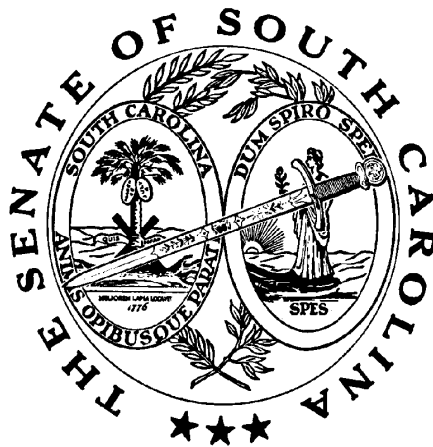


NO. 46

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

WEDNESDAY, MARCH 29, 2023

Wednesday, March 29, 2023
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., 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:

Deuteronomy 34:10

The Book Of Deuteronomy concludes with these words about Moses: "Never since has there arisen a prophet in Israel like Moses, whom the Lord knew face to face."

Let us pray: How marvelous indeed has been Your own faithfulness to those who have served You, O Lord. A clear example has to be the very manner by which You led and guided and blessed Moses during all of the many challenges he faced as he tried valiantly to serve You. And You have made it so very clear that Your promises to us are just as bold and unfailing, if we will also do our very best to trust in and to serve You. To that end, most merciful God, we ask that You will continue to be with each and every Senator and staff member as they labor diligently here in this place. May each one of them -- as was Moses -- be ever remembered for the good that they do. In Your loving name we pray, 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	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Harpootlian	<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>
Kimbrell	Kimpson	Martin
Massey	Matthews	McElveen
Peeler	Reichenbach	Rice

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Scott	Setzler	Shealy
Stephens	Turner	Williams
Young		

A quorum being present, the Senate resumed.

Doctor of the Day

Senator CAMPSEN introduced Dr. Savannah Hurt of Charleston, S.C., Doctor of the Day.

Leave of Absence

On motion of Senator GOLDFINCH, at 2:16 P.M., Senator VERDIN was granted a leave of absence until 2:45 P.M.

Leave of Absence

On motion of Senator HEMBREE, at 2:18 P.M., Senator GUSTAFSON was granted a leave of absence for today.

Leave of Absence

On motion of Senator McLEOD, at 2:18 P.M., Senator SENN was granted a leave of absence for Wednesday, March 29, 2023, and Thursday, March 30, 2023.

Leave of Absence

On motion of Senator TURNER, at 2:18 P.M., Senator TALLEY was granted a leave of absence for today.

Leave of Absence

On motion of Senator McELVEEN, at 3:00 P.M., Senator HARPOOTLIAN was granted a leave of absence for today.

Expression of Personal Interest

Senator K. JOHNSON rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator SETZLER rose for an Expression of Personal Interest.

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CO-SPONSORS ADDED

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

S. 108 Sens. Young, Fanning, Reichenbach, Peeler, Alexander, Cash,
Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin,
Campsen and Adams
S. 239 Sen. Reichenbach
S. 252 Sen. Malloy
S. 284 Sen. Campsen
S. 298 Sen. Adams
S. 521 Sen. Jackson
S. 527 Sens. Peeler and Corbin
S. 557 Sen. Campsen
S. 588 Sens. Gambrell and Shealy
S. 602 Sen. McElveen
S. 612 Sen. McElveen

RECALLED AND ADOPTED

H. 3902 -- Reps. Cobb-Hunter, Alexander, Anderson, Atkinson, Bailey, Ballentine, Bamberg, Bannister, Bauer, Beach, Bernstein, Blackwell, Bradley, Brewer, Brittain, Burns, Bustos, Calhoon, Carter, Caskey, Chapman, Chumley, Clyburn, 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, Howard, 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, Rutherford, 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 DECLARE APRIL 28, 2023, AS "WORKERS' MEMORIAL DAY" IN SOUTH CAROLINA IN TRIBUTE TO THE WORKING MEN AND WOMEN WHO HAVE LOST THEIR LIVES BECAUSE OF WORKPLACE INJURIES AND ILLNESSES.

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

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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 and ordered sent to the House.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 690 -- Senator Peeler: A SENATE RESOLUTION TO CONGRATULATE ROBERT J. "DUKE" SHORT, FORMER CHIEF OF STAFF TO THE HONORABLE J. STROM THURMOND, ON THE OCCASION OF HIS EIGHTY-NINTH BIRTHDAY AND TO WISH HIM MUCH HAPPINESS IN THE YEARS AHEAD.

sr-0354km-hw23.docx : 88fa2e67-59df-4957-879b-e6f95a1a604d

The Senate Resolution was adopted.

S. 691 -- Senators Scott and Stephens: A BILL TO PROHIBIT PASSENGER MOTOR VEHICLES MANUFACTURED AFTER JANUARY 1, 2035, FROM BEING SOLD IN THIS STATE UNLESS THE VEHICLE PRODUCES ZERO EMISSIONS.

lc-0203dg23.docx : 008f565e-6dcc-4f98-a24a-29d6d9cb11ca

Senator SCOTT spoke on the Bill.

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

S. 692 -- Senators Jackson, Shealy and Scott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 12-6-1172 SO AS TO EXEMPT THE RETIREMENT INCOME OF QUALIFYING RETIRED STATE EMPLOYEES; AND BY AMENDING SECTION 12-6-1170, RELATING TO THE RETIREMENT INCOME DEDUCTION, SO AS TO MAKE CONFORMING CHANGES.

lc-0148dg23.docx : 8ac8c8df-191d-4fa9-a624-f0978a11a179

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

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S. 693 -- Senators Campsen, Climer, Corbin, Kimbrell, Rice, Bennett, Grooms and Fanning: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2-19-10(A), RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, SO AS TO REQUIRE THE COMMISSION TO ONLY CONSIDER THE QUALIFICATIONS OF A PERSON RECOMMENDED BY THE GOVERNOR FOR JUDICIAL OFFICE; BY AMENDING SECTION 2-19-20, RELATING TO APPLICATIONS TO FILL JUDICIAL VACANCIES, SO AS TO REQUIRE APPLICATIONS BE FORWARDED TO THE GOVERNOR; BY AMENDING SECTION 2-19-40, RELATING TO THE EXEMPTION FROM HOLDING A PUBLIC HEARING FOR CERTAIN JUDICIAL CANDIDATES, SO AS TO REPEAL THE PROVISIONS OF THE SECTION; AND BY AMENDING SECTION 2-19-80, RELATING TO THE NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO REVISE THE NUMBER OF CANDIDATES THAT MAY BE SUBMITTED TO THE GENERAL ASSEMBLY.

sfgrf-0013bc23.docx : dcb341c2-f537-4525-9279-095963a11755

Senator CAMPSSEN spoke on the Bill.

Remarks to be Printed

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

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

S. 694 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-6-3460, RELATING TO DEFINITIONS FOR THE SOUTH CAROLINA INCOME TAX ACT, SO AS TO PROVIDE THAT THE MINIMUM LEVEL OF INVESTMENT FOR A QUALIFIED RECYCLING FACILITY MUST BE AT LEAST ONE HUNDRED MILLION DOLLARS AND TO PROVIDE THAT BATTERIES, SOLAR PANELS, TURBINES, AND RELATED STRUCTURES MAY BE DEFINED AS POSTCONSUMER WASTE MATERIAL; AND BY AMENDING SECTION 12-6-3360, RELATING TO JOB TAX CREDITS SO AS TO INCENTIVIZE ELIGIBLE BUSINESSES TO CONDUCT BUSINESS IN OR EXPAND TO THIS STATE FOR THE PURPOSE OF PRODUCTION OF VARIOUS TECHNOLOGIES.

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sr-0086jg23.docx : 65f61fb2-503f-468d-b64c-370d3d8efa24

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

S. 695 -- Senator McElveen: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE NEW BRIDGE OVER PINE TREE CREEK JUST SOUTH OF CAMDEN IN KERSHAW COUNTY "PINE TREE HILL BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

sr-0290km-hw23.docx : 3f932164-17f5-4cb2-a97b-883c5ef2a107

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

H. 4060 -- Reps. G. M. Smith, West, Ballentine, M. M. Smith, B. Newton, Davis, Hewitt, Sandifer, Kirby, Ott, Hager, Stavrinakis, Tedder, Murphy, Brewer, Mitchell, Erickson, Bradley, Bauer and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-1-485 SO AS TO ESTABLISH A STATEWIDE WORKFORCE READINESS GOAL; BY ADDING SECTION 59-29-245 SO AS TO PROVIDE REMEDIATION IN COURSES IN LITERACY AND MATHEMATICS TO HIGH SCHOOL SENIORS SEEKING POST-SECONDARY STUDIES BUT LACKING REQUISITE ACADEMIC PREPARATION, TO PROVIDE THIS COURSEWORK MAY BE USED TO MEET HIGH SCHOOL GRADUATION REQUIREMENTS, AND TO PROVIDE RELATED IMPLEMENTATION REQUIREMENTS OF THE STATE DEPARTMENT OF EDUCATION, STATE BOARD OF EDUCATION, AND THE STATE TECHNICAL COLLEGE SYSTEM; BY ADDING SECTION 59-39-105 SO AS TO PROVIDE HIGH SCHOOL SENIORS SHALL COMPLETE AND SUBMIT A FREE APPLICATION FOR FEDERAL STUDENT AID BEFORE GRADUATING FROM HIGH SCHOOL, TO PROVIDE EXEMPTIONS, TO PROVIDE RELATED REQUIREMENTS FOR THE IMPLEMENTATION OF THESE PROVISIONS, AND TO MAKE THESE PROVISIONS APPLICABLE BEGINNING WITH THE 2023-2024 SCHOOL YEAR; BY AMENDING SECTION 59-26-35, RELATING TO EDUCATOR PREPARATION PROGRAM EVALUATIONS AND THE SOUTH CAROLINA EDUCATOR PREPARATION REPORT CARD, SO AS TO TRANSFER PRIMARY RESPONSIBILITY FOR CONDUCTING THESE EVALUATIONS AND PRODUCING THIS REPORT CARD TO THE STATE

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DEPARTMENT OF EDUCATION; BY AMENDING SECTION 59-59-210, RELATING TO DUAL ENROLLMENT ARTICULATION AGREEMENTS, SO AS TO PROVIDE A UNIFORM SYSTEM OF DUAL ENROLLMENT COLLEGE COURSES OFFERED TO HIGH SCHOOL STUDENTS BY INSTITUTIONS OF HIGHER LEARNING IN THIS STATE, AND TO PROVIDE FOR THE DEVELOPMENT OF POLICIES FOR THE GUARANTEED TRANSFER OF COURSEWORK EARNED AT TECHNICAL COLLEGES IN THIS STATE TO PUBLIC INSTITUTIONS OF HIGHER LEARNING IN THIS STATE; BY ADDING SECTION 41-1-140 SO AS TO PROVIDE THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE SHALL MAINTAIN AND PROVIDE FREE ONLINE ACCESS TO INFORMATION REGARDING THE ECONOMIC VALUE OF COLLEGE MAJORS, AMONG OTHER THINGS; AND BY INCREASING THE PERCENTAGE OF WORKING-AGED ADULTS WITH POSTSECONDARY DEGREES OR INDUSTRY CREDENTIALS BY FACILITATING THE TRANSFER OF CERTAIN ADULT EDUCATION PROGRAMS TO THE STATE BOARD FOR TECHNICAL AND COMPREHENSIVE EDUCATION AND MAXIMIZING USE OF CAREER AND TECHNOLOGY CENTERS TO IMPROVE AND UPDATE CAREER AND TECHNICAL EDUCATION.

lc-0147wab23.docx : 7aff0846-49ce-41db-9e75-880610d2c18a

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

H. 4205 -- Reps. J. Moore, 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, Howard, 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, 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, Rutherford, Sandifer, Schuessler, Sessions, G. M. Smith, M. M. Smith, Stavrinakis, Taylor, Tedder, Thayer, Thigpen, Trantham, Vaughan, Weeks, West,

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Wetmore, Wheeler, White, Whitmire, Williams, Willis, Wooten and Yow: A CONCURRENT RESOLUTION TO EXPRESS THE SINCERE GRATITUDE OF THE SOUTH CAROLINA GENERAL ASSEMBLY TO THE STATE'S HOSPITALITY INDUSTRY, THE SOUTH CAROLINA RESTAURANT AND LODGING ASSOCIATION AND TO PARTICIPATING RESTAURANTS AND SPONSORS WHO GENEROUSLY OFFER UP THEIR TIME AND THE TASTIEST OF SOUTHERN CUISINE ON THE GROUNDS OF THE STATE HOUSE AT THE SOUTH CAROLINA RESTAURANT AND LODGING ASSOCIATION'S ANNUAL HOSPITALITY DAY.
lc-0273cm-rm23.docx : 2dde67ed-efa7-4747-b2b8-99dc3bdab6e2

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

H. 4208 -- Reps. Sessions, Felder, Guffey, King, Ligon, Moss, O'Neal and Pope: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR DR. EDWARD A. SERNA FOR HIS OUTSTANDING CAREER IN ACADEMIA, AND TO WELCOME HIM TO WINTHROP UNIVERSITY, AND TO CONGRATULATE HIM UPON HIS INAUGURATION AS ITS TWELFTH PRESIDENT.
lc-0204dg-gm23.docx : 9d41c64c-66cd-45e3-b49c-e651642c91c1

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

REPORTS OF STANDING COMMITTEES

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 95 -- Senators Campsen, Senn, Verdin, M. Johnson, Kimbrell, Gustafson, Young and Grooms: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, TO DELETE THE COMPTROLLER GENERAL FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE COMPTROLLER GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE COMPTROLLER GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION.

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Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 146 -- Senators Shealy and Goldfinch: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-48-30, RELATING TO DEFINITIONS, SO AS TO DEFINE A QUALIFIED EVALUATOR AND A RESIDENT, AS WELL AS TO CHANGE THE DEFINITION OF "LIKELY TO ENGAGE IN ACTS OF SEXUAL VIOLENCE" TO MEAN THAT A PERSON IS PREDISPOSED TO ENGAGE IN ACTS OF SEXUAL VIOLENCE AND MORE PROBABLY THAN NOT WILL ENGAGE IN SUCH ACTS; BY AMENDING SECTION 44-48-40, RELATING TO THE EFFECTIVE DATE OF PAROLE OR RELEASE, SO AS TO PROVIDE AN EFFECTIVE DATE FOR SUPERVISED REENTRY FOR A PERSON CONVICTED OF A SEXUALLY VIOLENT OFFENSE; BY AMENDING SECTION 44-48-50, RELATING TO THE MULTIDISCIPLINARY TEAM, APPOINTMENTS, THE REVIEW OF RECORDS, AND THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM, SO AS TO PROVIDE FOR AN ASSESSMENT OF WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON SATISFIES THE DEFINITION OF A SEXUALLY VIOLENT PREDATOR, TO PROVIDE REPORTING REQUIREMENTS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE MULTIDISCIPLINARY TEAM; BY AMENDING SECTION 44-48-80, RELATING TO TAKING A PERSON INTO CUSTODY, HEARINGS, AND EVALUATIONS, SO AS TO PROVIDE FOR AN EVALUATION BY A COURT-APPOINTED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, TO PROVIDE FOR AN INDEPENDENT EVALUATION BY AN INDEPENDENT QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD, AND TO PROVIDE FOR AN EXTENSION IN EXTRAORDINARY CIRCUMSTANCES; BY AMENDING SECTION 44-48-90, RELATING TO A TRIER OF FACT, THE CONTINUATION OF A TRIAL, THE ASSISTANCE OF COUNSEL, THE ACCESS OF EXAMINERS TO A PERSON, AND THE PAYMENT OF EXPENSES, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE THAT CERTAIN CASES SHALL BE GIVEN PRIORITY STATUS, AND TO PROVIDE FOR COUNSEL AND THE PAYMENT AND COSTS FOR AN INDEPENDENT QUALIFIED EVALUATOR FOR AN INDIGENT PERSON; BY

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AMENDING SECTION 44-48-100, RELATING TO PERSONS INCOMPETENT TO STAND TRIAL, SO AS TO PROVIDE THAT A COURT SHALL CONDUCT A NON-JURY HEARING FOR A PERSON CHARGED WITH A SEXUALLY VIOLENT OFFENSE WHO HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, WHO IS ABOUT TO BE RELEASED, AND WHOSE COMMITMENT IS SOUGHT; BY AMENDING SECTION 44-48-110, RELATING TO THE PERIODIC MENTAL EXAMINATION OF COMMITTED PERSONS, REPORTS, PETITIONS FOR RELEASE, HEARINGS, AND TRIALS TO CONSIDER RELEASE, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR AN EVALUATION BY A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR WITHIN A CERTAIN TIME PERIOD AND UNDER CERTAIN CONDITIONS, AND TO PROVIDE FOR PERIODIC REVIEW HEARINGS AND THE PRESENCE OF THE RESIDENT AND THE DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT HEARINGS; BY ADDING SECTION 44-48-115 SO AS TO PROVIDE THAT A RESIDENT SHALL HAVE THE RIGHT TO CHALLENGE COMMITMENT UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE CERTAIN CONDITIONS THEREOF; BY AMENDING SECTION 44-48-120, RELATING TO HEARING ORDERED BY COURT, EXAMINATION BY QUALIFIED EXPERT, AND THE BURDEN OF PROOF, SO AS TO MAKE CONFORMING CHANGES, TO PROVIDE FOR THE PRESENCE OF A DEPARTMENT OF MENTAL HEALTH-DESIGNATED QUALIFIED EVALUATOR AT A HEARING OR TRIAL, AND TO PROVIDE THAT A RESIDENT MAY SEEK ANOTHER EVALUATION AT HIS OWN EXPENSE; BY AMENDING SECTION 44-48-150, RELATING TO EVIDENTIARY RECORDS AND A COURT ORDER TO OPEN SEALED RECORDS, SO AS TO PROVIDE FOR THE RELEASE OF RECORDS TO THE ATTORNEY GENERAL AND COUNSEL OF RECORD; BY AMENDING SECTION 24-21-32, RELATING TO REENTRY SUPERVISION AND REVOCATION, SO AS TO PROVIDE THAT IF THE MULTIDISCIPLINARY TEAM FINDS PROBABLE CAUSE TO BELIEVE THAT AN INMATE IS A SEXUALLY VIOLENT PREDATOR, THEN THE INMATE IS NOT ELIGIBLE FOR THE SUPERVISED REENTRY PROGRAM; AND BY ADDING SECTION 44-48-180 SO AS TO ENSURE THAT CASES PURSUANT TO THIS

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CHAPTER SHALL BE GIVEN PRIORITY STATUS FOR THE PURPOSES OF SCHEDULING ANY HEARINGS OR TRIALS.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 514 -- Senators Hutto, Jackson, Sabb, Senn and Shealy: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 16-17-500, 16-17-501, 16-17-502, 16-17-503, 16-17-504, AND 16-17-506, RELATING TO THE PREVENTION OF YOUTH ACCESS TO TOBACCO AND OTHER NICOTINE PRODUCTS, SO AS TO CHANGE THE DEFINITION OF "TOBACCO PRODUCT" AND ADD DEFINITIONS FOR "TOBACCO RETAIL ESTABLISHMENT" AND "TOBACCO RETAILER"; TO PROHIBIT MINORS FROM ENTERING A TOBACCO RETAIL ESTABLISHMENT; TO CHANGE CERTAIN PENALTIES FOR TOBACCO RETAILER VIOLATIONS; TO REQUIRE TOBACCO RETAILERS TO SECURE AND DISPLAY A TOBACCO RETAIL SALES LICENSE FROM THE DEPARTMENT OF REVENUE AND TO ESTABLISH AN ASSOCIATED FEE AND A PENALTY FOR A VIOLATION; TO MAKE TECHNICAL CORRECTIONS; AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 59-1-380, RELATING TO THE MANDATORY PUBLIC SCHOOL TOBACCO-FREE CAMPUS POLICY, SO AS TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 566 -- Senators Bennett, K. Johnson, M. Johnson, Hutto, Adams, Kimpson, Fanning, Kimbrell, Climer, Cromer, McElveen, Talley and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CRAFT BEER ECONOMIC DEVELOPMENT ACT"; BY AMENDING SECTION 61-4-1515, RELATING TO THE SALE OF BEER BY BREWERIES, SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO SELL UP TO TWO THOUSAND BARRELS OF BEER EACH YEAR BREWED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES AT RETAIL, WHOLESALE, OR BOTH, AND DELIVER OR SHIP THE BEER TO LICENSED RETAILERS IN THIS STATE, TO DELETE THE CONDITION THAT SALES TO CONSUMERS

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MUST BE HELD IN CONJUNCTION WITH A TOUR, TO DELETE THE CONDITION THAT THE MAXIMUM AMOUNT OF BEER THAT MAY BE SOLD TO A CONSUMER FOR OFF-PREMISES CONSUMPTION SHALL BE EQUIVALENT TO TWO HUNDRED EIGHTY-EIGHT OUNCES, AND TO PROVIDE THAT A BREWERY IS ELIGIBLE FOR A SPECIAL PERMIT PURSUANT TO SECTION 61-4-550; AND BY ADDING SECTION 61-4-1550 SO AS TO PROVIDE THAT A BREWERY IS AUTHORIZED TO TRANSFER BEER PRODUCED ON ONE OR MORE OF THE BREWERY'S PERMITTED PREMISES TO OTHER FACILITIES WITHIN THIS STATE OWNED, LEASED, OR RENTED BY THE BREWERY WITHOUT BEING SUBJECT TO THE DISTRIBUTION AND WHOLESALE PROVISIONS OF TITLE 61 AND ANY TAXATION PROVISIONS OF THIS STATE, INCLUDING LOCAL GOVERNMENTS.

Ordered for consideration tomorrow.

Senator ALEXANDER from the Committee on Operations and Management polled out S. 689 favorable:

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

**Poll of the Operations and Management Committee
Polled 9; Ayes 9; Nays 0**

AYES

Alexander	Peeler	Rankin
Malloy	Massey	Shealy
Turner	Hutto	Setzler

Total—9

NAYS

Total--0

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Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 3014 -- Reps. Gilliard, Henegan, Ott, Collins, Carter, Murphy, Robbins, Brewer, Gatch, Kirby, Anderson, Rivers, Howard, King, McDaniel, Hosey, Clyburn, Cobb-Hunter, Bamberg, Williams, Bernstein, W. Newton, Herbkersman, Hyde, Brittain, Guest, Erickson, Bradley, Hager, Connell, Hewitt, Rutherford, Thigpen, B. Newton, McGinnis, Hardee, Hixon, Taylor, Sandifer, M.M. Smith, Wetmore, Bustos, Landing, Elliott, Pope, Felder, Stavrinakis, Rose, Neese, Davis, Wooten, Bannister, Wheeler, Bailey, Schuessler, Blackwell, W. Jones, Dillard, Bauer, Sessions, T. Moore, J.L. Johnson, Jefferson, B.J. Cox, Garvin, B.L. Cox, Tedder and Alexander: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "CLEMENTA C. PINCKNEY HATE CRIMES ACT"; BY ADDING ARTICLE 22 TO CHAPTER 3, TITLE 16 SO AS TO ENTITLE THE ARTICLE "PENALTY ENHANCEMENTS FOR CERTAIN CRIMES", TO PROVIDE ADDITIONAL PENALTIES FOR PERSONS WHO COMMIT CERTAIN DELINEATED CRIMES WHEN THE VICTIM WAS INTENTIONALLY SELECTED BASED ON CERTAIN FACTORS, AND TO PROVIDE VICTIMS OF A VIOLATION OF THE ARTICLE MAY BRING A CIVIL ACTION FOR DAMAGES SUSTAINED.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable report on:

H. 3209 -- Reps. Jordan, Murphy, Brewer, Williams, Henegan and Alexander: A JOINT RESOLUTION TO EXTEND CERTAIN GOVERNMENTAL APPROVALS AFFECTING ECONOMIC DEVELOPMENT WITHIN THE STATE.

Ordered for consideration tomorrow.

Senator RANKIN from the Committee on Judiciary submitted a favorable with amendment report on:

H. 3866 -- Rep. Rutherford: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-7-95 SO AS TO CLARIFY THAT, WHEN THE ATTORNEY GENERAL PROCEEDS IN THE PUBLIC INTEREST, THE ATTORNEY GENERAL DOES NOT UNDERTAKE REPRESENTATION OF

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STATE AGENCIES AND CANNOT BE CONSIDERED TO HAVE POSSESSION, CUSTODY, OR CONTROL OVER STATE AGENCY DOCUMENTS OR ELECTRONICALLY STORED INFORMATION; AND BY ADDING SECTION 39-5-55 SO AS TO SPECIFY THAT THE ATTORNEY GENERAL IS ACTING IN THE PUBLIC INTEREST OF THE STATE IN UNFAIR TRADE PRACTICE PROCEEDINGS, AND TO PROVIDE AN EXCEPTION.

Ordered for consideration tomorrow.

Appointment Reported

Senator CLIMER from the Committee on Agriculture and Natural Resources submitted a favorable report on:

Statewide Appointment

Initial Appointment, South Carolina State Board of Veterinary Medical Examiners, with the term to commence April 6, 2021, and to expire April 6, 2027

7th Congressional District:

Todd Christopher Brown, 5010 Big Bear Court, Myrtle Beach, SC 29579-5183 *VICE* Bethany M. Tapp

Received as information.

Message from the House

Columbia, S.C., March 28, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

S. 411 -- Senator Cromer: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE ON COLLEGE STREET IN THE CITY OF NEWBERRY IN NEWBERRY COUNTY "REPRESENTATIVE WALTON J. MCLEOD BRIDGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

Very respectfully,

Speaker of the House

Received as information.

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Message from the House

Columbia, S.C., March 29, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3312 -- Reps. Haddon, Hixon, Forrest, Trantham, Chumley, Cobb-Hunter and Williams: A JOINT RESOLUTION TO CREATE THE "CHILD FOOD AND NUTRITION SERVICES STUDY COMMITTEE" TO DEVELOP RECOMMENDATIONS FOR TRANSFERRING ADMINISTRATION OF CERTAIN FEDERAL CHILD FOOD AND NUTRITION PROGRAMS IN THIS STATE TO THE DEPARTMENT OF AGRICULTURE, TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE, TO REQUIRE THE STUDY COMMITTEE PREPARE A REPORT WITH FINDINGS AND RECOMMENDATIONS FOR THE GENERAL ASSEMBLY, AND TO PROVIDE FOR THE DISSOLUTION OF THE STUDY COMMITTEE.

and has ordered the Joint Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., March 29, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has overridden the veto by the Governor on R.5, S. 478 by a vote of 105 to 0:

(R5, S478) -- Senator Gambrell: AN ACT TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BOARD OF DIRECTORS OF THE BROADWAY WATER AND SEWERAGE DISTRICT, SO AS TO REDUCE THE NUMBER OF MEMBERS OF THE BROADWA WATER AND SEWERAGE DISTRICT BOARD FROM NINE TO SEVEN.

Very respectfully,

Speaker of the House

Received as information.

WEDNESDAY, MARCH 29, 2023

Message from the House

Columbia, S.C., March 29, 2023

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3854 -- Rep. Clyburn: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERCHANGE IN AIKEN COUNTY LOCATED AT THE INTERSECTION OF INTERSTATE HIGHWAY 20 AND BETTIS ACADEMY ROAD "STATE REPRESENTATIVE IRENE KRUGMAN RUDNICK MEMORIAL INTERCHANGE" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

and has ordered the Concurrent Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

HOUSE CONCURRENCE

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.

Returned with concurrence.

Received as information.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed that when the Senate stands adjourned on Thursday, March 30, that it will adjourn to meet Friday, March 31, under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have

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previously received unanimous consent to be taken up; and, further, that when the Senate stands adjourned on Friday, March 31, the Senate would stand adjourned subject to the times and limitations set forth under the provisions of Rule 1B to meet on Tuesday, April 4, Wednesday, April 5, and Thursday, April 6, and Monday, April 10 under the provisions of Rule 1 for the purpose of taking up local matters and uncontested matters which have previously received unanimous consent to be taken up. The Senate would meet again in regular statewide session Tuesday, April 11, at 12:00 P.M.

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

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

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

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 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.

Recorded Vote

Senators PEELER and CORBIN desired to be recorded as voting against the third reading of the Bill.

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

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

S. 252 -- Senators M. Johnson, Adams, Kimbrell, Reichenbach, Senn, Garrett and Malloy: 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.

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

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, 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

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FEE TO BE PROMINENTLY DISPLAYED WITH THE ADVERTISED PRICE.

The Senate proceeded to the consideration of the Bill.

Senator HUTTO proposed the following amendment (LC-483.HA0013S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 37-2-307(E)(5) and inserting:

(d) for a fourth or subsequent violation in a twelve month period, the department may charge not more than a five thousand dollar administrative penalty, provided that cumulative administrative penalties shall not exceed one hundred thousand dollars in the twelve month period.

Amend the bill further, SECTION 1, by striking Section 37-2-307(F) and inserting:

(F)(1) It is the intent of the General Assembly to authorize a motor vehicle dealer to charge a closing fee in compliance with this section and to protect a motor vehicle dealer from civil liability for charging a closing fee if the fee is charged in compliance with this title and any Department of Consumer Affairs regulation or administrative interpretation. It is further the intent to protect consumers by the disclosure and notice provisions established in this section and with the remedies provided by this title.

(2) Nothing in this section is intended to prohibit the department from administering and enforcing other laws under the department's jurisdiction.

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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

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

Ayes 42; Nays 0

AYES

Adams
Bennett

Alexander
Campsen

Allen
Cash

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Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
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	Sabb	Scott
Setzler	Shealy	Stephens
Turner	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.

Motion Adopted

On motion of Senator MATTHEWS, with unanimous consent, Senator KIMPSON was granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

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

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

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 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;

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AND BY AMENDING SECTION 46-41-250, RELATING TO THE SOUTH CAROLINA GRAIN AND COTTON PRODUCERS GUARANTY FUND, SO AS TO INCLUDE COTTON.

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

S. 108 -- Senators Davis, Scott, Kimbrell, Climer, Senn, Young, Fanning, Reichenbach, Peeler, Alexander, Cash, Malloy, Garrett, Rice, Cromer, McElveen, Loftis, Stephens, Corbin, Campsen and Adams: 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.

Senators McELVEEN, GAMBRELL, DAVIS, HARPOOTLIAN, REICHENBACH, M. JOHNSON, ADAMS, K. JOHNSON, RICE, PEELER and GARRETT proposed the following amendment (SF-108.CH0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 9-1-1770(D)(1) and (2) and inserting:

(1) For the purposes of this subsection, the term ‘first responder’ means an emergency medical services provider or volunteer provider, a law enforcement officer or volunteer officer who meets the requirements of Section 23-23-10(E)(1) of the Code of Laws and who is certified by the South Carolina Law Enforcement Training Council , a fire department worker or volunteer worker, a coroner, or a deputy coroner directly

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engaged in examining, treating, or directing persons during an emergency.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member's employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member's willful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid to the member's designated beneficiary a one time, lump sum benefit payment of seventy five thousand dollars.

Amend the bill further, SECTION 1, Section 9-1-1770(D), by adding an item to read:

(6) Payments made pursuant to this subsection to a beneficiary of an emergency medical services provider volunteer, a law enforcement officer volunteer, or a fire department volunteer must be paid from the State Accident Fund with a verification and disbursement process identical to the manner in items (2)-(4).

(7) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

Amend the bill further, SECTION 2, by striking Section 9-11-120(E)(1) and (2) and inserting:

(1) For the purposes of this subsection, the term 'first responder' means an emergency medical services provider or volunteer provider, a law enforcement officer or volunteer officer who meets the requirements of Section 23-23-10(E)(1) of the Code of Laws and who is certified by the South Carolina Law Enforcement Training Council, a fire department worker or volunteer worker, a coroner, or a deputy coroner directly engaged in examining, treating, or directing persons during an emergency.

(2) Upon receipt by the system of the satisfactory proof of death of a member of the system whose employer participates in the Preretirement Death Benefit Program and whose death was a natural and proximate result of an injury by external accident or violence incurred while undergoing a hazard peculiar to the member's employment as a first responder while in the actual performance of his duty, provided that his death is not the result of the member's willful negligence, suicide, or intentionally self-inflicted bodily injury, there must be paid to the

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member's designated beneficiary a one time, lump sum benefit payment of seventy five thousand dollars.

Amend the bill further, SECTION 2, Section 9-11-120(E), by adding an item to read:

(6) Payments made pursuant to this subsection to a beneficiary of an emergency medical services provider volunteer, a law enforcement officer volunteer, or a fire department volunteer must be paid from the State Accident Fund with a verification and disbursement process identical to the manner in items (2)-(4).

(7) Any benefits paid pursuant to this subsection are not subject to subrogation, assignment, set-off, or lien claimed pursuant to Section 42-1-560.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

The amendment was adopted.

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

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

Ayes 41; Nays 0

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
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	Sabb	Setzler
Shealy	Stephens	Turner
Williams	Young	

Total--41

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NAYS

Total--0

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

AMENDMENT PROPOSED, CARRIED OVER

S. 284 -- Senators Davis, Turner, Jackson, Scott, Kimpson, Senn and Campsen: 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 BENNETT proposed the following amendment (SR-284.JG0005S), which was proposed:

Amend the bill, as and if amended, SECTION 1, by striking Section 6-1-530(A)(7) and inserting:

(7) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 2, by striking Section 6-1-730(A)(9) and inserting:

(9) development of workforce housing, which must include programs to promote home ownership.

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Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(b)(viii) and (ix) and inserting:

(viii) operating visitor information centers; or

(ix) development of workforce housing, which must include programs to promote home ownership.

Amend the bill further, SECTION 3, by striking Section 6-4-10(4)(c)(ii) and inserting:

(ii) Notwithstanding the provisions of subsubitem (i), upon a two-thirds affirmative vote of the membership of the appropriate local governing body, a county or municipality may carry forward unexpended allocations to the special fund beyond two years provided that the county or municipality commits use of the funds exclusively to the control and repair of waterfront erosion, including beach renourishment or development of workforce housing, which must include programs to promote home ownership. The county or municipality annually shall notify the oversight committee, established pursuant to Section 6-4-35, of the basic activity of the committed funds, including beginning balance, deposits, expenditures, and ending balance.

Amend the bill further, SECTION 4, Section 6-4-15, by striking the first undesignated paragraph and inserting:

A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure obligations to finance all or a portion of the cost of constructing facilities for civic activities, the arts, ~~and cultural events, or workforce housing, which must include programs to promote home ownership~~ which fulfill the purpose of this chapter. The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received by a municipality or county from the accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

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

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

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

S. 557 -- Senators M. Johnson, Peeler, Kimbrell, Adams, Rice, Rankin, Reichenbach, Young, Loftis, Climer, Garrett, Alexander and Campsen: 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.

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.

The question then being third reading of the Bill.

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

Ayes 35; Nays 5

AYES

Adams	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Goldfinch	Grooms	Harpootlian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Massey
Matthews	McElveen	McLeod
Rankin	Reichenbach	Rice
Shealy	Stephens	Turner
Williams	Young	

Total--35

NAYS

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Alexander
Peeler

Malloy
Sabb

Martin

Total--5

The Bill was read the third time, passed and ordered sent to the House.

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

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

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, Hutto and McElveen: 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.

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

S. 612 -- Senators Shealy, Gustafson and McElveen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-7-10, RELATING TO THE PURPOSE OF

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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 MALLOY proposed the following amendment (SMIN-612.AA0002S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 63-7-10(C) and inserting:

(C) All child welfare intervention by the State has as its primary goal the welfare and safety of the child.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Senator Malloy proposed the following amendment (SMIN-612.AA0003S), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 63-7-920(A)(3) and inserting:

(3) The finding must be made no later than forty-five days from the receipt of the report.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

On motion of Senator MALLOY, the amendment was withdrawn.

Senator McELVEEN proposed the following amendment (SR-612.JG0004S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 63-7-10(C) and inserting:

(C) All child welfare intervention by the State has as its primary goal the welfare and safety of the child.

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(D) Beginning September 1, 2023, the department must provide to the General Assembly an annual report that enumerates each case accepted for investigation in which the department failed to comply with the timeframes established in this chapter, the amount of time beyond the timeframes established that the department required to complete the proceeding, and the good cause for the department's inability or failure to comply.

Renumber sections to conform.

Amend title to conform.

Senator SHEALY 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 40; Nays 1

AYES

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

Total--40

NAYS

Corbin

Total--1

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

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.

**COMMITTEE AMENDMENT ADOPTED
AMENDED, READ THE SECOND TIME**

S. 549 -- Senator Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO 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 DRIVER'S LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE

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CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD, SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO REQUIREMENT THAT UPON LOSS OF INSURANCE, INSURED OBTAIN NEW INSURANCE OR SURRENDER REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURER, SUSPENSION OF REGISTRATION AND PLATES, APPEAL OF SUSPENSION, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINE FOR LAPSE IN REQUIRED MOTOR VEHICLE INSURANCE 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 TITLE 56, CHAPTER 10, ARTICLE 5, 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

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STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES; BY AMENDING SECTION 56-9-20, RELATING TO DEFINITIONS FOR THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, SO AS TO REVISE A REFERENCE IN THE DEFINITION OF “UNINSURED MOTOR VEHICLE”; BY AMENDING SECTION 56-3-210, RELATING TO TIME PERIOD FOR PROCURING MOTOR VEHICLE REGISTRATION AND LICENSE, TEMPORARY LICENSE PLATES, AND TRANSFER OF LICENSE PLATES, SO AS TO REVISE THE REQUIREMENT FOR A TEMPORARY LICENSE PLATE AND WHO MAY DISTRIBUTE TEMPORARY LICENSE PLATES; BY ADDING SECTION 56-3-211 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES AND FARM TRUCKS; BY ADDING SECTION 56-3-212 SO AS TO PROVIDE FOR THE ISSUANCE OF TEMPORARY LICENSE PLATES TO CERTAIN MOTOR VEHICLES; BY ADDING SECTION 56-3-213 SO AS TO PROVIDE THAT THE DEPARTMENT MAY ISSUE SPECIAL PERMITS TO OPERATE CERTAIN MOTOR VEHICLES; BY AMENDING SECTION 56-3-2340, RELATING TO LICENSED MOTOR VEHICLE DEALERS ISSUING FIRST TIME REGISTRATIONS AND LICENSE PLATES FROM DEALERSHIP; CERTIFICATION OF THIRD-PARTY PROVIDERS; AND FEES, SO AS TO REVISE THE ISSUANCE OF TEMPORARY MOTOR VEHICLE REGISTRATIONS AND LICENSE PLATES; BY ADDING SECTION 56-3-214 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL IMPLEMENT A QUALITY ASSURANCE PROGRAM TO ENSURE THE INTEGRITY OF THE ELECTRONIC REGISTRATION AND TITLING PROGRAM; BY AMENDING SECTION 8-21-15, RELATING TO NO FEE FOR PERFORMING DUTY, RESPONSIBILITY, OR FUNCTION OF AGENCY UNLESS AUTHORIZED BY STATUTE AND REGULATION, SO AS TO PROVIDE THAT AN AGENCY MAY COLLECT VENDOR FEES, CONVENIENCE FEES, TRANSACTION FEES, OR SIMILAR FEES WHEN RECEIVING PAYMENT BY CREDIT CARD; BY AMENDING SECTION 56-14-30, RELATING TO LICENSE FOR RECREATIONAL VEHICLE DEALER, EXHIBITION LICENSE, FEES, AND PENALTIES, SO AS TO REVISE THE PENALTIES FOR THE UNAUTHORIZED SALE OF RECREATIONAL VEHICLES; BY AMENDING SECTION 56-14-40, RELATING TO

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APPLICATIONS FOR RECREATIONAL VEHICLE DEALER LICENSES, BONDS, AND THE DUTY TO NOTIFY DEPARTMENT WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSE CEASES OPERATIONS, SO AS TO REVISE THE BOND AMOUNTS REQUIRED, TO PROVIDE FOR THE PAYMENT OF BACK TAXES OR FEES, AND TO PROVIDE FOR THE CONTINUANCE OF THE BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-14-50, RELATING TO REQUIREMENTS REGARDING A DEALER'S MAINTENANCE OF BONA FIDE PLACE OF BUSINESS AND PERMANENT SIGNS, SO AS TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO A LICENSEE'S BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-14-70, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF A DEALER LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; BY AMENDING SECTION 56-15-310, RELATING TO LICENSE REQUIRED, TERM OF LICENSE, FEES, SCOPE OF LICENSE, AND PENALTY FOR VIOLATION, SO AS TO INCREASE THE TIME PERIOD FOR A VALID LICENSE TO THIRTY-SIX MONTHS AND TO PROVIDE FOR A CURE PERIOD FOR CERTAIN COMPLAINTS FROM CONSUMERS; BY AMENDING SECTION 56-15-320, RELATING TO APPLICATION FOR LICENSES, BONDS, AND DUTIES UPON CHANGE OF CIRCUMSTANCES AND TERMINATION OF BUSINESS, SO AS TO PROVIDE THAT A NEW BOND MUST BE POSTED EVERY TWELVE MONTHS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-15-330, RELATING TO FACILITIES REQUIRED FOR ISSUANCE OF DEALER'S LICENSE, SO AS TO INCLUDE WHOLESALERS, AND TO PROVIDE FOR BUSINESS OPERATIONS ON PROPERTY ADJACENT TO OR WITHIN SIGHT OF HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-15-350, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, GROUNDS, AND PROCEDURE, SO AS TO REVISE THE GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE; BY ADDING SECTION 56-3-30 SO AS TO PROVIDE FOR CERTAIN ACTIONS THAT ONLY A LICENSED DEALER MAY UNDERTAKE; TO ESTABLISH THE

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MOTOR VEHICLE PERFORMANCE EVALUATION SYSTEM AND TO PROVIDE FOR THE EVALUATION PROCESS; BY AMENDING SECTION 56-16-140, RELATING TO LICENSE FOR MOTORCYCLE DEALER OR WHOLESALER, EXHIBITION LICENSE, FEES, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO PROVIDE THAT THE LICENSE LASTS FOR THIRTY-SIX MONTHS AND TO REVISE THE PENALTIES FOR A DEALER SELLING A MOTORCYCLE WITHOUT A LICENSE; BY AMENDING SECTION 56-16-150, RELATING TO APPLICATION FOR MOTORCYCLE DEALER'S OR WHOLESALER'S LICENSE, BONDS, AND THE DUTY TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES WHERE INFORMATION GIVEN BY APPLICANT CHANGES OR LICENSEE CEASES OPERATIONS, SO AS TO REVISE THE BOND REQUIREMENTS, TO PROVIDE FOR THE RECOVERY OF BACK TAXES AND FEES, AND TO PROVIDE FOR THE CONTINUATION OF BUSINESS IN THE EVENT OF A LICENSEE'S DEATH; BY AMENDING SECTION 56-16-160, RELATING TO REQUIREMENTS REGARDING A MOTORCYCLE DEALER'S MAINTENANCE OF BONA FIDE ESTABLISHED PLACE OF BUSINESS, SIZE OF BUSINESS, AND PERMANENT SIGN, SO AS TO PROVIDE THAT A DEALER MAY CONDUCT BUSINESS ON PROPERTY ADJACENT TO HIS BONA FIDE ESTABLISHED PLACE OF BUSINESS; BY AMENDING SECTION 56-16-180, RELATING TO DENIAL, SUSPENSION, OR REVOCATION OF LICENSE, SO AS TO REVISE THE REASONS THAT THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE; AND BY AMENDING SECTION 56-19-370, RELATING TO PROCEDURES FOR VOLUNTARY TRANSFER AND DEALER PURCHASING VEHICLE FOR RESALE, SO AS TO REVISE THE PROCEDURE FOR TITLING AND REGISTERING A VEHICLE.

The Senate proceeded to the consideration of the Bill.

The Committee on Transportation proposed the following amendment (SR-549.KM0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-1-395(B) and inserting:

(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

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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.

Amend the bill further, SECTION 1, by striking Section 56-1-395(E) and (F) and inserting:

(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.

Amend the bill further, SECTION 5, by striking Section 56-10-520(A)(1) and inserting:

(1) It is unlawful for a ~~A~~ person who owns an uninsured motor vehicle:

~~—Amend~~ the bill further, SECTION 5, by striking Section 56-10-520(1) and (2) and inserting:

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

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

~~—Amend~~ the bill further, SECTION 5, Section 56-10-520, by striking the <<placeholder>> undesignated paragraph and inserting:

~~—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.~~

Amend the bill further, SECTION 5, by striking Section 56-10-520(2) and (3) and inserting:

(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

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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 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.

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

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;

Amend the bill further, SECTION 8, by striking Section 56-3-210(A)(2) and inserting:

(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.

Amend the bill further, SECTION 8, by striking Section 56-3-210(A)~~(4)~~(5)~~(a)~~ and inserting:

~~(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

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

(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.

~~Amend~~ the bill further, SECTION 8, by striking Section 56-3-210(B)(5)(C)(1) and (2) and inserting:

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

~~Amend~~ the bill further, SECTION 8, by striking Section 56-3-210(E) and inserting:

(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

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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. 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.~~

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

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

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

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

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

(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.~~

Amend the bill further, SECTION 12, by striking Section 56-3-2340(A) and inserting:

(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~~

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~~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.~~

Amend the bill further, SECTION 13, by striking Section 56-3-214(H) and inserting:

(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 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.

Amend the bill further, SECTION 14, by striking Section 8-21-15(B)(8) and inserting:

(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;

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Amend the bill further, SECTION 15, by striking Section 56-14-30(A), (B), (C), (D), (E), and (F) and inserting:

(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 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

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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;

(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. The Department of Motor Vehicles shall enforce the provisions contained in this section. 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 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.

Amend the bill further, SECTION 16, by striking Section 56-14-40(B)(2) and inserting:

(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

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Department of Motor Vehicles on the same database used for vehicle insurance pursuant to Article 7, Chapter 10, Title 56.

Amend the bill further, SECTION 16, by striking Section 56-14-40(B)(6)(c) and inserting:

(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.

Amend the bill further, SECTION 16, by striking Section 56-14-40(E) and inserting:

(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.

Amend the bill further, SECTION 17, by striking Section 56-14-50(4) and inserting:

(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 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

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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.

Amend the bill further, SECTION 19, by striking Section 56-15-310(A)(1) and (2) and inserting:

(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.~~

(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;

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(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 559-37-30(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.

Amend the bill further, SECTION 19, by striking Section 56-15-310(B) and inserting:

(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.

Amend the bill further, SECTION 19, Section 56-15-310, by striking the <<placeholder>> undesignated paragraph and inserting:

~~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 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.

Amend the bill further, SECTION 20, by striking Section 56-15-320(B)(6)(b) and inserting:

(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

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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.

Amend the bill further, SECTION 20, by striking Section 56-15-320(E) and inserting:

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

Amend the bill further, SECTION 21, by striking Section 56-15-330(4) and inserting:

(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 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 to lawfully conduct business at that location.

Amend the bill further, SECTION 22, by striking Section 56-15-350(A) and inserting:

(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

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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:

Amend the bill further, SECTION 22, by striking Section 56-15-350~~(e)(3), (d)(4), (e)(5), and (f)(7)~~ and inserting:

— ~~(e)(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);

Amend the bill further, SECTION 22, by striking Section 56-15-350~~(h)(9)(11)(e) and (f)~~ and inserting:

— (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;

Amend the bill further, by deleting SECTION 23.

Amend the bill further, SECTION 24, by striking Section 56-37-20(1) and inserting:

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

Amend the bill further, SECTION 24, by striking Section 56-37-40(A), (B), and (C) and inserting:

(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

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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 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.

Amend the bill further, SECTION 24, by striking Section 56-37-60(A) and inserting:

(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

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satisfaction of the department, regarding the training provided during the course. The department is not obligated to offer this course on its own.

Amend the bill further, SECTION 24, by striking Section 56-37-80(B) and (C) and inserting:

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

Amend the bill further, SECTION 25, by striking Section 56-16-140(A)(1) and inserting:

(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~~ 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).

Amend the bill further, SECTION 25, by striking Section 56-16-140(B) and (C) and inserting:

(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 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

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(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.

Amend the bill further, SECTION 26, by striking Section 56-16-150(5)(b) and inserting:

(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 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.

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Amend the bill further, SECTION 26, by striking Section 56-16-150(4)(D)(E) and inserting:

(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.

Amend the bill further, SECTION 27, by striking Section 56-16-160(4) and inserting:

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

Amend the bill further, SECTION 29, by striking Section 56-19-370(B) and inserting:

(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

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

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

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

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

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

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

Amend the bill further, by striking SECTIONS 35 and 36 and inserting:

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.

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(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.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senator GROOMS proposed the following amendment (SR-549.JG0004S), 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 or expiration of his liability insurance policy~~ surrender the motor vehicle license plate and registration certificate issued for the motor vehicle.

Amend the bill further, SECTION 7, 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 7, 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

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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.

Amend the bill further, SECTION 28, by striking Section 56-19-370(B) and inserting:

(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 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 and imprisoned not more than thirty days, or both, and is further subject to the provisions of Section 56-15-350.

(3) If a title is in suspended status, the department must make the information available through the dealer's contracted electronic vehicle registration and titling provider in a timely manner regarding the reason.

(4) No dealer may be prosecuted for not properly titling or registering a vehicle within forty-five days if the department has placed title in suspended status or if a financial institution has not released the lien in a timely manner.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The amendment was adopted.

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

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

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provisions of Rule 26B in order to allow amendments to be considered on third reading.

There was no objection.

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

CARRIED OVER

S. 686 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION 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.

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

CARRIED OVER

S. 687 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION 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.

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

CARRIED OVER

S. 688 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION 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.

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

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ADOPTED

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

The Resolution was adopted, ordered sent to the House.

ADOPTED

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.

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.

MOTION ADOPTED

At 3:12 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

READ THE SECOND TIME

S. 298 -- Senators Bennett, Turner, Kimbrell, Campsen and Adams: 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.

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The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator DAVIS explained the Bill.

Senator K. JOHNSON spoke on the Bill.

Remarks to be Printed

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

The question then was second reading of the Bill.

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

Ayes 34; Nays 6; Abstain 1

AYES

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Goldfinch	Grooms
Hembree	Hutto	Jackson
<i>Johnson, Michael</i>	Kimbrell	Loftis
Malloy	Martin	Massey
McElveen	Peeler	Rankin
Reichenbach	Rice	Setzler
Shealy	Turner	Williams
Young		

Total--34

NAYS

Kimpson	Matthews	McLeod
Sabb	Scott	Stephens

Total--6

ABSTAIN

Johnson, Kevin

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Total--1

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

Motion Adopted

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

MOTION ADOPTED

On motion of Senator STEPHENS, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Eddie Berry, Jr. of Orangeburg, S.C. Eddie was a graduate of Denmark Technical College and became a master brick mason. He was a corrections officer at Lieber Correctional and taught brick masonry at Kirkland Correctional and Thunderbolt Career and Technology Center. Eddie loved his family and traveling. Eddie was a loving husband and devoted father who will be dearly missed.

ADJOURNMENT

At 4:14 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

* * *

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