaint, the department may proceed with an enforcement action against that dealer without regard to the time period provided in this subsection.

(B)(C) A person who fails to secure a license as required in this chapter has facilitated an unauthorized sale of a motorcycle and is guilty of a misdemeanor and, upon conviction, must be fined:

(1) not less than ~~fifty~~ one hundred dollars nor more than ~~two~~ five hundred dollars or imprisoned for not more than thirty days for the first offense;

(2) ~~not less than two~~ five hundred dollars nor more than one thousand dollars or imprisoned for not more than ~~six months~~ thirty, or both, for the second offense; and

(3) not less than one thousand dollars nor more than ten thousand dollars or imprisoned for not more than two years, or both, for the third or any subsequent offense.

(D) ~~For purposes of this subsection, the sale of each motorcycle constitutes a separate offense.~~ For purposes of this section, each instance of an unauthorized sale of a motorcycle where the dealer has not applied for and received a license from the department appropriate to the sale is conclusively deemed to be a separate and distinct offense. This provision does not apply to instances where a rightfully licensed retail dealer, pursuant to Chapter 15 of this Title, accepts a motorcycle on trade to then sell at his retail location. Nothing in this chapter may be construed to prohibit any law enforcement agency from enforcing the provisions relating to non-licensed dealers within the law enforcement agency's jurisdiction. The ticketing entity shall retain fifty percent of any fines collected under this section.

SECTION 26. Section 56-16-150 of the S.C. Code is amended to read:

Section 56-16-150. ~~(A)~~ (A) Before any license as a motorcycle "wholesaler" or "dealer" is issued to an applicant, he must file an application with the Department of Motor Vehicles and furnish the information the Department may require, including, but not limited to,

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information adequately identifying by name and address any individual who owns or controls ten percent or more of the interest in the business. The policy of this section is full disclosure.

~~(2)(B)~~(1) Each applicant for licensure as a motorcycle dealer or wholesaler must furnish a surety bond in the penal amount of ~~fifteen~~ twenty-five thousand dollars on a form to be prescribed by the director of the department.

(2) A new bond or a proper continuation certificate must be provided to the department every twelve months during the license period. The dealer or surety, or his designee must alert the department of any bond name or address changes during the license period within thirty days of the change. Proof of the bond and the proper continuation of it may be provided to the Department of Motor Vehicles using the same database as vehicle insurance pursuant to Article 7, Chapter 10, of Title 56.

(3) A dealer's license expires immediately upon expiration, termination, or a decrease of a dealer's bond below twenty-five thousand dollars.

(4) The bond must be given to the Department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the license and as indemnification for any loss or damage suffered by an owner of a motorcycle, or his legal representative, by reason of any fraud practiced or fraudulent representation made in connection with the sale or transfer of a motorcycle by a licensed dealer or wholesaler or the dealer's or wholesaler's agent acting for the dealer or wholesaler or within the scope of employment of the agent or any loss or damage suffered by reason of the violation by the dealer or wholesaler or his agent, of any of the provisions of this chapter.

(5) In instances of taxes or fees owed to the State that pertain solely to the process of buying, selling, titling, or registering motorcycles by a motorcycle dealer, the department has a right of action against the dealer's surety bond and may recover damages if those taxes and fees are not paid within the time period prescribed by law. The department shall distribute the taxes and fees to the appropriate entity as prescribed in state law.

(a) In the event of concurrent claims for the same vehicle from the owner and the State, the owner's claim prevails.

(b) This subsection does not apply to monies the motorcycle dealer has attempted to refund to a customer due to an error made by the

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dealer when the dealer can demonstrate that he has made an attempt by registered or certified mail, return receipt requested, or by private delivery service which is acceptable to the Internal Revenue Service to ensure the customer's refund was delivered. For the purposes of this subsection, the dealer should make a bona fide, good faith attempt to refund money due to the customer within sixty days of the date of sale.

(6) An owner or his legal representative who suffers the loss or damage has a right of action against the dealer or wholesaler and against the dealer's or wholesaler's surety upon the bond and may recover damages as provided in this chapter. A new bond or a proper continuation certificate must be delivered to the Department annually before the license is renewed. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for any and all claims is limited to fifteen thousand dollars on each bond and to the amount of the actual loss incurred.

(7) The surety has the right to terminate its liability under the bond by giving the Department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect any liability incurred or accrued prior to the cancellation.

~~(3)(C)~~ If, during any license year, there is any change in the information that a dealer or wholesaler gave the Department in obtaining or retaining a license under this section, the licensee shall report the change to the Department within thirty days after the change occurs on the form the Department requires.

~~(4)(D)~~ In the event a licensee ceases being a dealer or wholesaler, he shall, within ten days thereafter, notify the Department of this fact and return to the Department any license issued pursuant to this chapter and all current dealer license plates issued to the dealer or wholesaler.

(E) In the event of the licensee's death, the personal representative of the deceased licensee may, with the consent of the probate court and upon an application to the Department, continue the operation of the business covered by the license for the remainder of the licensing period, but no longer than eighteen months after the licensee's death. At the conclusion of the licensing period or eighteen months after the death, the personal representative must take all actions to apply for a recreational vehicle dealer license under his or her own name and meet all requirements for a licensed recreational vehicle dealer in order to continue operating the business.

SECTION 27. Section 56-16-160 of the S.C. Code is amended to read:

Section 56-16-160. No dealer may be issued or allowed to maintain a motorcycle dealer's license unless:

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(1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging motorcycles which must be the principal business conducted from the fixed location. The sale of motorcycles or motor driven cycles need not be the principal business conducted from the fixed location. A bona fide established place of business for any motorcycle dealer includes a permanent, enclosed building or structure, not excluding a permanently installed mobile home containing at least ninety-six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of motorcycles or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this chapter. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters.

(2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business.

(3) The dealer's place of business must have a reasonable area or lot to properly display motorcycles.

(4) A motorcycle dealer may use his license to conduct business on property adjacent to or within site of his bona fide established place of business. The property adjacent to or property within sight of his bona fide established place of business is deemed to be contiguous to his bona fide established place of even if there exists a single intervening landmark such as a road or a railroad track. The property adjacent to or within sight of his bona fide established place of business must display the same permanent sign as the bona fide established place of business pursuant to item (2). The adjacent property or the property within sight of his bona fide established place of business need not include a permanent, enclosed building or structure, but all records for business conducted on the adjacent property must be maintained at the bona fide established place of business pursuant to this section. Any sales transactions pursuant to this section must take place at the location of the bona fide established place of business. Dealers applying for a license under this item must declare to the department on the dealer license application the street address of the adjacent property or property within sight of his bona fide established place of business and affirm that the

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dealer has met any local requirements to lawfully conduct business at that location.

SECTION 28. Section 56-16-180 of the S.C. Code is amended to read:

~~Section 56-16-180. Any license issued under this chapter may be denied, suspended, or revoked if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department of Motor Vehicles to have:~~

- ~~—(a) Made a material misstatement in the application for the license;~~
 - ~~—(b) Violated any provision of this chapter;~~
 - ~~—(c) Been found by a court or competent jurisdiction to have committed any fraud connected with the sale or transfer of a motorcycle;~~
 - ~~—(d) Employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers and wholesalers by the laws of this State;~~
 - ~~—(e) Been convicted of any violation of law involving the acquisition or transfer of a title to a motorcycle or of any violation of law involving tampering with, altering, or removing motorcycle identification numbers or markings;~~
 - ~~—(f) Been found by a court of competent jurisdiction to have violated any federal or state law regarding the disconnecting, resetting, altering, or other unlawful tampering with a motorcycle odometer, including the provisions of 49 U.S.C. 32701-32711 (Title 49, Subtitle VI, Part C, Chapter 327);~~
 - ~~—(g) Refused or failed to comply with the Department's reasonable requests to inspect or copy the records, books, and files of the dealer or wholesaler or failed to maintain records of each motorcycle transaction as required by this chapter or by state and federal law pertaining to odometer records; or~~
 - ~~—(h) Given, loaned, or sold a dealer license plate to any person or otherwise to have allowed the use of any dealer license plate in any way not authorized by Section 56-3-2320. Any dealer license plate issued to a dealer or wholesaler pursuant to Section 56-3-2320 which is determined by the department to be improperly displayed on any motorcycle or in the possession of any unauthorized person is prima facie evidence of a violation of this section by the dealer or wholesaler to whom the license plate was originally issued.~~
- ~~—The department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall provide the licensee an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure~~

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~~and the Administrative Procedures Act of this State. A licensee desiring a hearing shall request it in writing within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's or wholesaler's license.~~

~~—Upon the denial, suspension, or revocation of a license, the licensee shall immediately return to the department the license and all dealer license plates. The department may deny, suspend, or revoke an applicant or licensee for a motorcycle dealer license, to include existing licenses in the name of the same applicant, for any reason prescribed in Section 56-15-350.~~

SECTION 29. Section 56-19-370 of the S.C. Code is amended to read:

Section 56-19-370. (A) If a dealer buys a vehicle and holds it for resale and procures the certificate of title from the owner within forty-five days after delivery to him of the vehicle, he need not send the certificate to the Department of Motor Vehicles, but, upon transferring the vehicle to another person other than by the creation of a security interest, promptly shall execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale and the date of his security agreement, in the spaces provided on the certificate or as the department prescribes, and mail or deliver the certificate to the department with the transferee's application for a new certificate.

(B)(1) The dealer must properly title and, if applicable, register the vehicle within forty-five days after the sale. A dealer who receives in a timely manner a title lien release from a financial institution, titling agent, or another state department of motor vehicles, or its equivalent, and who fails to either properly title or, if applicable, register the vehicle the dealer sold within forty-five days after the sale may be assessed points against his dealer record pursuant to Section 56-37-370.

(2) If the Department has reason to believe that the dealer did not properly title, or, if applicable, register the vehicle within forty-five days after the sale due to criminal intent, the dealer is guilty of a misdemeanor and must be fined not less than five hundred dollars or imprisoned not more than thirty days, or both, and is further subject to the provisions of Section 56-15-150.

(3) If a title is in suspended status, the department must make the information regarding the reason for the suspension available in a timely manner through the third-party provider pursuant to Section 56-3-210.

(4) No dealer may be prosecuted for not properly titling or registering a vehicle within forty-five days if the department has placed

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title in suspended status or if a financial institution has not released the lien in a timely manner.

SECTION 30. The Department of Motor Vehicles shall ensure that no one is registered as an uninsured motorist on the effective date of this act.

SECTION 31. Section 56-3-180 of the S.C. Code is repealed.

SECTION 32. Section 56-3-215 of the S.C. Code is repealed.

SECTION 33. Article (29), Chapter 3, Title 56 of the S.C. Code is repealed.

SECTION 34. Article (30), Chapter 3, Title 56 of the S.C. Code is repealed.

SECTION 35. Dealers subject to the provisions contained in Section 56-14-50, 56-15-330, or 56-16-160 who maintain business operations on adjacent properties or properties within sight as described in the code section applicable to the dealer but who do not meet the requirements of Section 56-14-50, 56-15-330, or 56-16-160, as applicable to the dealer and as amended by this act may be grandfathered by the Department of Motor Vehicles for the remainder of the license under which the dealer is operating as of the effective date of this act.

SECTION 36. (A) SECTION 1 takes effect twelve months after the approval of the Governor. (B) SECTION 5 takes effect on the first day of the fiscal year following twelve months after approval of the Governor.

(C)(1) SECTIONS 8, 9, 10, 11, and 12, 30, 31, 32, and 33 take effect eight months after the approval of the Governor, provided that necessary solicitations are awarded in a timely manner in accordance with the State Consolidated Procurement Code.

(2) Section 56-3-214(C), 56-3-214 (D), 56-3-214 (E), 56-3-214 (F), and 56-3-214 (H) take effect ten months after the effective date of SECTIONS 8, 9, 10, 11, and 12.

(D) SECTION 12 takes effect ten months after the effective date for subsection (C).

(E) SECTIONS 14 through 28 take effect on January 1, 2024. Any dealership applying for or renewing a license, or operating on a currently issued license on or after January 1, 2024 is subject to the provisions of SECTIONS 14 through 28.

(F) SECTION 29 takes effect on the first day of the fiscal year following twelve months after approval of the Governor.

(G) The remaining SECTIONS of this act, and Section 56-3-214(A), 56-3-214 (B)(1), 56-3-214 (B)(2), 56-3-214 (B)(3), and 56-3-214 (G), takes effect upon approval by the Governor.

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Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senator GROOMS proposed the following amendment (SR-3518.KM0020S), which was adopted:

Amend the bill, as and if amended, SECTION 8, by striking Section 56-3-210(I)(2) and inserting:

(2) an additional five dollars which must be credited to the South Carolina Transportation Infrastructure Bank's state highway account pursuant to Section 56-3-910.

Amend the bill further, SECTION 8, by striking Section 56-3-210(J)(1)(b) and inserting:

(b) an additional five dollars which must be remitted to the department. The department shall disburse two dollars and fifty cents of each additional five dollars remitted to the State Highway Fund, as established by Section 57-11-167, to be distributed as provided in Section 11-43-167. The remaining two dollars and fifty cents of each additional five dollars remitted shall be disbursed to the South Carolina Transportation Infrastructure Bank's state highway account pursuant to Section 56-3-910.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

Senator LOFTIS proposed the following amendment (SR-3518.JG0022S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 56-10-240(A) and inserting:

(A) If, during the period for which it is licensed, a motor vehicle is or becomes an uninsured motor vehicle, then the vehicle owner immediately shall obtain insurance on the vehicle or ~~within five days after the effective date of cancellation or expiration of his liability insurance policy~~ within five days after the effective date of cancellation

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or expiration of his liability insurance policy surrender the motor vehicle license plate and registration certificate issued for the motor vehicle.

Renumber sections to conform.

Amend title to conform.

Senator LOFTIS explained the amendment.

The amendment was adopted.

Senators MALLOY and GROOMS proposed the following amendment (SR-3518.JG0024S):

Amend the bill, as and if amended, SECTION 28, by striking Section 56-19-370(B)(2) and inserting:

(2) If the Department has reason to believe that the dealer knowingly did not properly title, or, if applicable, register the vehicle within forty-five days after the sale, the dealer is guilty of a misdemeanor and must be fined not less than five hundred dollars or imprisoned not more than thirty days, or both, and is further subject to the provisions of Section 56-15-350.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

Senator MATTHEWS objected to further consideration of the Bill.

AMENDED, READ THE SECOND TIME

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach and Senn: A BILL TO AMEND CHAPTER 2, TITLE 30 OF THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

The Senate proceeded to the consideration of the Bill.

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Senator HUTTO proposed the following amendment (SMIN-252.AA0013S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, by striking Section 30-2-500(2) and inserting:

(2) “Eligible requesting party” means an active or former law enforcement officer, family court judge, circuit court judge, appellate court judge, or Supreme Court Justice who has filed a formal request under the provision of this article;

Renumber sections to conform.

Amend title to conform.

The amendment was withdrawn.

Senators M. JOHNSON and MALLOY proposed the following amendment (SJ-252.MB0014S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 30-2-510, by striking (B)(2) and inserting:

(2) the state or local government agencies disclose personal contact information related to violations of law or regulation as permitted by law;

Amend the bill further, by adding appropriately numbered SECTIONS to read:

SECTION X. Chapter 2, Title 30 of the S.C. Code is amended by adding:

Article 7

Judicial Personal Privacy Protection Act

Section 30-2-700. For the purpose of this article:

(1) “Personal contact information” means the home address and the home or personal cellular telephone number of the eligible requesting party.

(2) “Eligible requesting party” means an active or a former judge who has filed a formal request under the provisions of this article.

Section 30-2-710. (A) Information that relates to the personal contact information of an eligible requesting party, or that reveals whether the individual has family members, and is held or maintained by a state or local government agency is confidential and must not be disclosed to the public by the state or local government agency if the judge:

(1) notifies the state or local government agency of the judge’s choice to restrict public access to or posting online of personal contact information by submission of a form provided by the South Carolina Court Administration; and

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(2) provides verification of current or prior service as a judge from the South Carolina Court Administration.

(B) A choice made under this article remains valid with the following exceptions:

(1) the judge rescinds in writing the request to restrict public access to or posting online of personal contact information and provides notice to the state or local government agency;

(2) the state or local government agencies disclose personal contact information related to violations of law or regulation, as permitted by law;

(3) the judge requests release of the judge's personal contact information from a state or local government agency for a specific purpose and for a limited time; or

(4) the personal contact information is included in a collision report or uniform traffic ticket maintained and provided by the South Carolina Department of Motor Vehicles, as permitted by law.

(C) Personal contact information provided under the provisions of this article may be disclosed to another government agency, under subpoena, by order of the court, or upon written consent of the eligible judge.

(D) Any personal contact information, as defined under this article, must be redacted from any public document otherwise eligible to be released under any other provision of law. The provisions of this article must not be construed to prevent disclosure of other public information otherwise allowed by law.

(E) A state or local government agency that redacts or withholds information under this article shall provide to the requestor a description of the redacted or withheld information and a citation to this article.

(F) Nothing in this article shall be construed to limit access to otherwise protected information available by applicable law, including but not limited to the Driver's Privacy Protection Act (18 U.S.C.A. Section 2721, et seq.) and the Fair Credit Reporting Act (15 U.S.C.A. Section 1681, et seq.).

SECTION X. The South Carolina Court Administration shall create a form for judges to use to request a state or local government agency restrict public access or posting of personal contact information. The form must contain fields for the following information: legal name, date of birth, home address, driver's license number, personal email address, dates of service, status of service, and an exception section to notify a state or local government agency of rescission of the request to protect personal contact information and to permit disclosure of personal contact information for a specific purpose and for a limited time.

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Renumber sections to conform.

Amend title to conform.

Senator M. JOHNSON explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

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

Ayes 41; Nays 0

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Turner	Verdin
Williams	Young	

Total--41

NAYS

Total--0

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

READ THE SECOND TIME

S. 483 -- Senators Alexander, Peeler, Grooms, Williams, Massey, K. Johnson, Shealy, Turner, Gambrell, Climer, Talley, Kimbrell, Young, Goldfinch, Reichenbach, Verdin, Davis, Rice, M. Johnson, Hutto, Loftis,

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Corbin, Senn, Adams, Fanning, Martin, McElveen, Setzler, Gustafson, Campsen, Bennett, Garrett and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 37-1-102, RELATING TO THE PURPOSES OF THE CONSUMER PROTECTION CODE, SO AS TO INCLUDE THE PROMOTION OF EDUCATION FOR CONSUMERS, BEST PRACTICES FOR BUSINESSES, AND TO MEDIATE COMPLAINTS; BY AMENDING SECTION 37-6-106, RELATING TO INVESTIGATORY POWERS OF THE ADMINISTRATOR, SO AS TO REQUIRE THE PRESENTATION OF PROBABLE CAUSE BEFORE BEGINNING AN INVESTIGATION; BY AMENDING SECTION 37-6-108, RELATING TO ENFORCEMENT ORDERS OF THE ADMINISTRATOR, SO AS TO REQUIRE CERTAIN INFORMATION BE PROVIDED BEFORE A CEASE AND DESIST ORDER IS ISSUED TO A BUSINESS; AND BY AMENDING SECTION 37-2-307, RELATING TO MOTOR VEHICLE SALES CONTRACT CLOSING FEES, SO AS TO REQUIRE THE CLOSING FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO explained the Bill.

The question then being second reading of the Bill.

Motion Adopted

Senator HUTTO asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 603 -- Senator Climer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 46-41-230, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND'S AMOUNT AND CLAIMS, SO AS TO PROVIDE THAT, IF THERE IS AN INSUFFICIENT

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AMOUNT OF MONEY TO COVER ALL CLAIMS, THEN PAYMENTS MUST BE MADE ON A PRO RATA BASIS, AND THE PRO RATA DETERMINATION SHALL BE BASED UPON THE PRODUCER'S TOTAL LOSS AMOUNT AS WELL AS THE TOTAL NUMBER OF EXEMPTIONS GRANTED TO THE PRODUCER; AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

The Senate proceeded to the consideration of the Bill.

Senator CLIMER explained the Bill.

The question then being second reading of the Bill.

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

Ayes 42; Nays 0

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Scott	Senn	Setzler
Shealy	Stephens	Turner
Verdin	Williams	Young

Total--42

NAYS

Total--0

The Bill was read the second time, passed and ordered to a third reading.

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CARRIED OVER

S. 640 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER CLASSIFICATIONS AND STANDARDS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5119, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

The Senate proceeded to the consideration of the Resolution.

Senator GOLDFINCH explained the Resolution.

The question being second reading of the Resolution.

On motion of Senator GOLDFINCH, the Resolution was carried over.

CARRIED OVER

S. 641 -- Agriculture and Natural Resources Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF VETERINARY MEDICAL EXAMINERS, RELATING TO DEFINITIONS; PRACTICE STANDARDS FOR LICENSED VETERINARY TECHNICIANS AND UNLICENSED VETERINARY AIDES; LICENSURE AND EXAMINATIONS FOR VETERINARIANS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5121, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GOLDFINCH, the Resolution was carried over.

AMENDMENT PROPOSED, OBJECTION

S. 260 -- Senators Rankin, Hutto and Stephens: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "RESPONSIBLE ALCOHOL SERVER TRAINING ACT"; BY AMENDING TITLE 61, RELATING TO ALCOHOL AND ALCOHOLIC BEVERAGES, BY ADDING CHAPTER 3, TO PROVIDE FOR THE ESTABLISHMENT, IMPLEMENTATION, AND ENFORCEMENT OF A MANDATORY ALCOHOL SERVER TRAINING AND EDUCATION PROGRAM, TO REQUIRE SERVERS OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION IN LICENSED OR PERMITTED BUSINESSES TO

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OBTAIN ALCOHOL SERVER CERTIFICATES, TO PROVIDE GUIDANCE FOR THE CURRICULA OF THE TRAINING PROGRAMS, TO PROVIDE FOR THE DEPARTMENT OF REVENUE TO BE RESPONSIBLE FOR APPROVAL OF THE TRAINING PROGRAMS AND IMPLEMENTATION OF THE ALCOHOL SERVER CERTIFICATES, TO REQUIRE FEES FROM PROVIDERS OF TRAINING PROGRAMS AND FROM APPLICANTS FOR ALCOHOL SERVER CERTIFICATES TO COVER THE COSTS OF THE MANDATORY TRAINING AND ENFORCEMENT, TO REQUIRE COORDINATION AMONG THE DEPARTMENT OF REVENUE, THE STATE LAW ENFORCEMENT DIVISION, AND OTHER STATE AND LOCAL AGENCIES FOR THE IMPLEMENTATION AND ENFORCEMENT OF THESE PROVISIONS, AND TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF THESE PROVISIONS; BY AMENDING SECTION 61-2-60, RELATING TO THE PROMULGATION OF REGULATIONS, TO AUTHORIZE THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS GOVERNING THE DEVELOPMENT, IMPLEMENTATION, EDUCATION, AND ENFORCEMENT OF RESPONSIBLE ALCOHOL SERVER TRAINING PROVISIONS; AND BY AMENDING SECTION 61-2-145, SECTION 61-4-50, SECTION 61-4-90(A), SECTION 61-4-580, SECTION 61-6-2220, SECTION 61-6-4070(A), AND SECTION 61-6-4080, ALL RELATING TO THE UNLAWFUL SALE OF ALCOHOL, TO PROVIDE FOR FINES AND PENALTIES FOR VIOLATIONS OF CERTAIN PROVISIONS.

The Senate proceeded to the consideration of the Bill.

Senator TURNER proposed the following amendment (SR-260.JG0006S), which was proposed:

Amend the bill, as and if amended, SECTION 3, by striking Section 61-3-170 and inserting:

Section 61-3-170. (A) The division and the department are responsible for enforcement of the provisions of this chapter. The department is responsible for bringing administrative actions for violations of the provisions of this chapter or related regulations, and those actions shall proceed according to the provisions of Section 61-2-260 and the South Carolina Administrative Procedures Act.

(B) Failure to comply with the mandatory alcohol server training and education program set forth in this chapter is not negligence per se or

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contributory negligence, and is not admissible as evidence in a civil action.

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the Bill.

Senator KIMPSON objected to further consideration of the Bill.

READ THE SECOND TIME

S. 108 -- Senators Davis, Scott, Kimbrell, Climer and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-1770, RELATING TO PRERETIREMENT DEATH BENEFIT PROGRAMS UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT; AND BY AMENDING SECTION 9-11-120, RELATING TO A PRERETIREMENT DEATH BENEFIT PROGRAM UNDER THE POLICE OFFICERS RETIREMENT SYSTEM, SO AS TO PROVIDE FOR A DEATH BENEFIT FOR LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY, TO PROVIDE FOR THE AMOUNT OF THE BENEFIT, TO PROVIDE WHO SHALL RECEIVE THE DEATH BENEFIT PAYMENT, AND TO PROVIDE THE SOURCE OF THE REVENUE FOR THE PAYMENT.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

The question then being second reading of the Bill.

Motion Adopted

Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

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The Bill was read the second time, passed and ordered to a third reading.

READ THE SECOND TIME

S. 284 -- Senators Davis, Turner, Jackson, Scott, Kimpson and Senn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-1-530, RELATING TO USE OF REVENUE FROM LOCAL ACCOMMODATIONS TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL ACCOMMODATIONS TAXES MAY BE USED; BY AMENDING SECTION 6-1-730, RELATING TO USE OF REVENUE FROM LOCAL HOSPITALITY TAX, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH LOCAL HOSPITALITY TAXES MAY BE USED; BY AMENDING SECTION 6-4-10, RELATING TO A SPECIAL FUND FOR TOURISM, MANAGEMENT AND USE OF SPECIAL FUND, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH THE SPECIAL FUND MAY BE USED; AND BY AMENDING SECTION 6-4-15, RELATING TO USE OF REVENUES TO FINANCE BONDS, SO AS TO PROVIDE THAT THE DEVELOPMENT OF WORKFORCE HOUSING IS ONE OF THE PURPOSES FOR WHICH BONDS MAY BE ISSUED.

The Senate proceeded to the consideration of the Bill.

Senator DAVIS explained the Bill.

Senator MASSEY spoke on the Bill.

Senator KIMPSON spoke on the Bill.

Senator CLIMER spoke on the Bill.

The question then being second reading of the Bill.

Motion Adopted

Senator DAVIS asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

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COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin, Reichenbach, Young, Loftis, Climer, Garrett and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3477, RELATING TO THE APPRENTICE INCOME TAX CREDIT, SO AS TO INCREASE THE AMOUNT OF THE CREDIT AND THE NUMBER OF YEARS IN WHICH IT MAY BE CLAIMED.

The Senate proceeded to the consideration of the Bill.

The Committee on Finance proposed the following amendment (LC-557.DG0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 12-6-3477 and inserting:

Section 12-6-3477. A taxpayer who employs an apprentice pursuant to an apprentice agreement registered with the Office of Apprenticeship of the Employment and Training Administration of the United States Department of Labor is allowed a credit against an income tax imposed pursuant to this chapter equal to the greater of the cost of the apprenticeship or one thousand dollars for each apprentice employed, but not to exceed four thousand dollars for an apprentice, or six thousand dollars for the youth apprenticeship program. A credit is not allowed unless the apprentice was in the employ of the taxpayer for at least seven full months of the taxable year and a credit is not allowed for an individual apprentice for more than four taxable years; however, if the apprentice completes the apprenticeship and remains an employee of the taxpayer, the taxpayer may claim the one thousand dollar credit for up to three additional taxable years. Notwithstanding any other provision of this section, the maximum aggregate credit for all taxpayers may not exceed five million dollars in any one tax year. The General Assembly, in the annual general appropriations act, may increase or decrease the maximum aggregate credit amount. The department shall prescribe a form to claim this credit that provides information to the department sufficient for the proper administration of this credit. Any unused credit may be carried forward for three years.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

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The amendment was adopted.

The question then being second reading of the Bill, as amended.

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

Ayes 42; Nays 0

AYES

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

Total--42

NAYS

Total--0

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

READ THE SECOND TIME

S. 581 -- Senators Hembree, Campsen, McElveen, Goldfinch, Senn, Grooms and Corbin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-661 SO AS TO NAME THE VENUS FLYTRAP THE OFFICIAL CARNIVOROUS PLANT OF THE STATE.

The Senate proceeded to the consideration of the Bill.

Senator McELVEEN explained the Bill.

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The question then being second reading of the Bill.

Motion Adopted

Senator MALLOY asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

Recorded Vote

Senator PEELER desired to be recorded as voting against the second reading of the Bill.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

S. 602 -- Senators Shealy, Alexander, Peeler, Garrett, Reichenbach, Rice, Hembree, Bennett, Cromer, Campsen, Massey, Cash, M. Johnson, Climer, Turner, Grooms, Talley, Gustafson, Davis, Setzler, Senn and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 1-30-35, RELATING TO THE COMPOSITION AND GOVERNANCE OF THE DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS, SO AS TO PROVIDE THAT THE DEPARTMENT SHALL BE HEADED BY A DIRECTOR WHO IS APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE; BY AMENDING TITLE 44 BY REMOVING CHAPTER 20 AND INSERTING IT INTO TITLE 43; TO AMEND CHAPTER 20 TO ELIMINATE THE COMMISSION AS THE GOVERNING BODY OF THE DEPARTMENT; TO REENACT THE ESTABLISHMENT OF THE DEPARTMENT AND ITS POWERS AND DUTIES; TO PROVIDE THAT THE DEPARTMENT'S ADMINISTRATIVE HEAD IS A DIRECTOR APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE; TO TRANSFER THE POWERS AND DUTIES VESTED IN THE COMMISSION TO THE DIRECTOR; TO TRANSFER FROM THE COMMISSION OF THE DEPARTMENT THE AUTHORITY TO PROMULGATE REGULATIONS; TO MAKE CONFORMING CHANGES; AND TO DEFINE NECESSARY TERMS; AND BY REPEALING CHAPTER 20, TITLE 44.

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The Senate proceeded to the consideration of the Bill.

The Committee on Family and Veterans' Services proposed the following amendment (SR-602.JG0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 1-30-35(B) and inserting:

(B) The Department of Disabilities and Special Needs is headed by a director who is appointed by and serves at the pleasure of the Governor.

Amend the bill further, SECTION 2, by striking Section 43-20-20(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), and (18) and inserting:

(2) "Autism spectrum disorder" means the disorder defined as such in the most current edition of the American Psychiatric Association's Diagnostic and Statistical Manual or Mental Disorders.

(3) "Client" is a person who is determined by the Department of Disabilities and Special Needs to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury and is receiving services or is an infant at risk of having a developmental disability and is receiving services.

(4) "County disabilities and special needs boards" means the local public body administering, planning, coordinating, or providing services within a county or combination of counties for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and recognized by the department.

(5) "Day programs" are programs provided to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries outside of their residences affording development, training, employment, or recreational opportunities as prescribed by the Department of Disabilities and Special Needs.

(6) "Department" means the South Carolina Department of Disabilities and Special Needs.

(7) "Director" means the administrative head of Department of Disabilities and Special Needs.

(8) "Disabilities and special needs services" are activities designed to achieve the results specified in an individual client's plan.

(9) "High risk infant" means a child less than thirty-six months of age whose genetic, medical, or environmental history is predictive of a substantially greater risk for a developmental disability than that for the general population.

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(10) "Least restrictive environment" means the surrounding circumstances that provide as little intrusion and disruption from the normal pattern of living as possible.

(11) "Improvements" means the construction, reconstruction of buildings, and other permanent improvements for regional centers and other programs provided by the department directly or through contract with county boards of disabilities and special needs, including equipment and the cost of acquiring and improving lands for equipment.

(12) "Intellectual disability" means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

(13) "Obligations" means the obligations in the form of notes or bonds or contractual agreements issued or entered into by the department pursuant to the authorization of this chapter and of Act 1377 of 1968 to provide funds with which to repay the proceeds of capital improvement bonds allocated by the State Fiscal Accountability Authority.

(14) "Regional residential center" is a twenty-four-hour residential facility serving a multicounty area and designated by the department.

(15) "Related disability" is a severe, chronic condition found to be closely related to intellectual disability or to require treatment similar to that required for persons with intellectual disability and must meet the following conditions:

(a) It is attributable to cerebral palsy, epilepsy, autism, or any other condition other than mental illness found to be closely related to intellectual disability because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with intellectual disability and requires treatment or services similar to those required for these persons.

(b) It is manifested before twenty-two years of age.

(c) It is likely to continue indefinitely.

(d) It results in substantial functional limitations in three or more of the following areas of major life activity: self-care, understanding and use of language, learning, mobility, self-direction, and capacity for independent living.

(16) "Residential programs" are services providing dwelling places to clients for an extended period of time with assistance for activities of daily living ranging from constant to intermittent supervision as required by the individual client's needs.

(17) "Revenues" or "its revenues" means revenue derived from paying clients at regional residential centers and community residences but does

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not include Medicaid, Medicare, or other federal funds received with the stipulation that they be used to provide services to clients.

(18) "State capital improvement bonds" means bonds issued pursuant to Act 1377 of 1968.

(19) "Department of Administration" shall mean the State Department of Administration as constituted pursuant to Chapter 11, Title 1.

Amend the bill further, SECTION 2, by striking Section 43-20-30 and inserting:

Section 43-20-30. (A) The department is a member of the Governor's executive cabinet. The department's administrative head is a director who is to be appointed by the Governor with the advice and consent of the Senate. The director is subject to removal from office by the Governor pursuant to Section 1-3-240(B).

(B) To qualify for appointment, the director must have an advanced degree; experience with the disabilities and special needs population, including working with parents, consumers, and advocacy groups; and experience in senior leadership or leading a large agency.

Amend the bill further, SECTION 2, by striking Section 43-20-40(B) and inserting:

(B) The director, and his designees, shall educate the public and state and local officials as to the need for the funding, development, and coordination of services for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries and shall promote the best interest of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries.

Amend the bill further, SECTION 2, by striking Sections 43-20-50 and 43-20-60 and inserting:

Section 43-20-50. The department is authorized to promulgate regulations to carry out the provisions of this chapter and other laws related to intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries. In promulgating these regulations, the department must consult with the advisory committee of the division for which the regulations shall apply, if the director has established an advisory committee for the division in question.

Section 43-20-60. The department shall coordinate services and programs with other state and local agencies for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries. The department may negotiate and contract with local agencies, county boards of disabilities and special needs, private organizations, and foundations in order to implement the planning and

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development of a full range of services and programs for persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries subject to law and the availability of fiscal resources. The department has the same right to be reimbursed for expenses in providing disabilities and special needs services through a contractual arrangement as it has to be reimbursed for expenses provided through direct departmental services. The department shall develop service standards for programs of the department and for programs for which the department may contract and shall review and evaluate these programs on a periodic basis.

Amend the bill further, SECTION 2, by striking Sections 43-20-80, 43-20-90, and 43-20-100 and inserting:

Section 43-20-80. The department, with funds available for these purposes, may conduct research to determine the causes, proper treatment, and diagnosis of intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries and may use facilities and personnel under its control and management for carrying out the research so long as the rights of the client are preserved and prior consent is obtained pursuant to Section 44-26-180.

Section 43-20-90. The department is designated as the state's intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries authority for the purpose of administering federal funds allocated to South Carolina for intellectual disability programs, related disability programs, head injury programs, and spinal cord injury programs. This authority does not include the functions and responsibilities granted to the South Carolina Department of Health and Environmental Control or to the South Carolina Department of Vocational Rehabilitation or the administration of the "State Hospital Construction and Franchising Act".

Section 43-20-100. The department may negotiate and contract with an agency of the United States or a state or private agency to obtain grants to assist in the expansion and improvement of services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and may expend the grants under the terms and conditions of the award.

Amend the bill further, SECTION 2, by striking Section 43-20-140 and inserting:

Section 43-20-140. The department or any of its programs may accept gifts, bequests, devises, grants, and donations of money, real property, and personal property for use in expanding and improving services to persons with intellectual disability, related disabilities, autism

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spectrum disorder, head injuries, and spinal cord injuries available to the people of this State. However, nothing may be accepted by the department with the understanding that it diminishes an obligation for paying care and maintenance charges or other monies due the department for services rendered. The director may formulate policies and promulgate regulations governing the disposition of gifts, bequests, devises, grants, and donations. If they are given to a specific service program of the department, then they must remain and be used for that program only or to its successor program.

Amend the bill further, SECTION 2, by striking Section 43-20-170(A) and inserting:

(A) Reasonable reimbursement to the State for its fiscal outlay on behalf of services rendered by the department or any other agency authorized by the department to offer services to clients is a just obligation of the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury, his estate, or his parent or guardian under the conditions and terms provided in this section.

Amend the bill further, SECTION 2, by striking Section 43-20-210(A)(6) and inserting:

(6) take other action not inconsistent with the law to promote a high quality of services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and their families.

Amend the bill further, SECTION 2, by striking Section 43-20-220 and inserting:

Section 43-20-220. (A) County boards of disabilities and special needs operating within a county or within a combination of counties by ordinance of the governing bodies of the counties concerned shall continue to operate as provided in the ordinances establishing the county boards.

(B) The department shall recognize only county boards of disabilities and special needs that plan, administer, or provide services to persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries within a county or combination of counties which are created or established pursuant to this section, including those whose members are appointed by the Governor. A county board of disabilities and special needs created by ordinance before January 1, 1991, is considered created pursuant to this section, provided the ordinance includes and complies with the provisions of subsection (A).

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(C) A county board of disabilities and special needs is a public entity.

(D) In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.

(E) In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996.

Amend the bill further, SECTION 2, by striking Sections 43-20-230 and 43-20-240 and inserting:

Section 43-20-230. A county board of disabilities and special needs must consist of not less than five members. If the board is created within a combination of counties, the number of members representing each county must be proportional to the county's population in relation to the total population of the counties served by the board. However, a county participating in a multicounty board must not have less than two members. The term of the members is four years and until their successors are appointed and qualify. Vacancies for unexpired terms must be filled in the same manner as the original appointments. A member may be removed by the appointing authority for neglect of duty, misconduct, or malfeasance in office after being given a written statement of reasons and an opportunity to be heard.

Section 43-20-240. (A) County disabilities and special needs boards are encouraged to utilize lawful sources of funding to further the development of appropriate community services to meet the needs of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries and their families.

(B) County boards may apply to the department for funds for community services development under the terms and conditions as may be prescribed by the department. The department shall review the applications and, subject to state appropriations to the department or to other funds under the department's control, may fund the programs it considers in the best interest of service delivery to the citizens of the State with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries.

(C) Subject to the approval of the department, county boards may seek state or federal funds administered by state agencies other than the department, funds from local governments or from private sources, or funds available from agencies of the federal government. The county boards may not apply directly to the General Assembly for funding or receive funds directly from the General Assembly.

Amend the bill further, SECTION 2, by striking Section 43-20-250(A) and (B) and inserting:

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(A) Subject to the provisions of this chapter and the regulations of the department each county disabilities and special needs board:

(1) is the administrative, planning, coordinating, and service delivery body for county disabilities and special needs services funded in whole or in part by state appropriations to the department or funded from other sources under the department's control. It is a body corporate in deed and in law with all the powers incident to corporation including the power to incur debt insofar as that debt is payable from contract, grant, or other revenues and is not the debt of the State or its other political subdivisions. A county board may purchase and hold real and mortgage property and erect and maintain buildings. The department shall approve all debt of a county board to be paid in whole or in part from contract, grant, or other revenues provided by the State. However, the department has no responsibility for the debt so approved;

(2) shall submit an annual plan and projected budget to the department for approval and consideration of funding;

(3) shall review and evaluate on at least an annual basis the county disabilities and special needs services provided pursuant to this chapter and report its findings and recommendations to the department;

(4) shall promote and accept local financial support for the county program from private and other lawful sources and promote public support from municipal and county sources;

(5) shall employ personnel and expend its budget for the direct delivery of services or contract with those service vendors necessary to carry out the county intellectual disability, related disabilities, autism spectrum disorder, head injuries, and spinal cord injuries services program who meet specifications prescribed by the department;

(6) shall plan, arrange, implement, and monitor working agreements with other human service agencies, public and private, and with other educational and judicial agencies;

(7) shall provide the department records, reports, and access to its sponsored services and facilities the department may require and submit its sponsored services and facilities to licensing requirements of the department or to the licensing requirements of other state or local agencies having this legal authority;

(8) shall represent the best interest of persons with intellectual disability, related disabilities, autism spectrum disorder, head injuries, or spinal cord injuries to the public, public officials, and other public or private organizations.

Amend the bill further, SECTION 2, by striking Sections 43-20-260, 43-20-270, 43-20-280, 43-20-290, 43-20-300, 43-20-310, 43-20-320, 43-

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20-330, 43-20-340, 43-20-350, 43-20-360, 43-20-370, 43-20-380, and 43-20-390 and inserting:

Section 43-20-260. (A) In order to provide assistance to families and individuals the department shall provide an initial intake and assessment service to a person believed to be in need of services and who makes application for them. An assessment must be provided through diagnostic centers approved by the department. If upon completion of the assessment, the applicant is determined to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury and be in need of services, he may become a client of the department and eligible for services. A service plan must be designated for each person assessed. A person determined to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury and who chooses to become a client of the department, must be provided with the delivery or coordination of services by the department. A person determined not to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may be provided by the department with referral and assistance in obtaining appropriate services or further evaluation.

(B) Service plans must recommend the services to assist the individual in developing to the fullest potential in the least restrictive environment available. The department shall determine the "least restrictive environment" and may contract with individuals or organizations for a reasonable sum as determined by the department to provide the services. The department shall review service plans of its clients at least periodically according to standards prescribing the frequency to ensure that appropriate services are being provided in the least restrictive environment available. The parents, the legal guardian, the client, and other appropriate parties must be included in the review. The department shall develop standards prescribing the service plan review.

(C) No individual believed to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may be admitted to the services of the department until he has been examined at a diagnostic center of the department or a diagnostic center approved by the department and certified by the department on the basis of acceptable data to have intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury or unless he is an infant at risk of a developmental disability and in need of the department's services.

(D) The applicant shall meet residency requirements in at least one of the following categories:

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(1) The applicant or his spouse, parent, with or without legal custody, or legal guardian is domiciled in South Carolina.

(2) The applicant or his spouse, parent, with or without legal custody, or legal guardian lives outside South Carolina but retains legal residency in this State and demonstrates to the department's satisfaction his intent to return to South Carolina.

(3) The applicant or his spouse or parent, with or without legal custody, or legal guardian is a legal resident of a state which is an active member of the Interstate Compact on Mental Health and qualifies for services under it.

Section 43-20-270. Upon the written request of the person, the person's parents, parent with legal custody, or lawful custodian or legal guardian and subject to the availability of suitable accommodations and services, a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may be admitted to the services of the department for evaluation and diagnosis and shall remain in the residential services of the department for that period required to complete the diagnostic study. However, this period may not exceed thirty days except upon approval of the director or his designee. Individuals admitted under the provisions of this section are subject to the same regulations and departmental policies as regular admissions. The department may prescribe the form of the written application for diagnostic services.

Section 43-20-280. A person who is determined to be eligible for services is subject to the following considerations regarding his order of admission to services and programs:

(1) relative need of the person for special training, supervision, treatment, or care; and

(2) availability of services suitable to the needs of the applicant.

Section 43-20-290. The director or his designee may designate the service or program in which a client is placed. The appropriate services and programs must be determined by the evaluation and assessment of the needs, interests, and goals of the client.

Section 43-20-300. The director or his designee has the final authority over applicant eligibility, determination, or services and admission order, subject to policies adopted by the director.

Section 43-20-310. Subject to the availability of suitable services and programs and subject to the provisions of "Requirement for Admission to Services", "Order in which Person May be Admitted", and "Final Authority over Eligibility", the director or his designee may admit a client to the services of the department upon the written request of the

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parents of the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury, a parent with legal custody, spouse, lawful custodian or legal guardian, or the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury seeking to be admitted to the department's services if the person is twenty one years of age or over and competent to make the decision. The department shall prescribe the form of the application for services.

Amend the bill further, SECTION 2, by striking Section 43-20-400(B), (C), (D), (E), (F), (G), and (H) and inserting:

(B) Upon filing of the petition, the judge shall set a date for a hearing on it and ensure that the client has an attorney who represents him. The parents, parent with legal custody, spouse, guardian, or nearest known relative of the person alleged to have intellectual disability or a related disability and in whose behalf the petition has been made and in the discretion of the court, the individual alleged to have intellectual disability or a related disability and the department must be served by the court with a written notice of the time and place of the hearing, together with a written statement of the matters stated in the petition. If no parent, spouse, legal guardian, or known relative of the person alleged to have intellectual disability, a related disability, or autism spectrum disorder is found, the court shall appoint a guardian ad litem to represent the person alleged to have intellectual disability, a related disability, or autism spectrum disorder and the notice must be served upon the guardian. If the parent, spouse, guardian, or known relative of the person alleged to have intellectual disability or a related disability is found, he must be notified of the right to an attorney at the hearing.

(C) The hearing on the petition may be in the courthouse or at the place of residence of the person alleged to have intellectual disability or a related disability or at another place considered appropriate by the court. The person alleged to have intellectual disability, a related disability, or autism spectrum disorder does not need to be present if the court determines that the hearing would be injurious or detrimental to the person alleged to have intellectual disability or a related disability or if the person's mental or physical condition prevents his participation in the hearing. However, his attorney must be present.

(D) A report of the person in charge of the examination of the person alleged to have intellectual disability, a related disability, or autism spectrum disorder at the diagnostic center referred to in "Requirement for Admission" must be submitted to the court at the hearing. The court

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may not render judgment in the hearing unless this report is available and introduced.

(E) If the court determines that the evidence presented by the examiners at the diagnostic center, along with other evidence presented to the court, is to the effect that the person does not in fact have intellectual disability, a related disability, or autism spectrum disorder to an extent which would require commitment, it shall terminate the proceeding and dismiss the petition.

(F) If the person is found by the court to have intellectual disability, a related disability, or autism spectrum disorder and be in need of placement in a facility or service program of the department, the court shall order that he be admitted to the jurisdiction of the department as soon as necessary services are available and include in the order a summary of the evidence presented and order of the court.

(G) The department shall inform the court as soon after the date of the order as practical that suitable accommodations and services are available to meet the needs of the person with intellectual disability, a related disability, or autism spectrum disorder. Upon notification, the court shall direct the petitioner in these proceedings to transport the person with intellectual disability, a related disability, or autism spectrum disorder to a program the department designates.

(H) A party to these proceedings may appeal from the order of the court to the court of common pleas, and a trial de novo with a jury must be held in the same manner as in civil actions unless the petitioner through his attorney waives his right to a jury trial. Pending a final determination of the appeal, the person with intellectual disability, a related disability, or autism spectrum disorder must be placed in protective custody in either a facility of the department or in some other suitable place designated by the court. No person with intellectual disability, a related disability, or autism spectrum disorder must be confined in jail unless there is a criminal charge pending against him.

Amend the bill further, SECTION 2, by striking Section 43-20-410(A) and (B) and inserting:

(A) A person admitted or committed to the services of the department remains a client and is eligible for services until discharged. When the department determines that a client admitted to services is no longer in need of them, the director or his designee may discharge him. When the only basis of the department's provision of services to a client is that he is a person with intellectual disability, a related disability, or autism spectrum disorder and it is determined that he is no longer in that condition, the director or his designee shall discharge him as soon as

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practical. A client of the department who is receiving residential services may be released to his spouse, parent, guardian, or relative or another suitable person for a time and under conditions the director or his designee may prescribe.

(B) When a client voluntarily admitted requests discharge or the person upon whose application the client was admitted to the department's services requests discharge in writing, the client may be detained by the department for no more than ninety-six hours. However, if the condition of the person is considered by the director or his designee to be such that he cannot be discharged with safety to himself or with safety to the general public, the director or his designee may postpone the requested discharge for not more than fifteen days and cause to be filed an application for judicial admission. For the purpose of this section, the Probate Court or Family Court of the county in which the facility where the person with intellectual disability, a related disability, or autism spectrum disorder resides is located is the venue for judicial admission. Pending a final determination on the application, the court shall order the person with intellectual disability, a related disability, or autism spectrum disorder placed in protective custody in either a facility of the department or in some other suitable place designated by the court. Amend the bill further, SECTION 2, by striking Section 43-20-420(A), (B), (C), and (D) and inserting:

(A) The department may return a nonresident person with intellectual disability, a related disability, or autism spectrum disorder admitted to a service or program in this State to the proper agency of the state of his residence.

(B) The department is authorized to enter into reciprocal agreements with the proper agencies of other states to facilitate the return to the state of their residence persons admitted or committed to services for persons with intellectual disability, a related disability, or autism spectrum disorder in this State or other states.

(C) The department may detain a person with intellectual disability, a related disability, or autism spectrum disorder returned to this State from the state of his commitment for not more than ninety-six hours pending order of the court in commitment proceedings in this State.

(D) The expense of returning persons with intellectual disability or a related disability to other states must be paid by this State, and the expense of returning residents of this State with intellectual disability, a related disability, or autism spectrum disorder must be paid by the state making the return when interstate agreements to that effect have been negotiated.

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Amend the bill further, SECTION 2, by striking Section 43-20-440(A) and inserting:

(A) When the department determines that a client may benefit from being placed in an employment situation, the department shall regulate the terms and conditions of employment, shall supervise persons with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury so employed, and may assist the client in the management of monies earned through employment to the end that the best interests of the client are served.

Amend the bill further, SECTION 2, by striking Section 43-20-460 and inserting:

Section 43-20-460. Placement of a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury in a program of the department does not preclude his attendance in community based public school classes when the individual qualifies for the classes.

Amend the bill further, SECTION 3, by striking Section 43-20-470 and inserting:

Section 43-20-470. No day program in part or in full for the care, training, or treatment of a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury may deliver services unless a license first is obtained from the department. For the purpose of this article, "in part" means a program operating for ten hours a week or more. Educational and training services offered under the sponsorship and direction of school districts and other state agencies are not required to be licensed under this article.

Amend the bill further, SECTION 3, by striking Section 43-20-500 and inserting:

Section 43-20-500. No day program may accept a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury for services other than those for which it is licensed. No program may serve more than the number of clients as provided on the license. An applicant for a license shall file an application with the department in a form and under conditions the department may prescribe. The license must be issued for up to three years unless sooner suspended, revoked, or surrendered. The license is not transferable and must not be assigned.

Amend the bill further, SECTION 3, by striking Section 43-20-540(B) and inserting:

(B) If an existing program has conditions or practices which, in the department's judgment, provide an immediate threat to the safety and

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welfare of the person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury served, the department may immediately suspend or revoke the license of the program. Notification of the program board or operator by certified mail of the license suspension or revocation also must include the reasons or conditions. A person operating a program which has had its license suspended or revoked must be punished as provided in "Injunctions; Penalties".

Amend the bill further, SECTION 3, by striking Section 43-20-570(A) and inserting:

(A) The department, in accordance with the laws of the State governing injunctions and other processes, may maintain an action in the name of the State against a person for establishing, conducting, managing, or operating a day program for the care, training, and treatment of a person with intellectual disability, a related disability, autism spectrum disorder, head injury, or spinal cord injury without obtaining a license as provided in this article. In charging a defendant in a complaint in the action, it is sufficient to charge that the defendant, upon a certain day and in a certain county, provided day program services without a license, without averring more particular facts concerning the charge.

Amend the bill further, by striking SECTION 6 and inserting:
SECTION 6. This act takes effect upon approval by the Governor
Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

The amendment was adopted.

The question then being second reading of the Bill, as amended.

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

Ayes 43; Nays 0

AYES

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Gustafson

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Harpootlian	Hembree	Hutto
Jackson	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Loftis
Malloy	Martin	Massey
Matthews	McElveen	McLeod
Peeler	Rankin	Reichenbach
Rice	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

Total--43

NAYS

Total—0

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

READ THE SECOND TIME

S. 612 -- Senators Shealy and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF THE SOUTH CAROLINA CHILDREN'S CODE, SO AS TO PROVIDE CHILD WELFARE SERVICE PRINCIPLES; AND BY AMENDING SECTION 63-7-920, RELATING TO INVESTIGATIONS AND CASE DETERMINATION, SO AS TO PROVIDE GUIDELINES FOR INVESTIGATION AND REPORTING IN THE CASE OF A REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT.

The Senate proceeded to the consideration of the Bill.

Senator McELVEEN explained the Bill.

The question then being second reading of the Bill.

Motion Adopted

Senator CLIMER asked unanimous consent to make a motion to give the Bill a second reading, carry over all amendments and waive the provisions of Rule 26B in order to allow amendments to be considered on third reading.

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There was no objection.

The Bill was read the second time, passed and ordered to a third reading.

ADOPTED

S. 648 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF NATURAL RESOURCES NAME THE HERITAGE PRESERVE ON CAPERS ISLAND THE "GEORGE E. CAMPSSEN, JR. CAPERS ISLAND HERITAGE PRESERVE" AND ERECT MARKERS OR SIGNS AT THIS LOCATION CONTAINING THIS DESIGNATION.

The Resolution was adopted, ordered sent to the House.

Recorded Vote

Senator CAMPSSEN desired to be recorded as abstaining from voting on the S. 648.

ADOPTED

S. 659 -- Senators Matthews, Senn, Cromer, Hutto, Campsen, Adams, Alexander, Allen, Bennett, Cash, Climer, Corbin, Davis, Fanning, Gambrell, Garrett, Goldfinch, Grooms, Gustafson, Harpootlian, Hembree, Jackson, K. Johnson, M. Johnson, Kimbrell, Kimpson, Loftis, Malloy, Martin, Massey, McElveen, McLeod, Peeler, Rankin, Reichenbach, Rice, Sabb, Scott, Setzler, Shealy, Stephens, Talley, Turner, Verdin, Williams and Young: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE LOCATED AT U.S. 17 OVER THE ASHEPOO RIVER IN COLLETON COUNTY "COUNCILMAN W. GENE WHETSELL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

The Senate proceeded to the consideration of the Resolution.

Senator MATTHEWS spoke on the Resolution.

The Resolution was adopted, ordered sent to the House.

ADOPTED

H. 3816 -- Rep. Leber: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME

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THE BRIDGE THAT CROSSES RUSSELL CREEK ALONG SOUTH CAROLINA HIGHWAY 174 IN CHARLESTON COUNTY “DAVID L. LYBRAND MEMORIAL BRIDGE” AND ERECT APPROPRIATE MARKERS OR SIGNS CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.

MADE SPECIAL ORDER

S. 298 -- Senators Bennett, Turner, Kimbrell and Campsen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-2320, RELATING TO ALTERNATE METHODS FOR THE ALLOCATION AND APPORTIONMENT OF INCOME FOR STATE INCOME TAX PURPOSES, SO AS TO SET FORTH A PROCESS FOR THE DEPARTMENT OF REVENUE AND TAXPAYERS TO ACCURATELY DETERMINE NET INCOME.

Senator MASSEY moved that the Bill be made a Special Order.

The Bill was made a Special Order.

MOTION ADOPTED

At 3:41 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

Motion Adopted

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

MOTION ADOPTED

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Glenn Carter Clayton of Lexington, S.C. Glenn was retired after thirty-six years of service with Delta Airlines. He was an avid Gamecock fan and served on the Lexington County Gamecock Club Board. He was a member of Lexington Baptist Church. Glenn was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

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MOTION ADOPTED

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Commander Sergeant Major Carlos Evans, Aayden Holiday Slacks, Aason Holiday Slacks and Ava Holiday of Sumter, S.C. These four will be missed by their entire community and forever loved and remembered.

ADJOURNMENT

At 3:48 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 1:00 P.M.

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