

NO. 70

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



REGULAR SESSION BEGINNING TUESDAY, JANUARY 10, 2023

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WEDNESDAY, MAY 10, 2023



**Wednesday, May 10, 2023**  
**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 10:00 A.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:

I Kings 9:4a, 5a

The Lord God made clear to Solomon what he expected of him, saying: “ ‘As for you, if you walk before me in integrity of heart and uprightness, as David your Father did... I will establish your royal throne...’ ”

Let us pray: We are reminded, O God, how Solomon -- early-on filled with hopefulness and talent -- was sadly not able to become the leader he was expected to be. Yet Solomon’s story is not really such a unique one. For surely, Lord, complex and difficult issues confront each person in this Senate, too. Plus, no one can say that the challenges before this Body are any less formidable than those were in the past. Therefore, O God, we pray that, here near the end of this regular Legislative Session, You will grant to each Senator and every aide all of the loving wisdom and thoughtful determination they need to bring about great good for all of the people of South Carolina. In Your loving name we humbly pray, dear Lord. Amen.

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

**Call of the Senate**

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

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Hembree
Hutto	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Martin
Massey	McElveen	Peeler

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Reichenbach	Rice	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams
Young		

A quorum being present, the Senate resumed.

**CORRECTION TO THE JOURNAL**

The following Abbeville County Magistrate appointment term from the Journal of April 19, 2023, has been corrected and reads as follows.

**Local Appointment**

Initial Appointment, Abbeville County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Tiffani S. Tyner, 103 Livingston St., Abbeville, SC 29620-1629

**MESSAGE FROM THE GOVERNOR**

The following appointment was transmitted by the Honorable Henry Dargan McMaster:

**Local Appointment**

Initial appointment, Bamberg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Donald L. Price, 2534 Tractor Road, Bamberg, SC 29003-8927

**Doctor of the Day**

Senator REICHENBACH introduced Dr. Larry Rabon of Florence, S.C., Doctor of the Day.

**Leave of Absence**

On motion of Senator SETZLER, at 11:45 A.M., Senator HUTTO was granted a leave of absence until 12:30 P.M.

**Leave of Absence**

On motion of Senator MARTIN, at 8:28 P.M., Senator GAMBRELL was granted a leave of absence until 10:00 P.M.

**Leave of Absence**

On motion of Senator MARTIN, at 10:45 P.M., Senator SHEALY was granted a leave of absence for the balance of the day.

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**RECALLED**

H. 4120 -- Reps. Pope and Long: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 23-3-80 SO AS TO CREATE THE "ILLEGAL IMMIGRATION ENFORCEMENT UNIT" WITHIN THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION, TO PROVIDE FOR ITS ADMINISTRATION AND DUTIES, AND TO REQUIRE IT TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT AGENCY; BY REPEALING SECTION 23-6-60 AND CHAPTER 30 OF TITLE 8 RELATING TO THE CREATION OF THE ILLEGAL IMMIGRATION ENFORCEMENT UNIT WITHIN THE DEPARTMENT OF PUBLIC SAFETY AND RECORDING AND REPORTING OF IMMIGRATION LAW VIOLATIONS; AND BY ADDING SECTION 40-1-35 SO AS TO PROVIDE CERTAIN IMMIGRANTS ARE ELIGIBLE FOR OCCUPATIONAL OR PROFESSIONAL LICENSURE UNDER THIS TITLE.

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**RECALLED**

H. 3782 -- Reps. West, Yow, Jefferson, Ligon, Nutt, Anderson, Hardee, Bannister, Thayer, Blackwell and Oremus: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-12-300, RELATING TO DEFINITIONS, SO AS TO AMEND THE DEFINITION OF "VIDEO SERVICE".

Senator RANKIN asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration tomorrow.

**RECALLED AND READ THE SECOND TIME**

H. 4177 -- Rep. Hyde: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-7-490, RELATING TO DESIGNATION OF VOTING PRECINCTS IN SPARTANBURG COUNTY, SO AS TO DELETE CERTAIN PRECINCTS, ADD NEW PRECINCTS, AND TO REDESIGNATE

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THE MAP NUMBER ON WHICH THESE PRECINCTS MAY BE FOUND ON FILE WITH THE REVENUE AND FISCAL AFFAIRS OFFICE.

Senator TALLEY asked unanimous consent to make a motion to recall the Bill from the Committee on Judiciary.

The Bill was recalled from the Committee on Judiciary and ordered placed on the Calendar for consideration today.

Senator TALLEY asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill. The question then was the second reading of the Bill.

On motion of Senator TALLEY with unanimous consent, the Bill was read the second time, passed and ordered to a third reading.

**H. 4177 -- Ordered to a Third Reading**

On motion of Senator PEELER, H. 4177 was ordered to receive a third reading on Thursday, May 11, 2023.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 792 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-10-1010, RELATING TO THE DEFINITION OF PRESERVATION PROCUREMENTS AND SALES AND USE TAX, SO AS TO PROVIDE FOR THE INCLUSION OF CONSERVATION MANAGEMENT ACTIVITES; BY AMENDING SECTION 4-10-1020, RELATING TO THE IMPOSITION OF SALES AND USE TAX AND ENACTING ORDINANCE REQUIREMENTS, SO AS TO PROHIBIT THE AMOUNT OF REVENUE COLLECTED THAT MAY BE USED FOR CONSERVATION MANAGEMENT ACTIVITIES FROM EXCEEDING TWO PERCENT OF THE FUNDS COLLECTED AND TO PROVIDE FOR THE USE OF FUNDS FOR CONSERVATION MANAGEMENT ACTIVITIES ON THE REFERENDUM; BY AMENDING SECTION 4-10-1030, RELATING

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TO THE IMPOSITION AND TERMINATION OF THE TAX, SO AS TO PROVIDE FOR THE INCLUSION OF CONSERVATION MANAGEMENT ACTIVITIES; AND BY AMENDING SECTION 4-10-1040, RELATING TO ADMINISTRATION AND COLLECTION OF THE TAX, SO AS TO PROVIDE GUIDELINES FOR THE OVERSIGHT COMMITTEE.

sr-0099jg23.docx : 706f5861-c861-4c65-9277-78b1647bca3e

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

S. 793 -- Senator Kimbrell: A SENATE RESOLUTION TO CONGRATULATE DR. TONY BEAM AND MR. GARY MILLER FOR THEIR MORE THAN TWENTY YEARS ON THE AIR WITH CHRISTIAN WORLDVIEW TODAY AND TO COMMEND THEM FOR THEIR DEDICATED SERVICE TO THE PEOPLE OF GREENVILLE COUNTY, SPARTANBURG COUNTY, AND ANDERSON COUNTY.

sr-0400km-hw23.docx : 7ca83948-5b2c-470b-9cdd-0fda78d01722

The Senate Resolution was adopted.

S. 794 -- Senator Kimbrell: A SENATE RESOLUTION TO RECOGNIZE AND HONOR PARKER BRAZIL MALPHRUS ON THE EVENT OF HIS HIGH SCHOOL GRADUATION.

sr-0401km-hw23.docx : 3456f1be-fae3-4f31-a718-6e074bc0f710

The Senate Resolution was adopted.

S. 795 -- Senator Talley: A SENATE RESOLUTION TO CONGRATULATE MICHELIN UPON THE OCCASION OF ITS THIRTY-FIFTH ANNIVERSARY OF OPERATING ITS NORTH AMERICAN HEADQUARTERS IN GREENVILLE AND TO COMMEND THE COMPANY FOR ITS MANY YEARS OF DEDICATED SERVICE TO THE GREENVILLE COMMUNITY AND THE PEOPLE AND THE STATE OF SOUTH CAROLINA.

sr-0405km-vc23.docx : f5b4086c-d726-40ff-a38d-1f19e2bac3de

The Senate Resolution was adopted.

S. 796 -- Senator Stephens: A SENATE RESOLUTION TO EXPRESS PROFOUND SORROW UPON THE PASSING OF LIEUTENANT COLONEL ANDREW DALLAS GREEN AND TO EXTEND THE DEEPEST SYMPATHY TO HIS FAMILY AND MANY FRIENDS.

sr-0406km-vc23.docx : 8b288a32-5e7c-4fd7-b8f2-00c7c08191f7

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The Senate Resolution was adopted.

S. 797 -- Senator Stephens: A SENATE RESOLUTION TO RECOGNIZE AND HONOR REVEREND JAMES ROSS.

sr-0397km-vc23.docx : b7467038-a35d-447c-9fd3-0fa844635046

The Senate Resolution was adopted.

S. 798 -- Senators Peeler, Martin and Cromer: A SENATE RESOLUTION TO RECOGNIZE AND HONOR CINDY K. FORE, THE UNION COUNTY VETERAN AFFAIRS SERVICE OFFICER, UPON THE OCCASION OF HER RETIREMENT AFTER THIRTY-ONE YEARS OF OUTSTANDING SERVICE, AND TO WISH HER CONTINUED SUCCESS AND HAPPINESS IN ALL HER FUTURE ENDEAVORS.

lc-0242hdb-gm23.docx : 10a11383-45c2-4080-965c-eebc9246c338

The Senate Resolution was adopted.

**Appointment Reported**

Senator SHEALY from the Committee on Family and Veterans' Services submitted a favorable report on:

**Statewide Appointment**

Initial Appointment, Board of Trustees for the Veterans' Trust Fund of South Carolina, with term coterminous with Governor

At-Large:

Mark A. Singleton, 5470 Reba Road, Conway, SC 29527-7012 *VICE*  
Robin A. Helms

Referred to the Committee on Family and Veterans' Services.

**HOUSE CONCURRENCE**

S. 761 -- Senator Grooms: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF SOUTH CAROLINA HIGHWAY 45 AND US HIGHWAY 52 IN ST. STEPHEN IN BERKELEY COUNTY "DR. SAM SCHUMANN INTERSECTION" AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THE DESIGNATION.

Returned with concurrence.

Received as information.

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S. 768 -- Senators Malloy and Martin: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE BRIDGE THAT CROSSES LITTLE LONG BRANCH RIVER ALONG DR. MARY MCLEOD BETHUNE ROAD IN LEE COUNTY "WATSON BRANCH" IN MEMORY OF W. BURKE WATSON AND JEANNE CARR WATSON AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS, AND REQUEST THAT THE COST OF THESE SIGNS OR MARKERS ARE NOT PAID FOR WITH PUBLIC FUNDS.

Returned with concurrence.

Received as information.

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4413 -- Rep. Bamberg: A BILL TO AMEND ACT 104 OF 2021, RELATING TO THE BOARD OF TRUSTEES OF THE BAMBERG COUNTY SCHOOL DISTRICT, SO AS TO PROVIDE THAT THE BOARD CONSISTS OF SEVEN MEMBERS APPOINTED BY THE BAMBERG COUNTY LEGISLATIVE DELEGATION TO FOUR-YEAR TERMS BEGINNING JULY 1, 2024.

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

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

H. 4023 -- Reprs. S. Jones, Erickson, Henegan, Alexander, Bradley, J.L. Johnson, White, Ott, Gilliam, Beach, Gibson, O'Neal, Cromer, McGinnis, McDaniel, Vaughan, Bauer, A.M. Morgan, Leber, T.A. Morgan, Chumley, McCravy, McCabe, Landing, Ballentine, Haddon, Hartnett, Herbkersman, Oremus and Willis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-152-60, RELATING TO LOCAL FIRST STEPS PARTNERSHIP BOARDS, SO AS TO REVISE THE COMPOSITION, MANNER OF APPOINTMENT, AND TERMS OF MEMBERSHIP OF THE BOARDS, TO PROVIDE FOR THE TERMINATION OF CERTAIN

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CURRENT BOARD MEMBERS, AND TO PROVIDE FOR THE TRANSITION OF THE PERFORMANCE OF CERTAIN TASKS BY LOCAL FIRST STEPS PARTNERSHIPS; BY AMENDING SECTION 59-152-70, RELATING TO LOCAL PARTNERSHIP BOARDS, SO AS TO INCLUDE PROVISIONS CONCERNING THE ADMINISTRATION OF LOCAL PARTNERSHIPS, AND TO PROVIDE FOR THE ESTABLISHMENT OF MULTICOUNTY PARTNERSHIPS; BY AMENDING SECTION 59-152-150, RELATING TO DEVELOPMENT AND ADOPTION OF A STANDARD FISCAL ACCOUNTABILITY SYSTEM FOR LOCAL PARTNERSHIPS, SO AS TO REVISE PROVISIONS CONCERNING COMPETITIVE BIDDING FOR PROCUREMENT; BY ADDING SECTION 63-11-1726 SO AS TO PROVIDE ALL PUBLICLY FUNDED EARLY CHILDHOOD SERVING AGENCIES AND ENTITIES SHALL PARTICIPATE IN CERTAIN DATA SHARING INITIATIVES SUPPORTED BY THE ADVISORY COUNCIL; BY AMENDING SECTION 63-11-1720, RELATING TO THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO ADD THE DIRECTOR OF THE DEPARTMENT OF MENTAL HEALTH AS A TRUSTEE; BY AMENDING SECTION 63-11-1725, RELATING TO THE FIRST STEPS ADVISORY COUNCIL, SO AS TO REVISE DATA GOVERNANCE POLICIES, TO PROVIDE FOR CERTAIN ACTIVITIES TO BUILD PARENT KNOWLEDGE, AND TO REQUIRE THE DEVELOPMENT, IMPLEMENTATION, AND REVIEW OF AN OVERALL STRATEGIC PLAN; BY AMENDING SECTION 63-11-1730, RELATING TO OVERSIGHT DUTIES OF THE FIRST STEPS BOARD OF TRUSTEES, SO AS TO INCLUDE PROVISIONS CONCERNING LOCAL PARTNERSHIP PERSONNEL POLICIES; BY AMENDING SECTION 59-152-10, RELATING TO THE ESTABLISHMENT OF SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS, SO AS TO CLARIFY THAT THE PROVISIONS OF THE AUTHORIZING ACT ARE PERMANENT AND FUTURE REAUTHORIZATIONS ARE NOT REQUIRED; AND BY AMENDING ACT 99 OF 1999, RELATING TO THE TIMES AT WHICH THE SOUTH CAROLINA FIRST STEPS TO SCHOOL READINESS ACT TAKES EFFECT AND IS REPEALED UNLESS REAUTHORIZED BY THE GENERAL ASSEMBLY, SO AS TO REMOVE THE AUTOMATIC REPEAL PROVISION AND REAUTHORIZATION REQUIREMENT.

The Senate proceeded to the consideration of the Bill.

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Senator CAMPSEN proposed the following amendment (LC-4023.WAB0007S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1.A., by striking Section 59-152-60(A) and inserting:

(A) Each county must be represented ~~by~~on a Local First Steps Partnership Board and each local board must provide services within every county it represents. A local partnership board must be comprised of individuals with resources, skills, knowledge, and interest in improving the readiness of young children for school. A list of all local partnership board members must be published in the partnership's annual report, be reported annually to the ~~local legislative delegation~~county council, and be on file with the Office of First Steps.

Amend the bill further, SECTION 1.A., by striking Section 59-152-60(C)(2) and inserting:

(2) To assure that all areas of the county ~~or multicounty region~~ are adequately represented and reflect the diversity of the coverage area, each county ~~legislative delegation~~may council shall appoint ~~up to four~~six members to a local partnership board. ~~Of these members, two are appointed by the Senate members and two by the House of Representative members of the delegation~~These members must be chosen from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school. In multicounty partnerships, the county councils shall modify their appointments based on the plan approved by the South Carolina First Steps to School Readiness Board of Trustees pursuant to Section 59-152-70(E).

Amend the bill further, SECTION 1.A., by striking Section 59-152-60(C)(3)(a) and inserting:

(3)(a) Each of the following entities located within a particular First Steps Partnership coverage area shall ~~designate~~recommend one member to the county council for appointment by the council to serve as a member of the local First Steps Partnership Board:

Amend the bill further, SECTION 1.A., by striking Section 59-152-60(C)(3)(b) and inserting:

(b) When an entity in subitem (a) recommends an individual to a county council for appointment, the council either shall make the appointment or reject the appointment and ask the entity to make another recommendation. In multicounty partnerships, the county councils only may appoint one member from each of the categories in subitem (a)(i), (ii), and (iii), and shall collaborate to ensure each county in the partnership coverage area is represented in the appointments.

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Amend the bill further, SECTION 2, by striking Section 59-152-70(F) and inserting:

(F) As a condition of receiving state funds, each local partnership must be subject to performance reviews by South Carolina First Steps, including, but not limited to, local board functioning and collaboration and compliance with state standards and fiscal accountability. If any significant operational deficiencies or misconduct is identified within the partnership, the South Carolina First Steps Board of Trustees must identify a remedy with input from the local ~~legislative delegation~~county council.

Renumber sections to conform.

Amend title to conform.

On motion of Senator CAMPSER, the amendment was withdrawn.

Senator MALLOY proposed the following amendment (LC-4023.PH0010S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1.A., by striking Section 59-152-60(C)(2) and inserting:

(2)(a) To assure that all areas of the county or multicounty region are adequately represented and reflect the diversity of the coverage area, each county legislative delegation may shall appoint up to four six members to a local partnership board. Of these members, twothree are appointed by the Senate members and twothree by the House of Representative members of the delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school. In multicounty partnerships, the legislative delegations shall modify their appointments based on the plan approved by the South Carolina First Steps to School Readiness Board of Trustees pursuant to Section 59-152-70(E).

(b) The legislative delegation of a county may, by delegation resolution, devolve its powers and duties upon the governing body of the county or the local school board. This devolution may be reserved by a subsequent delegation resolution.

Renumber sections to conform.

Amend title to conform.

On motion of Senator FANNING, the amendment was withdrawn.

Senators HEMBREE and MALLOY proposed the following amendment (SEDU-4023.DB0014S), which was adopted:

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Amend the bill, as and if amended, SECTION 1.A., by striking Section 59-152-60(C) and inserting:

~~(C) In accordance with the bylaws established by the board of trustees, each local partnership board shall maintain a total minimum membership of twelve and a maximum membership of thirty elected, appointed, and designated individuals. Elected and Appointed members shall comprise a voting majority of the board.~~

~~— (1) No more than four from any of the following categories may be elected to sit on a First Steps Partnership Board:~~

- ~~— (a) prekindergarten through primary educator;~~
- ~~— (b) family education, training, and support provider;~~
- ~~— (c) childcare or early childhood development/education provider;~~
- ~~— (d) healthcare provider;~~
- ~~— (e) local government;~~
- ~~— (f) nonprofit organization that provides services to families and children;~~
- ~~— (g) faith community;~~
- ~~— (h) business community;~~
- ~~— (i) philanthropic community; and~~
- ~~— (j) parents of preschool children.~~

~~— (2) To assure that all areas of the county or multicounty region are adequately represented and reflect the diversity of the coverage area, each county legislative delegation may appoint up to four members to a local partnership board. Of these members, two are appointed by the Senate members and two by the House of Representative members of the delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of young children for school.~~

~~— (3) Each of the following entities located within a particular First Steps Partnership coverage area shall designate one member to serve as a member of the local First Steps Partnership Board:~~

- ~~— (a) county Department of Social Services;~~
- ~~— (b) county Department of Health and Environmental Control;~~
- ~~— (c) Head Start or early Head Start;~~
- ~~— (d) county library; and~~
- ~~— (e) each of the school districts in the county.~~

Each legislative delegation shall determine the number of members to serve on the local First Steps Partnership Board. Appointments shall be made by the legislative delegation from persons with resources, skills, or knowledge that have specific interests in improving the readiness of

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young children for school. The legislative delegation may by resolution delegate its appointments to county council.

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

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

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

**Ayes 41; Nays 0**

**AYES**

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

**Total--41**

**NAYS**

**Total--0**

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

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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. 314 -- Senator Talley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-157-10 SO AS TO PROVIDE CHAPTER DEFINITIONS; BY ADDING SECTION 59-157-30 SO AS TO REQUIRE CERTAIN PERMANENT IMPROVEMENT PROJECTS OVER THRESHOLD AMOUNTS FOR HIGHER INSTITUTIONS TO BE SUBMITTED FOR REVIEW TO THE COMMISSION ON HIGHER EDUCATION AND JOINT BOND REVIEW COMMITTEE AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY FOR APPROVAL AFTER FULL ARCHITECTURE AND ENGINEERING DESIGN WORK IS COMPLETED BUT PRIOR TO THE EXECUTION OF A CONSTRUCTION CONTRACT, TO ALLOW THE CHAIRMAN OF JOINT BOND REVIEW COMMITTEE TO REQUEST A REVIEW AND COMMENT ON ANY OTHER PERMANENT IMPROVEMENT PROJECT; BY ADDING SECTION 59-157-40 SO AS TO EXEMPT CERTAIN HIGHER EDUCATION PERMANENT IMPROVEMENT PROJECTS FROM THE REQUIREMENTS OF SECTION 2-47-50 AND TO REQUIRE THE GOVERNING BOARDS TO REPORT ANNUALLY TO THE COMMISSION ON HIGHER EDUCATION, THE JOINT BOND REVIEW COMMITTEE, AND THE STATE FISCAL ACCOUNTABILITY AUTHORITY OF ALL PROJECTS APPROVED; BY ADDING SECTION 59-157-50 SO AS TO REQUIRE THE BOARD OF TRUSTEES TO PROVIDE ON AN ANNUAL BASIS A REPORT OF PROPERTY ACQUIRED AND ANY CAPITAL PROJECTS THAT ARE EXEMPT BY OPERATION OF SECTION 59-157-40.

**HOUSE BILLS RETURNED**

The following Bills were read the third time and ordered returned to the House with amendments.

H. 3797 -- Reps. B.J. Cox, G.M. Smith, Beach, W. Newton, Williams, McCravy, Long, Hixon, Taylor, Oremus, Blackwell, Erickson and Bradley: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "MILITARY TEMPORARY REMOTE SCHOOL ENROLLMENT ACT" BY ADDING SECTION 59-63-33 SO AS TO PROVIDE PUBLIC SCHOOL PUPILS COMPLY WITH SCHOOL ENROLLMENT REQUIREMENTS IF THEIR PARENTS

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ARE TRANSFERRED TO OR ARE PENDING TRANSFER TO MILITARY INSTALLATIONS IN THIS STATE WHILE ON ACTIVE MILITARY DUTY PURSUANT TO OFFICIAL MILITARY ORDERS, TO PROVIDE SCHOOL DISTRICTS SHALL ACCEPT APPLICATIONS FOR ENROLLMENT AND COURSE REGISTRATION FROM SUCH PUPILS BY ELECTRONIC MEANS, TO PROVIDE PARENTS OF SUCH STUDENTS SHALL PROVIDE CERTAIN PROOF OF RESIDENCE WITHIN TEN DAYS AFTER THE ARRIVAL DATE, TO PROVIDE THE PROVISIONS OF THIS ACT APPLY NOTWITHSTANDING ANOTHER PROVISION OF LAW, TO PROVIDE AMBIGUITIES IN CONSTRUING THE PROVISIONS OF THIS ACT MUST BE RESOLVED IN FAVOR OF ENROLLMENT, AND TO DEFINE NECESSARY TERMINOLOGY.

H. 3691 -- Reps. G.M. Smith, M.M. Smith, Davis, B.L. Cox, Pace, Guest, Leber, J.E. Johnson, Pope, Brittain, McGinnis, Hardee, Hewitt, Jordan, Thayer, Anderson, Rutherford, Trantham, Bailey, Schuessler, Gagnon, Beach, Oremus, Forrest, S. Jones, Taylor, Hixon, Blackwell, Collins, Bannister, Hiott, Carter, O'Neal, Ligon, Guffey, Sessions, T. Moore, Nutt, Hayes, Yow, Mitchell, Connell, Hager, B. Newton, White, Landing, Kirby, Moss, Bustos, Long, Caskey, Cromer and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 17-5-135 SO AS TO ALLOW CORONERS TO POSSESS AND ADMINISTER OPIOID ANTIDOTES UNDER CERTAIN CIRCUMSTANCES; BY ADDING SECTION 44-130-90 SO AS TO PROVIDE PROCEDURES FOR THE ADMINISTRATION OF OPIOID ANTIDOTES BY CORONERS AND THE REPORTING OF THEIR USE; AND BY AMENDING SECTION 17-5-510, RELATING TO DUTIES OF CORONERS AND MEDICAL EXAMINERS, SO AS TO PROVIDE THAT CORONERS ARE CONSIDERED PUBLIC SAFETY OFFICERS IF KILLED IN THE LINE OF DUTY.

H. 3890 -- Reps. Rose, Murphy, Brewer, Mitchell, Robbins, Schuessler, Guest, King and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 22-5-920, RELATING TO YOUTHFUL OFFENDER ELIGIBILITY FOR EXPUNGMENT OF CERTAIN OFFENSES, SO AS TO ALLOW EXPUNGMENT FOR CONVICTIONS INVOLVING A DRIVING UNDER SUSPENSION OFFENSE.

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**Recorded Vote**

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3905 -- Reps. Hixon and Clyburn: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 6-13-920, RELATING TO THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO PROVIDE FOR FILLING A BOARD VACANCY FOR PHYSICAL OR MENTAL INCAPACITATION OR NONATTENDANCE; AND BY AMENDING SECTION 6-13-1010, RELATING TO PENALTIES FOR INJURING OR DESTROYING FACILITIES OF THE EDGEFIELD COUNTY WATER AND SEWER AUTHORITY, SO AS TO INCREASE PENALTIES.

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 42; Nays 0**

**AYES**

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

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**Total--42**

**NAYS**

**Total--0**

The Bill was read the third time, passed and ordered enrolled for Ratification.

**HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments.

H. 4049 -- Reps. Sandifer, Anderson, West, McGinnis, Hardee, Brittain, Neese, W. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 33-7-101 AND 33-31-701, BOTH RELATING TO MEETINGS, SO AS TO ALLOW FOR REMOTE PARTICIPATION.

**COMMITTEE AMENDMENT ADOPTED**

**HOUSE BILL RETURNED**

H. 4115 -- Reps. Sandifer, Ott and Brewer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-11-10, RELATING TO THE CREATION OF THE SOUTH CAROLINA CONTRACTOR'S LICENSING BOARD, SO AS TO MAKE A TECHNICAL CORRECTION; BY AMENDING SECTION 40-11-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF CONTRACTORS, SO AS TO REVISE DEFINITIONS AND PROVIDE NEW DEFINITIONS; BY AMENDING SECTION 40-11-30, RELATING TO CONTRACTING WORK FOR WHICH LICENSURE IS REQUIRED, SO AS TO INCREASE THE MINIMUM COST OF SUCH WORK TO TEN THOUSAND DOLLARS; BY AMENDING SECTION 40-11-100, RELATING TO ADMINISTRATIVE PENALTIES FOR VIOLATIONS, SO AS TO REVISE THE PENALTIES; BY AMENDING SECTION 40-11-110, RELATING TO DISCIPLINARY ACTIONS, SO AS TO REVISE THE GROUNDS FOR DISCIPLINARY ACTIONS, AMONG OTHER THINGS; BY AMENDING SECTION 40-11-230, RELATING TO QUALIFYING PARTY CERTIFICATION FOR INDIVIDUALS, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-240, RELATING TO

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QUALIFYING PARTY CERTIFICATION FOR ENTITIES, SO AS TO REVISE CERTIFICATION CRITERIA AND REQUIREMENTS FOR SERVICE; BY AMENDING SECTION 40-11-250, RELATING TO RENEWALS OF LAPSED LICENSES, SO AS TO PROVIDE RENEWALS COMPLETED WITHIN NINETY DAYS AFTER LICENSURE EXPIRATION ARE CONSIDERED RENEWED RETROACTIVELY TO THE EXPIRATION DATE AND PERIODS OF LICENSURE LAPSE ARE ELIMINATED; BY AMENDING SECTION 40-11-260, RELATING TO LICENSEE FINANCIAL STATEMENTS AND FINANCIAL REQUIREMENTS, SO AS TO REVISE SUCH REQUIREMENTS FOR ALL LICENSE GROUPS, AND TO PROVIDE INFORMATION IN FINANCIAL STATEMENTS MAY NOT BE FURTHER DISCLOSED; BY AMENDING SECTION 40-11-262, RELATING TO SURETY BONDS IN LIEU OF PROVIDING FINANCIAL STATEMENTS, SO AS TO MAKE CONFORMING CHANGES AND TO PROVIDE THE BOARD MAY INCREASE BOND REQUIREMENTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 40-11-290, RELATING TO LICENSURE OF APPLICANTS LICENSED IN OTHER STATES, SO AS TO SPECIFY THE EXAMINATION SUCH APPLICANTS MAY BE REQUIRED TO PASS; BY AMENDING SECTION 40-11-320, RELATING TO CONSTRUCTION MANAGERS, SO AS TO REVISE REQUIRED REGISTRATION PROCEDURES; BY AMENDING SECTION 40-11-360, RELATING TO EXEMPTIONS FROM APPLICATION OF THE CHAPTER AND REQUIRED CONTENT OF POSTERS DISTRIBUTED TO BUILDING PERMIT OFFICES, SO AS TO REVISE THE EXEMPTIONS AND ELIMINATE THE POSTER REQUIREMENT; BY AMENDING SECTION 40-11-410, RELATING TO LICENSE CLASSIFICATIONS AND SUBCLASSIFICATIONS, SO AS TO REVISE THE CLASSIFICATIONS; BY REPEALING SECTION 40-11-390 RELATING TO UNLICENSED ENTITIES ENGAGING IN GENERAL OR MECHANICAL CONSTRUCTION PRIOR TO APRIL 1, 1999; AND BY REPEALING SECTION 40-11-400 RELATING TO QUALIFYING PARTY CERTIFICATES.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-4115.WAB0004S), which was adopted:

Amend the bill, as and if amended, SECTION 9, by striking Section 40-11-260(A)(2)(b) and inserting:

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(b) required net worth of ~~\$40,000.00~~sixty thousand dollars or working capital of forty thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(A)(3)(b), (c), and (d) and inserting:

(b) required net worth of ~~\$100,000.00~~one hundred fifty thousand dollars or working capital of one hundred thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~ in accordance with Generally Accepted Accounting Principles (GAAP), including all disclosures required by GAAP indicating a required net worth of ~~one hundred thousand dollars~~one hundred fifty thousand dollars or working capital of one hundred thousand dollars;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of ~~one hundred thousand dollars~~one hundred fifty thousand dollars or working capital of one hundred thousand dollars, or a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~ in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of ~~one hundred thousand dollars~~one hundred fifty thousand dollars or working capital of one hundred thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(A)(4)(b), (c), and (d) and inserting:

(b) required net worth of ~~\$175,000.00~~two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~ in accordance with GAAP, including all disclosures required by GAAP indicating a required net worth of ~~one hundred seventy-five thousand dollar~~two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of ~~one hundred seventy-five thousand dollar~~two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars, or a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~ in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of two hundred fifty thousand dollars or working capital of one hundred seventy-five thousand dollars;

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Amend the bill further, SECTION 9, by striking Section 40-11-260(A)(5)(b) and (c) and inserting:

(b) required net worth of ~~\$250,000.00~~three hundred fifty thousand dollars or working capital of two hundred fifty thousand dollars;

(c) on initial application, ~~a financial statement audited~~an audited balance sheet prepared by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of three hundred fifty thousand dollars or working capital of two hundred fifty thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(B)(2)(b) and inserting:

(b) required net worth of ~~\$10,000.00~~fifteen thousand dollars or working capital of ten thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(B)(3)(b), (c), and (d) and inserting:

(b) required net worth of ~~\$20,000.00~~thirty thousand dollars or working capital of twenty thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~in accordance with Generally Accepted Accounting Principles (GAAP), including all disclosures required by GAAP indicating a net worth of thirty thousand dollars or working capital of twenty thousand dollars;

(d) on renewal, an owner-prepared financial statement on a form prescribed by the board with an affidavit of accuracy indicating a required net worth of thirty thousand dollars or working capital of twenty thousand dollars, or a financial statement compiled by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of thirty thousand dollars or working capital of twenty thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(B)(4)(b), (c), and (d) and inserting:

(b) required net worth of ~~\$40,000.00~~sixty thousand dollars or working capital of forty thousand dollars;

(c) on initial application, a financial statement compiled by a licensed certified public accountant ~~or a licensed public accountant~~in accordance with GAAP, including all disclosures required by GAAP indicating a net worth of ~~forty~~sixty thousand dollars;

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(d) on renewal, an owner-prepared financial statement with an affidavit of accuracy indicating a required net worth of ~~fortysixty~~ sixty thousand dollars, or a financial statement compiled by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of sixty thousand dollars or working capital of forty thousand dollars;

Amend the bill further, SECTION 9, by striking Section 40-11-260(B)(5)(b), (c), and (d) and inserting:

(b) required net worth of ~~\$200,000.00~~ three hundred thousand dollars or working capital of two hundred thousand dollars;

(c) on initial application, ~~a financial statement~~ an audited balance sheet prepared by a licensed certified public accountant ~~or a licensed public accountant~~ in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of three hundred thousand dollars or working capital of two hundred thousand dollars;

(d) on renewal, a financial statement on a form prescribed by the board reviewed by a licensed certified public accountant or a licensed public accountant in accordance with GAAP, including all disclosures required by GAAP, and indicating a required net worth of three hundred thousand dollars or working capital of two hundred thousand dollars.

Renumber sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

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

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

**Ayes 42; Nays 0**

**AYES**

Adams	Alexander	Allen
Bennett	Campsen	Cash
Climer	Corbin	Cromer
Davis	Fanning	Gambrell
Garrett	Grooms	Gustafson
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell

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Kimpson	Loftis	Malloy
Martin	Massey	McElveen
McLeod	Peeler	Rankin
Reichenbach	Rice	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

**Total--42**

**NAYS**

**Total--0**

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

**COMMITTEE AMENDMENT ADOPTED  
AMENDED, HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3538 -- Reps. Hixon, Nutt, Haddon, Kirby and Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-11-546, RELATING TO ELECTRONIC HARVEST REPORTING, SO AS TO INCLUDE REFERENCES TO BIG GAME SPECIES; AND BY AMENDING SECTION 50-9-1120, RELATING TO THE POINT SYSTEM FOR VIOLATIONS, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-3538.BC0010S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 50-11-546(C) and inserting:

(C) Upon completion of the harvest reporting process, a harvest report confirmation number will be provided by the department, which must be recorded by the person submitting the harvest report. A processor who receives a big game carcass must be provided with the harvest report confirmation number. The processor must record and maintain the harvest report confirmation number until the processed meat is received by the hunter or their designee.

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Amend the bill further, SECTION 1, by striking Section 50-11-546(E) and inserting:

(E) The department is prohibited from requesting or acquiring the geolocation data of a person submitting a harvest report through electronic means and from requesting a person to self-report location information to the harvest reporting system more specific than the county and Wildlife Management Area, if applicable, in which a ~~turkey~~ big game species is harvested.

Amend the bill further, SECTION 1, by striking Section 50-11-546(G) and (H) and inserting:

(G) A person who violates this section or provisions established by the department for electronic harvest reporting is guilty of a misdemeanor and, upon conviction, must be fined not more than twenty-five dollars.

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

SECTION X. Section 50-11-320(B) of the S.C. Code is amended to read:

(B)(1) Deer taken pursuant to individual deer tags, during any season regardless of weapon, must be tagged with a valid individual deer tag. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

(2) Deer taken pursuant to Deer Quota Program tags must be tagged with a valid Deer Quota Program tag and reported to the ~~department as prescribed~~ electronic harvest reporting system pursuant to the provisions of Section 50-11-546. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

SECTION X. Section 50-11-390(D) of the S.C. Code is amended to read:

(D) Deer taken pursuant to a Deer Quota Program permit must be tagged with a valid Deer Quota Program tag and reported to the ~~department as prescribed~~ electronic harvest reporting system pursuant to the provisions of Section 50-11-546. Each tag must be attached to the deer as prescribed by the department before the animal is moved from the point of kill.

Amend the bill further, by striking SECTIONS 2.B and 3 and inserting:

SECTION 3. This act takes effect on July 1, 2024.

Re-number sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

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The amendment was adopted.

Senators CAMPSEN and McELVEEN proposed the following amendment (SFGF-3538.BC0012S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 50-11-546(C) and inserting:

(C) Upon completion of the harvest reporting process, a harvest report confirmation number will be provided by the department, ~~which and it~~ must be recorded by the person submitting the harvest report. A person who takes a big game carcass to a processor must provide the tag number and harvest report confirmation number to the processor at the time the carcass transfers from the person to the processor. The processor must record and maintain the tag number and harvest report confirmation number until the processed meat is received by the person or the person's designee.

Re-number sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

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

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

**Ayes 42; Nays 0**

**AYES**

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

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Verdin

Williams

Young

**Total--42**

**NAYS**

**Total--0**

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3689 -- Reps. Rutherford and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-21-860, RELATING TO RESTRICTIONS ON USE OF AIRBOATS, SO AS TO LIMIT USE ON THE BROAD RIVER.

**HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3868 -- Reps. Bauer, Cobb-Hunter, Hixon, Bernstein, Neese, J.L. Johnson, Forrest, Trantham, J. Moore, Pendarvis, Brewer, Murphy, Robbins and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DECLARE THE SECOND SATURDAY IN NOVEMBER OF EACH YEAR IS DESIGNATED AS "WOMEN IN HUNTING AND FISHING AWARENESS DAY".

**ORDERED ENROLLED FOR RATIFICATION**

The following Bills were read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4122 -- Reps. Erickson, Wetmore, Guffey, M.M. Smith, Bradley, Caskey, Williams, Hager, Schuessler, Connell, Wooten, Landing, Cromer, Kilmartin, Calhoon, Felder, Jordan, Bannister, Pedalino, Taylor, Davis, Oremus, Collins, Tedder, Hyde, T. Moore, Trantham, Brittain, B. Newton, Forrest, Bernstein, Bauer, Neese, B.J. Cox, Elliott, Dillard, Gagnon, Hayes, Herbkersman, Chapman and Blackwell: A

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BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-63-95, RELATING TO THE AUTHORIZED USE OF EPINEPHRINE AUTO-INJECTORS IN SCHOOLS, SO AS TO EXPAND THE PROVISIONS OF THIS SECTION TO INCLUDE THE PROVISION OF LIFESAVING MEDICATIONS, AND TO PROVIDE CERTAIN RELATED RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL AND THE DEPARTMENT OF EDUCATION.

H. 3142 -- Reps. Rivers, Leber, Wheeler, Dillard, W. Jones, Gilliard, King, Henegan, Williams, McDaniel, Alexander, Clyburn, Hosey, Cobb-Hunter, Jefferson, Anderson, Kirby and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE THIRTEENTH DAY OF MAY EACH YEAR AS "ROBERT SMALLS DAY" IN SOUTH CAROLINA.

H. 3204 -- Rep. Erickson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 40-55-420, RELATING TO PSYPACT DISPUTE RESOLUTION, SO AS TO PROVIDE FOR THE UNITED STATES DISTRICT COURT OF GEORGIA TO RESOLVE DISPUTES.

H. 3231 -- Reps. West and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTIONS 44-6-300, 44-6-310, AND 44-6-320 ALL RELATING TO THE RESPONSIBILITY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND EXPAND CHILD DEVELOPMENT SERVICES.

**COMMITTEE AMENDMENT ADOPTED  
AMENDED, HOUSE BILL RETURNED**

The following Bill was read the third time and ordered returned to the House with amendments.

H. 3726 -- Reps. G.M. Smith, West, Ballentine, Davis, Hager, Hewitt, Kirby, Long, B. Newton, Ott, M.M. Smith, Stavrinakis, Tedder, Robbins, Brewer, Murphy, Taylor, Leber, Sandifer, Ligon, Williams, Anderson, Blackwell, Nutt, McCravy, Mitchell, Yow, W. Newton, Weeks, Alexander, Pope, Hixon, Forrest and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY

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ENACTING THE “STATEWIDE EDUCATION AND WORKFORCE DEVELOPMENT ACT” BY ADDING CHAPTER 30 TO TITLE 41 SO AS TO CREATE THE OFFICE OF STATEWIDE WORKFORCE DEVELOPMENT COORDINATION IN THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, TO CENTRALIZE OVERSIGHT OF CERTAIN PUBLICLY FUNDED WORKFORCE DEVELOPMENT SERVICES IN THE OFFICE, TO PROVIDE FOR THE MANAGEMENT AND FUNCTIONS OF THE OFFICE, TO TRANSFER THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT TO THE DEPARTMENT AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COUNCIL, TO CREATE AN EXECUTIVE COMMITTEE OF THE COORDINATING COUNCIL AND PROVIDE FOR THE COMPOSITION AND FUNCTIONS OF THE COMMITTEE, TO PROVIDE FOR THE OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT, TO PROVIDE REGIONAL EDUCATION CENTERS MUST CONFORM TO CERTAIN GEOGRAPHIC CONFIGURATIONS, AND TO PROVIDE A MULTIAGENCY COLLABORATIVE EFFORT TO PROMOTE CERTAIN OFFERINGS OF REGIONAL EDUCATION CENTERS; AND BY REPEALING ARTICLE 13 OF CHAPTER 1, TITLE 13 RELATING TO OVERSIGHT OF REGIONAL EDUCATION CENTERS BY THE DEPARTMENT OF COMMERCE, AND ARTICLE 15 OF CHAPTER 1, TITLE 13 RELATING TO THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-3726.WAB0044S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 41-30-140(A) and inserting:

(A) All state and local government agencies, nonprofit groups, and quasi-governmental groups that are appropriated state funds or are authorized to expend federal funds related to workforce development shall:

(1) provide information requested by OSWD prior to the Comptroller General approving release of such funds to ensure proper reporting on any activities that may be workforce development related; and

(2) prepare a report detailing:

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- (a) anticipated plans for funds that will be allocated to workforce development related projects;
- (b) the actual amount of funds used on workforce development related projects from the previous fiscal year;
- (c) the projects for which funds were used; and
- (d) whether a balance of such funds exists and, if a balance exists, the amount of the balance.

Amend the bill further, SECTION 3, by striking Section 41-31-160 and inserting:

Section 41-31-160. The department shall not require contribution and wage reports more frequently than quarterly. Effective with the quarter ending March 31, ~~2003~~2024, every employer with ~~two hundred fifty~~ten or more employees and every individual or organization that, as an agent, reports wages on a total of ~~two hundred fifty~~ten or more employees on behalf of one or more subject employers, ~~and effective with the quarter ending March 31, 2005, every employer with one hundred or more employees and every individual or organization that, as an agent, reports wages on a total of one hundred or more employees on behalf of one or more subject employers,~~ shall file that portion of the "Employer Quarterly Contribution and Wage Reports" containing the employee's social security number, name, Standard Occupational Classification (SOC) code, total number of hours worked, and total wages ~~on magnetic tapes, diskettes, or electronically,~~ in a format approved by the department. The department may waive the requirement to file ~~using magnetic media~~electronically if hardship is shown. In determining whether a hardship has been shown, the department shall take into account, among other relevant factors, the ability of the ~~taxpayer~~employer to comply with the filing requirement at a reasonable cost.

Amend the bill further, SECTION 4, by striking Section 41-35-615 and inserting:

Section 41-35-615. All notices given to an employer concerning a request for determination of insured status, a request for initiation of a claim series in a benefit year, a notice of unemployment, a certification for waiting-week credit, a claim for benefits, and any reconsideration of a determination must be made by United States mail or electronic mail. The employer may designate with the department its preferred method of notice. If an employer does not make a designation, then notices must be made by United States mail. The employer may not be required to respond to the notice until ten calendar days, or the next business day if the tenth day falls on a Saturday, Sunday, or state holiday, after the

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postmark on notices sent via United States mail or ten calendar days after the date a notice is sent via electronic mail. Effective March 1, 2024, every employer with ten or more employees and every individual or organization that, as an agent, reports information to the department on ten or more employees on behalf of one or more subject employers, shall file responses to department requests for information regarding an individual's claim for benefits (e.g., job separations, wage audits, etc.) electronically, in a format approved by the department. The department may waive the requirement to file electronically if a hardship is shown. In determining whether a hardship is shown, the department shall take into account, among other relevant factors, the ability of the employer to comply with the filing requirement at a reasonable cost.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator McELVEEN proposed the following amendment (SMIN-3726.AA0046S), which was ruled out of order:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 59-149-50(B) of the S.C. Code is amended to read:

(B) Students receiving a LIFE Scholarship to retain it and students currently enrolled in an eligible institution to receive such a scholarship must earn a 3.0 cumulative grade point average on a 4.0 scale and earn at least thirty credit hours each year for the maximum of semesters permitted at that institution by Section 59-149-60. The cumulative grade point average calculation, for purposes of LIFE scholarship eligibility, must be inclusive of the student's grade point average at all public or independent institutions attended by the student. Beginning with the 2023 high school graduating class, a grade in a dual enrollment class shall not prevent a student from retaining their LIFE scholarship for their second year.

Renumber sections to conform.

Amend title to conform.

Senator McELVEEN explained the amendment.

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**Point of Order**

Senator DAVIS raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

Senator McELVEEN spoke on the Point.

Senator DAVIS spoke on the Point.

The PRESIDENT sustained the Point of Order.

The amendment was ruled Out of Order.

Senator DAVIS proposed the following amendment (LC-3726.PH0050S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by deleting Section 41-30-140.

Amend the bill further, SECTION 2, by striking Section 41-30-320 and inserting:

Section 41-30-320. The Governor shall appoint the Director of the OSWD with advice and consent of the Senate, subject to removal from office by the Governor pursuant to the provisions of Section 1-3-240(B). The state agency head salary review process and the rules and guidelines thereunder apply to the director. The OSWD shall:

(1) oversee and ensure implementation of Coordinating Council for Workforce Development responsibilities pursuant to Section 41-30-540;

(2) efficiently marshal public resources to optimally align, consolidate, streamline, and coordinate publicly funded workforce development efforts in this State;

(3) provide centralized oversight of all publicly funded workforce development services in this State provided by state and local government agencies, nonprofit groups, and quasi-governmental groups that are appropriated state funds or are authorized to expend federal funds related to workforce development;

(4) provide oversight of Regional Workforce Advisors as required in Section 41-30-710, et. seq.;

(5) monitor compliance of each state and local government agency, nonprofit group, and quasi-governmental group that is appropriated state funds or is authorized to expend federal funds related to workforce development and, when necessary, direct those entities to take any action necessary to comply with the responsibilities set forth in the USP. Noncompliance with a directive of the OSWD must be recorded and made part of the report made as required in subitem (6); and

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(6) shall submit an annual report by November first of each fiscal year to the Governor, Speaker of the House, President of the Senate, Chair of the House Ways & Means Committee, and Chair of the Senate Finance Committee detailing all funds used for workforce development projects by all reporting state and local government agencies, nonprofit groups, and quasi-governmental groups that are appropriated state funds or are authorized to expend federal funds related to workforce development. This report also must identify those entities that did not comply with the provisions of this chapter.

Amend the bill further, SECTION 2, by striking Section 41-30-520(27) and inserting:

(27) the Executive Director of South Carolina State Housing Finance and Development Authority or his designee;

(28) three persons appointed by the Governor who are considered current or past small business owners under the North American Industry Classification System (NAICS) code;

(29) representatives of any other agencies or entities selected by vote of the executive committee; and

(30) one person appointed by the Speaker of the House and one person appointed by the Senate President, both of whom have professional expertise in economic development and workforce issues, both of whom also shall serve on the executive committee.

Amend the bill further, SECTION 2, by striking Section 41-30-530(A)(7) and inserting:

(7) the one person appointed by the Speaker of the House and the one person appointed by the Senate President to the full CCWD in Section 41-30-520(30).

Amend the bill further, SECTION 2, by striking Section 41-30-540(C) and inserting:

(C) The executive director of the Department of Employment and Workforce shall serve as Chairman of the CCWD, and, as Chairman of the CCWD, monitor and audit the implementation of this chapter, review accountability and performance measures, and annually report to the Governor and the General Assembly by December first of each fiscal year, on the:

(a) actions taken by the council during the previous fiscal year;

(b) engagement of the council to include attendance, participation, and compliance with the USP, and;

(c) any recommendations for legislation.

Re-number sections to conform.

Amend title to conform.

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Senator DAVIS explained the amendment.

The amendment was adopted.

Senators SETZLER, MASSEY, ALEXANDER, SCOTT, LOFTIS, and STEPHENS proposed the following amendment (SR-3726.JG0051S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 41-30-710 and inserting:

Section 41-30-710. (A) The OSWD shall provide oversight to the regional workforce advisors (RWA), which are to coordinate and facilitate the delivery of information, resources, and services to students, educators, employers, and the community as provided in this article. The OSWD shall ensure that RWA's are providing services in schools and directly to students regarding opportunities available to students in industries and businesses across the state. The department shall hire RWA's and shall seek input from the State Department of Education and others, as needed, in carrying out the requirements of this section.

(B) The primary responsibilities of these advisors are to:

(1) provide services to students and adults for career planning, employment seeking, training, and other support functions;

(2) provide information, resources, and professional development programs to educators;

(3) provide resources to school districts for compliance and accountability pursuant to the provisions of Chapter 59, Title 59;

(4) provide information and resources to employers including, but not limited to, education partnerships, career-oriented learning, and training services;

(5) facilitate local connections among businesses and those involved in education; and

(6) work with school districts and institutions of higher education to create and coordinate workforce education programs.

(C) Each RWA shall coordinate career development, and postsecondary transitioning for the schools in its region.

(D) The RWAs shall provide data and reports that the department requests.

(E) Each RWA's geographic area of responsibility must conform to the geographic configuration of the local areas designated pursuant to the Workforce Innovation and Opportunity Act, Pub.L. 113-128. Each RWA's geographic area of responsibility shall have an advisory board comprised of a school district superintendent, high school principal, local

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workforce investment board chairperson, technical college president, four-year college or university representative, career center director or school district career and technology education coordinator, parent-teacher organization representative, and business and civic leaders. Appointees must reside or do business in the geographic area of the RWA's geographic area of responsibility. Local legislative delegations shall make the appointments to their respective advisory boards.

Re-number sections to conform.

Amend title to conform.

Senator SETZLER 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 41; Nays 2**

**AYES**

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

**Total--41**

**NAYS**

Cash	Corbin
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**Total--2**

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 3870 -- Reps. Wooten, Erickson, Caskey, Ballentine, West, Hewitt, Wetmore, Dillard, M.M. Smith and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-43-72 SO AS TO AUTHORIZE THE PERMITTING AND OPERATION OF NARCOTIC TREATMENT PROGRAMS, TO ESTABLISH CERTAIN REQUIREMENTS FOR NARCOTIC TREATMENT PROGRAMS AND THEIR ASSOCIATED PHARMACISTS, PRACTITIONERS, AND PRACTITIONER AGENTS, TO REQUIRE THE BOARD OF PHARMACY TO FULFILL CERTAIN OBLIGATIONS, AND FOR OTHER PURPOSES; AND BY AMENDING SECTION 44-53-720, RELATING TO RESTRICTIONS ON USE OF METHADONE, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to the consideration of the Bill.

The question then being the third reading of the Bill.

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

**Ayes 40; Nays 1**

**AYES**

Alexander	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Fanning
Gambrell	Garrett	Grooms
Gustafson	Harpoottian	Hembree
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Loftis	Malloy
Martin	Massey	Matthews
McElveen	McLeod	Peeler
Rankin	Reichenbach	Rice
Sabb	Senn	Setzler
Shealy	Stephens	Talley
Turner	Verdin	Williams

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Young

**Total--40**

**NAYS**

Adams

**Total--1**

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

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4291 -- Rep. Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE EIGHTH DAY OF AUGUST OF EACH YEAR AS "CLOG DANCING DAY" IN SOUTH CAROLINA.

**CARRIED OVER**

H. 3518 -- Reps. Felder and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-395, RELATING TO THE DRIVER'S LICENSE REINSTATEMENT FEE PAYMENT PROGRAM, SO AS TO PROVIDE THE DRIVERS' LICENSES ISSUED UNDER THIS PROGRAM ARE VALID FOR AN ADDITIONAL SIX MONTHS, TO REVISE THE AMOUNT OF REINSTATEMENT FEES OWED BY PERSONS TO BECOME ELIGIBLE TO OBTAIN THESE DRIVERS' LICENSES, TO REVISE THE DISTRIBUTION OF THE ADMINISTRATIVE FEES COLLECTED, TO PROVIDE THE DEPARTMENT OF MOTOR VEHICLES MAY PROVIDE PERSONS IN THE PROGRAM A FEE SCHEDULE OF THE AMOUNTS OWED AND THE ABILITY TO MAKE ONLINE PAYMENTS, TO REVISE THE TYPES OF DRIVERS' LICENSE SUSPENSIONS THAT ARE COVERED BY THIS SECTION, AND TO REVISE THE FREQUENCY THAT PERSONS MAY PARTICIPATE IN THE PROGRAM AND THE CONDITIONS FOR FUTURE PARTICIPATION; BY AMENDING SECTION 56-1-396, RELATING TO THE DRIVER'S LICENSE SUSPENSION AMNESTY PERIOD,

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SO AS TO LIMIT THE TYPES OF QUALIFYING SUSPENSIONS; BY AMENDING SECTION 56-10-240, RELATING TO THE REQUIREMENT THAT UPON LOSS OF INSURANCE, NEW INSURANCE MUST BE OBTAINED OR PERSONS MUST SURRENDER THEIR REGISTRATION AND PLATES, WRITTEN NOTICE BY INSURERS, APPEAL OF SUSPENSIONS, ENFORCEMENT, AND PENALTIES, SO AS TO REVISE THE PERIOD OF TIME VEHICLE OWNERS MUST SURRENDER MOTOR VEHICLE LICENSE PLATES AND REGISTRATION CERTIFICATES FOR CERTAIN UNINSURED MOTOR VEHICLES, TO DELETE THE PROVISION THAT GIVES THE DEPARTMENT OF MOTOR VEHICLES DISCRETION TO AUTHORIZE INSURERS TO UTILIZE ALTERNATE METHODS OF PROVIDING CERTAIN NOTICES TO THE DEPARTMENT, TO DELETE THE PROVISION THAT ALLOWS CERTAIN PERSONS TO APPEAL CERTAIN SUSPENSIONS TO THE DEPARTMENT OF INSURANCE FOR FAILURE TO MEET THE STATE'S FINANCIAL RESPONSIBILITY REQUIREMENTS IN ERROR, AND TO ALLOW THESE PERSONS TO PROVIDE CERTAIN DOCUMENTS TO SHOW THE SUSPENSION WAS ISSUED IN ERROR; BY AMENDING SECTION 56-10-245, RELATING TO PER DIEM FINES FOR LAPSE IN REQUIRED COVERAGE, SO AS TO PROVIDE THE FINES CONTAINED IN THE SECTION MAY NOT EXCEED TWO HUNDRED DOLLARS PER VEHICLE FOR A FIRST OFFENSE; BY AMENDING ARTICLE 5 OF CHAPTER 10, TITLE 56, RELATING TO THE ESTABLISHMENT OF THE UNINSURED MOTORIST FUND, SO AS TO REVISE THE PROVISIONS OF THIS ARTICLE TO REGULATE THE OPERATION OF UNINSURED MOTOR VEHICLES, TO DELETE PROVISIONS RELATING TO THE ESTABLISHMENT AND COLLECTION OF UNINSURED MOTOR VEHICLE FEES, TO MAKE TECHNICAL CHANGES, TO REVISE THE AMOUNT OF THE MOTOR VEHICLE REINSTATEMENT FEE AND PROVIDE IT SHALL BE INCREASED ANNUALLY, TO PROVIDE SUSPENDED LICENSES, REGISTRATION CERTIFICATES, LICENSE PLATES, AND DECALS MAY BE RETURNED TO THE DEPARTMENT OF MOTOR VEHICLES BY ELECTRONIC MEANS OR IN PERSON, AND TO DELETE THE PROVISIONS THAT REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO COLLECT STATISTICS REGARDING VARIOUS MOTOR VEHICLE REGISTRATION, INSURANCE, AND UNINSURED MOTORIST FUND ISSUES.

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

**CARRIED OVER**

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

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

**ACTING PRESIDENT PRESIDES**

At 11:57 A.M., Senator CROMER assumed the Chair.

**RECOMMITTED**

S. 756 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO REPRESENTATION BEFORE APPEAL TRIBUNAL AND THE APPELLATE PANEL, DESIGNATED AS REGULATION DOCUMENT NUMBER 5164, 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 recommitted to the Committee on Labor, Commerce and Industry.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 700 -- Senator Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 5, TITLE 39 TO ESTABLISH THE "SOUTH CAROLINA EARNED WAGE ACCESS SERVICES ACT", SO AS TO PROVIDE FOR REQUIREMENTS FOR EARNED WAGE ACCESS SERVICES PROVIDERS, AND TO PROVIDE FOR CERTAIN EXEMPTIONS AND LIMITATIONS.

The Senate proceeded to the consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-700.HA0001S), which was adopted:

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

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SECTION 1. Chapter 5, Title 39 of the S.C. Code is amended by adding:

Article 8

South Carolina Earned Wage Access Services Act

Section 39-5-810. This article may be cited as the “South Carolina Earned Wage Access Services Act”.

Section 39-5-820. As used in this article, unless the context clearly requires otherwise, the term:

(1) “Consumer” means a natural person residing in the State of South Carolina. A provider may use the mailing address provided by a consumer to determine such consumer’s state of residence for purposes of this article.

(2) “Consumer-directed wage access services” means offering or providing earned wage access services directly to consumers based on the consumer’s representations and the provider’s reasonable determination of the consumer’s earned but unpaid income.

(3) “Earned but unpaid income” means salary, wages, compensation, or other income that a consumer or an employer has represented, and that a provider has reasonably determined, have been earned or have accrued to the benefit of the consumer in exchange for the consumer’s provision of services to the employer or on behalf of the employer, including on an hourly, project-based, piecework, or other basis and including where the consumer is acting as an independent contractor of the employer, but have not, at the time of the payment of proceeds, been paid to the consumer by the employer.

(4) “Earned wage access services” means the business of providing consumer-directed wage access services or employer-integrated wage access services, or both.

(5)(a) “Employer” means:

(i) a person who employs a consumer; or

(ii) any other person who is contractually obligated to pay a consumer earned but unpaid income in exchange for consumer’s provision of services to the employer or on behalf of the employer including on an hourly, project-based, piecework, or other basis and including where the consumer is acting as an independent contractor with respect to the employer.

(b) The term “employer” does not include:

(i) a customer of the employer; or

(ii) any other person whose obligation to make a payment of salary, wages, compensation, or other income to a consumer is not based on the provision of services by that consumer for or on behalf of such person.

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(6) “Employer-integrated wage access services” means the business of delivering to consumers access to earned but unpaid income that is based on employment, income, and attendance data obtained directly or indirectly from an employer.

(7) “Fee” shall include a:

(a) fee imposed by a provider for delivery or expedited delivery of proceeds to a consumer; or

(b) subscription or membership fee imposed by a provider for a bona fide group of services that include earned wage access services. A voluntary tip, gratuity, or other donation shall not be deemed to be a fee.

(8) “Outstanding proceeds” means proceeds remitted to a consumer by a provider that have not yet been repaid to that provider.

(9) “Person” means a partnership, association, corporation, or other business unit.

(10) “Proceeds” means a payment to a consumer by a provider that is based on earned but unpaid income.

(11) “Provider” means a person who is in the business of providing earned wage access services to consumers.

Section 39-5-830. This article does not apply to any person doing business under authority of and as permitted by any law of this State or the United States relating to banks, credit unions, savings and loan associations, savings banks, or trust companies.

Section 39-5-840. A provider shall comply with all of the following requirements:

(1) The provider shall develop and implement policies and procedures to respond to questions raised by consumers and address complaints from consumers in an expedient manner.

(2) The provider shall offer to the consumer at least one reasonable option to obtain proceeds at no cost to the consumer and clearly explain how to elect that no-cost option.

(3) Before providing a consumer with earned wage access services, the provider shall provide a consumer with a written paper or electronic document, which can be included as part of the contract to provide earned wage access services, and which meets all of the following requirements:

(a) informs the consumer of the terms and conditions of the earned wage access services;

(b) clearly and conspicuously describes how the consumer may obtain proceeds at no cost to that consumer;

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(c) provides a phone number or a website through which consumers can submit complaints about the provider's earned wage access services to the provider;

(d) is written in a font and using language intended to be easily understood by a layperson;

(e) discloses any fees that may be directly imposed by the provider in connection with the provision of earned wage access services.

(4) The provider must inform the consumer of the fact of any material changes to the terms and conditions of the earned wage access services before implementing those changes for that consumer, using a font and language intended to be easily understood by a layperson.

(5) The provider shall provide proceeds to a consumer via any means mutually agreed upon by the consumer and provider.

(6) The provider shall comply with all local, state, and federal privacy and information security laws.

(7) If the provider solicits, charges, or receives a tip, gratuity, or other donation from a consumer, the provider shall:

(a) clearly and conspicuously disclose to the consumer immediately prior to each transaction that a tip, gratuity, or other donation amount may be zero and is voluntary;

(b) clearly and conspicuously disclose in its service contract with the consumer and elsewhere that tips, gratuities, or donations are voluntary and that the offering of earned wage access services, including the amount of proceeds a consumer is eligible to request and the frequency with which proceeds are provided to a consumer, is not contingent on whether the consumer pays any tip, gratuity, or other donation or on the size of the tip, gratuity or other donation;

(c) not mislead or deceive consumers about the voluntary nature of such tips, gratuities, or donations; and

(d) make no representations that tips, gratuities, or other donations will benefit any specific individuals.

(8) In any case in which a provider will seek repayment of outstanding proceeds, fees, or other payments, in connection with the activities covered by this article, including voluntary tips, gratuities, or other donations from a consumer's account at a depository institution including via electronic transfer, the provider shall:

(a) comply with applicable provisions of the federal Electronic Fund Transfer Act and its implementing regulations;

(b) reimburse the consumer for the full amount of any overdraft or non-sufficient funds fees imposed on a consumer by the consumer's depository institution that were caused by the provider attempting to seek

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payment of any outstanding proceeds, fees, or other payments, in connection with the activities covered by this article, including voluntary tips, gratuities, or other donations, on a date before, or in an incorrect amount from, the date or amount disclosed to the consumer; and

(c) not be subject to the requirements in subitem (b) with respect to payments of outstanding amounts or fees incurred by a consumer through fraudulent or other unlawful means.

(9) A provider that makes earned wage access services available to a consumer on a recurring basis shall allow a consumer to discontinue receiving those services at any time, without imposing a financial penalty on that consumer.

Section 39-5-850. No person subject to this article shall do any of the following:

(1) share with an employer any fees, voluntary tips, gratuities, or other donations that were received from or charged to a consumer for earned wage access services;

(2) charge a late fee, interest, or any other penalty or charge for failure to repay outstanding proceeds;

(3) accept payment of outstanding proceeds, fees, voluntary tips, gratuities, or other donations from a consumer via credit card or charge card;

(4) charge a deferral fee or any other charge in connection with deferring the collection of any outstanding proceeds beyond the original scheduled repayment date;

(5) solicit a consumer to delay repayment of outstanding proceeds for the purpose of increasing the total nonmandatory payments that the provider may collect;

(6) report a consumer's payment or failed repayment of outstanding proceeds to a consumer credit reporting agency or a debt collector;

(7) require a credit score to determine a consumer's eligibility for earned wage access services;

(8) advertise, display, distribute, broadcast, televise, or cause or permit to be advertised, displayed, distributed, broadcasted, or televised in any manner whatsoever any false, misleading or deceptive statement or representation regarding the conditions of the earned wage access services offered and provided by the provider;

(9) compel or attempt to compel payment by a consumer of outstanding proceeds, fees, voluntary tips, gratuities, or other donations to the provider through any of the following means:

(a) a suit against the consumer in a court of competent jurisdiction;

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(b) use of a third party to pursue collection from the consumer on the provider's behalf; or

(c) sale of outstanding amounts to a third-party collector or debt buyer for collection from the consumer.

However, the limitations in this item shall not preclude the use by a provider of any of these methods to compel payment of outstanding amounts or fees incurred by a consumer through fraudulent or other unlawful means, nor shall they preclude a provider from pursuing an employer for breach of its contractual obligations to the provider.

Section 39-5-860. The following shall apply in connection with the earned wage access services offered and provided by a provider in compliance with the provisions of this article:

(A) Proceeds provided to a consumer by the provider shall not be considered a consumer loan for purposes of Section 37-3-104 or a loan for purposes of Section 37-3-106.

(B) The provider shall not be considered a lender for purposes of Section 37-3-107(1).

(C) Fees, voluntary tips, gratuities, or other donations paid by a consumer to a provider shall not be considered a loan finance charge for purposes of Section 37-3-109.

(D) The provider shall not be considered to be engaged in the business of money transmission for purposes of Section 35-11-200.

(E) Earned wage access services shall not be considered wage assignment for the purposes of Section 37-3-403.

SECTION 2. This act takes effect upon approval by the Governor.

Re-number sections to conform.

Amend title to conform.

Senator CLIMER explained the amendment.

The amendment was adopted.

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

**CARRIED OVER**

S. 773 -- Transportation Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - COMMISSIONERS OF PILOTAGE, RELATING TO COMMISSIONERS OF PILOTAGE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5159,

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PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

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

**RECOMMITTED**

S. 774 -- Banking and Insurance Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF FINANCIAL INSTITUTIONS - CONSUMER FINANCE DIVISION, RELATING TO CHECK-CASHING SERVICE: RECORDKEEPING REQUIREMENTS, DESIGNATED AS REGULATION DOCUMENT NUMBER 5142, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator GAMBRELL, the Resolution was recommitted to the Committee on Banking and Insurance.

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

H. 3433 -- Reps. Hixon and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 50-5-2510, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-5-2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; BY AMENDING SECTION 50-9-1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO CHANGE THE METHOD FOR THE NOTICE OF SUSPENSION; BY AMENDING SECTION 50-9-1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION UNDER THE ADMINISTRATIVE PROCEDURES ACT; AND BY REPEALING SECTION 50-5-2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000; AND BY REPEALING SECTION 50-9-1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES.

The Senate proceeded to the consideration of the Bill.

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The Committee on Fish, Game and Forestry proposed the following amendment (SFGF-3433.BC0004S), which was withdrawn:

Amend the bill, as and if amended, by striking SECTIONS 1, 2, 3, and 4 and inserting:

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

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

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

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

(B) Any suspension under this article begins the eleventh day after the ~~person or entity receives written notice by mail, return receipt requested,~~ department mails written notice of the suspension and ends the same day the following year.

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

Section 50-5-2515. (A) Upon determination by the department that a person or entity has accumulated sufficient points to warrant the suspension of any saltwater privilege, the department must notify the person or entity in writing, ~~return receipt requested,~~ that his ~~the~~ person's or entity's saltwater privilege has been suspended, and the person or entity must return all the suspended licenses, ~~stamps~~, or permits in ~~his~~ the ~~person's~~ or ~~entity's~~ name to the department within ten days.

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

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

Section 50-9-1140. The department shall suspend for one year the hunting and fishing privileges of a person who has eighteen or more points. The suspension begins the eleventh day after the ~~person receives~~

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~~written notice by mail, return receipt requested, department mails written notice of the suspension, and ends the same day the following year.~~

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

Section 50-9-1150. (A) Upon determination that a ~~licensee~~person has accumulated sufficient points to warrant suspension of privileges, the department shall notify him in writing that his privileges are suspended, and the ~~licensee~~person shall return the license and any tags in the person's name to the department within ten days.

~~(B) The person may, within ten days after notice of suspension, request in writing a review, and upon receipt of the request, the department shall afford him a review. The department shall notify him of the date, time, and place of the review and the person shall have the right to have his attorney present with him if he so desires. The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person at the address contained in the records of the department. The giving of notice by mail is complete ten days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.~~

~~(C) If the person requests a review, the suspension shall be held in abeyance until the day of the final disposition of his review by the department and if the suspension is upheld, the suspension shall commence on the eleventh day thereafter and end on the same day of the following year. The review by the department shall be limited to a determination of the validity of the violations and points assessed. No probationary authority is given to the department by discretion or otherwise. A person whose privileges have been suspended may appeal the decision of the department under the Administrative Procedures Act.~~

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was withdrawn.

Senator CAMPSSEN proposed the following amendment (SFGF-3433.BC0005S), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 1, 2, 3, and 4 and inserting:

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

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

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

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

(B) Any suspension under this article begins the ~~eleventh~~ twenty-first day after the ~~person or entity receives written notice by mail, return receipt requested,~~ department mails written notice of the suspension and ends the same day the following year.

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

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

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

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

Section 50-9-1140. The department shall suspend for one year the hunting and fishing privileges of a person who has eighteen or more points. The suspension begins the ~~eleventh~~ twenty-first day after the ~~person receives written notice by mail, return receipt~~

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~~requested, department mails written notice~~ of the suspension, and ends the same day the following year.

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

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

~~(B) The person may, within ten days after notice of suspension, request in writing a review, and upon receipt of the request, the department shall afford him a review. The department shall notify him of the date, time, and place of the review and the person shall have the right to have his attorney present with him if he so desires. The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person at the address contained in the records of the department. The giving of notice by mail is complete twenty days after the deposit of the notice. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.~~

~~(C) If the person requests a review, the suspension shall be held in abeyance until the day of the final disposition of his review by the department and if the suspension is upheld, the suspension shall commence on the eleventh day thereafter and end on the same day of the following year. The review by the department shall be limited to a determination of the validity of the violations and points assessed. No probationary authority is given to the department by discretion or otherwise. A person whose privileges have been suspended may appeal the decision of the department under the Administrative Procedures Act.~~

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

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

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

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**Ayes 45; Nays 0**

**AYES**

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

**Total--45**

**NAYS**

**Total--0**

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

**CARRIED OVER**

H. 3977 -- Reps. Sandifer, Hardee and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 38-55-730 SO AS TO ALLOW INSURERS TO POST AN INSURANCE POLICY OR ENDORSEMENT ON THEIR WEBSITE IF CERTAIN CONDITIONS ARE MET.

The Senate proceeded to the consideration of the Bill.

Senator BENNETT explained the Bill.

The question then being second reading of the Bill.

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

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**CARRIED OVER**

H. 4116 -- Reps. Sandifer, M.M. Smith and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-19-295 SO AS TO PROHIBIT THE DIVIDING OF FEES OR OTHER COMPENSATION CHARGED OR RECEIVED BY LICENSEES OF THE BOARD OF FUNERAL SERVICES WITH ANOTHER PERSON, PARTNERSHIP, CORPORATION, ASSOCIATION, OR LEGAL ENTITY FOR THE DELIVERY OR PERFORMANCE OF FUNERAL SERVICES; BY AMENDING SECTION 32-7-100, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS REGULATING PRENEED FUNERAL CONTRACTS, SO AS TO INCREASE FINE RANGES AND PERMANENTLY BAR PERSONS CONVICTED OF A FELONY FROM CONDUCTING PRENEED CONTRACT SALES; BY AMENDING SECTION 32-7-110, RELATING TO THE INVESTIGATION OF COMPLAINTS AGAINST UNLICENSED PRENEED CONTRACT SALES PROVIDERS, SO AS TO PROVIDE COMPLAINTS TO WHICH THE DEPARTMENT SHALL RESPOND MAY BE WRITTEN OR ORAL; BY AMENDING SECTION 32-8-360, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFE CREMATION ACT, SO AS TO INCREASE MONETARY FINES AND REQUIRE IMMEDIATE REPORTING OF VIOLATIONS TO THE BOARD; BY AMENDING SECTION 32-8-385, RELATING TO REQUIREMENTS THAT CREMATORIES EMPLOY CERTAIN TRAINED STAFF TO PERFORM CREMATIONS, SO AS TO REQUIRE ALL CREMATIONS BE PERFORMED BY THESE TRAINED STAFF MEMBERS; BY AMENDING SECTION 40-19-20, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF EMBALMERS AND FUNERAL DIRECTORS, SO AS TO REVISE CERTAIN DEFINITIONS; BY AMENDING SECTION 40-19-30, RELATING TO THE REQUIREMENT OF LICENSURE TO PRACTICE FUNERAL SERVICES, SO AS TO PROVIDE CONDUCT CONSTITUTING THE PRACTICE OF FUNERAL SERVICES INCLUDES PARTIES WHO EXERCISE ANY CONTROL OR AUTHORITY OVER A FUNERAL ESTABLISHMENT OR ITS EMPLOYEES, AGENTS, OR REPRESENTATIVES, AND TO PROHIBIT CORPORATIONS, PARTNERSHIPS, OR INDIVIDUALS IN WHOSE NAME APPEARS THE NAME OF A PERSON WITH A REVOKED OR LAPSED LICENSE FROM HAVING A LICENSE TO OPERATE A FUNERAL HOME; BY AMENDING SECTION

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40-19-70, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE BOARD MEMBERS, COMMITTEES, OR EMPLOYEES MAY NOT BE LIABLE FOR ACTS PERFORMED IN THE COURSE OF THEIR OFFICIAL DUTIES IN THE ABSENCE OF MALICE SHOWN AND PROVEN IN A COURT OF COMPETENT JURISDICTION; BY AMENDING SECTION 40-19-80, RELATING TO INSPECTORS EMPLOYED BY THE BOARD, SO AS TO INSTEAD REQUIRE THE BOARD TO EMPLOY AT LEAST TWO INVESTIGATORS WHO MAY BE LICENSED EMBALMERS AND FUNERAL DIRECTORS WITH CERTAIN EXPERIENCE BUT WHO HAVE NOT BEEN DISCIPLINED; BY AMENDING SECTION 40-19-110, RELATING TO CONDUCT CONSTITUTING UNPROFESSIONAL CONDUCT BY A LICENSEE OF THE BOARD, SO AS TO MAKE GRAMMATICAL CHANGES; BY AMENDING SECTION 40-19-115, RELATING TO JURISDICTION OF THE BOARD, SO AS TO INCLUDE UNLICENSED PERSONS WITH THIS JURISDICTION; BY AMENDING SECTION 40-19-200, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS PROHIBITING THE PRACTICE OF FUNERAL SERVICES WITHOUT A LICENSE OR USING FALSE INFORMATION TO OBTAIN SUCH LICENSURE, SO AS TO INCREASE MONETARY FINES, AND TO SUBJECT PERSONS WHO AID AND ABET UNLICENSED PERSONS OR ENTITIES IN ENGAGING IN THE PRACTICE OF FUNERAL SERVICE WITHOUT LICENSURE TO THESE PENALTIES; BY AMENDING SECTION 40-19-250, RELATING TO CONTINUING EDUCATION PROGRAMS, SO AS TO REQUIRE CERTAIN COURSEWORK IN ETHICS, TO REQUIRE FOUR HOURS OF TOTAL ANNUAL COURSEWORK, TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK TO BE IN ETHICS, AND TO REQUIRE A CERTAIN PORTION OF THIS COURSEWORK BE COMPLETED IN PERSON; AND BY AMENDING SECTION 40-19-290, RELATING TO THE FIDUCIARY RESPONSIBILITIES OF FUNERAL ESTABLISHMENTS WITH RESPECT TO PAYMENTS RECEIVED FOR FUNERAL MERCHANDISE BEING PURCHASED, SO AS TO PROVIDE THESE PAYMENTS MUST BE KEPT IN A TRUST ACCOUNT UNTIL THE MERCHANDISE IS DELIVERED FOR ITS INTENDED USE OR IS DELIVERED INTO THE PHYSICAL POSSESSION OF THE PURCHASER.

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

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**OBJECTION**

S. 109 -- Senators Martin, Rice, Kimbrell, Corbin, Climer, Loftis, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA CONSTITUTIONAL CARRY ACT OF 2023"; BY AMENDING SECTION 10-11-320, RELATING TO CARRYING OR DISCHARGING FIREARMS; EXCEPTION FOR CONCEALABLE WEAPONS' PERMIT HOLDERS, SO AS TO PROVIDE PERSONS MAY POSSESS FIREARMS UPON THE CAPITOL GROUNDS UNDER CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 16-23-20, RELATING TO UNLAWFUL CARRYING OF HANDGUNS; EXCEPTIONS, SO AS TO PROVIDE IT IS LEGAL TO CARRY HANDGUNS IN THIS STATE AND TO PROVIDE LOCATION EXCEPTIONS WHERE FIREARMS ARE PROHIBITED; BY AMENDING SECTION 16-23-50, RELATING TO PENALTIES; DISPOSITION OF FINES; FORFEITURE AND DISPOSITION OF HANDGUNS, SO AS TO PROVIDE PERSONS WHO ENTER PREMISES WITH SIGNS PROHIBITING FIREARMS WHILE POSSESSING A FIREARM MUST BE CHARGED WITH TRESPASSING; BY AMENDING SECTIONS 16-23-420 AND 16-23-430, BOTH RELATING TO CARRYING WEAPONS ON SCHOOL PROPERTIES, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH PERSONS MAY POSSESS FIREARMS ON SCHOOL PROPERTIES; BY AMENDING SECTION 16-23-465, RELATING TO ADDITIONAL PENALTIES FOR UNLAWFULLY CARRYING PISTOLS OR FIREARMS ONTO PREMISES OF BUSINESSES SELLING ALCOHOLIC LIQUOR, BEER, OR WINE FOR ON-PREMISES CONSUMPTION, SO AS TO PROVIDE AN EXCEPTION FOR PERSONS LAWFULLY CARRYING WEAPONS WHO DO NOT CONSUME ALCOHOLIC LIQUOR, BEER, OR WINE WHILE CARRYING WEAPONS ON THE BUSINESSES' PREMISES; BY AMENDING SECTION 23-31-215, RELATING TO ISSUANCE OF CONCEALABLE WEAPON PERMITS, SO AS TO DELETE THE PROVISION THAT REQUIRES PERMIT HOLDERS TO POSSESS PERMIT IDENTIFICATION WHEN CARRYING CONCEALABLE WEAPONS, AND THE PROVISION THAT REQUIRES PERMIT HOLDERS TO INFORM LAW ENFORCEMENT OFFICERS THAT THEY ARE PERMIT HOLDERS AND PRESENT THE PERMITS TO OFFICERS UNDER CERTAIN CIRCUMSTANCES, AND TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 23-31-220, RELATING TO THE RIGHT TO ALLOW OR PERMIT

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CONCEALED WEAPONS UPON PREMISES, SO AS TO MAKE TECHNICAL CHANGES AND TO PROVIDE THIS PROVISION REGULATES BOTH PERSONS WHO POSSESS AND DO NOT POSSESS CONCEALED WEAPONS PERMITS; BY AMENDING SECTION 23-31-235, RELATING TO SIGN REQUIREMENTS, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTIONS 16-23-460, 23-31-225, AND 23-31-230 RELATING TO THE UNLAWFUL CARRYING OF CONCEALABLE WEAPONS, THE UNLAWFUL CARRYING OF CONCEALABLE WEAPONS INTO RESIDENCES, AND THE CARRYING OF WEAPONS BETWEEN AUTOMOBILES AND CERTAIN ROOMS AND ACCOMMODATIONS.

Senator McLEOD objected to consideration of the Bill.

**READ THE SECOND TIME**

H. 3340 -- Reps. Dillard, Henegan, Hyde, Felder, King, Howard, Bernstein and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 23-3-330, RELATING TO THE ENDANGERED PERSON NOTIFICATION SYSTEM, SO AS TO PROVIDE THE SYSTEM ALSO SHALL PROVIDE FOR THE DISSEMINATION OF INFORMATION REGARDING MISSING PERSONS BELIEVED TO BE SUFFERING FROM A DEVELOPMENTAL DISABILITY SUCH AS AUTISM SPECTRUM DISORDER.

The Senate proceeded to the consideration of the Bill.

Senator TALLEY explained the Bill.

The question then being second reading of the Bill.

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

**Ayes 42; Nays 0**

**AYES**

Adams	Allen	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Fanning	Gambrell	Garrett
Grooms	Gustafson	Harpootlian
Hembree	Jackson	<i>Johnson, Kevin</i>
<i>Johnson, Michael</i>	Kimbrell	Kimpson

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Loftis	Malloy	Martin
Massey	Matthews	McElveen
McLeod	Rankin	Reichenbach
Rice	Sabb	Scott
Senn	Setzler	Shealy
Stephens	Talley	Turner
Verdin	Williams	Young

**Total--42**

**NAYS**

**Total--0**

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

**POINT OF ORDER**

H. 3360 -- Reps. Pope, Gilliam, Wooten, McCravy, Felder, Williams, Erickson, Bradley, Mitchell, Forrest, B. Newton and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 17 TO CHAPTER 23, TITLE 23 SO AS TO ESTABLISH THE CENTER FOR SCHOOL SAFETY AND TARGETED VIOLENCE WITHIN THE STATE LAW ENFORCEMENT DIVISION.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 3503 -- Reps. Gilliam, Pope, Taylor, Chumley, Haddon, McCravy, Oremus, Hiott, Burns, Wooten, Hixon, Bailey, Caskey, Thayer, Trantham, Forrest, Yow, S. Jones, Sessions, Guffey, Lawson, Chapman, Leber, O'Neal, Vaughan, Robbins, B.J. Cox, M.M. Smith, Davis, Brewer, Murphy, Whitmire, Ligon, Felder, Mitchell, Hager, Connell, Carter, West, Calhoon, B. Newton, Neese, Landing, Blackwell, Pedalino, Willis and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-53-190,

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RELATING TO SCHEDULE I SUBSTANCES, SO AS TO ADD FENTANYL-RELATED SUBSTANCES; BY AMENDING SECTION 44-53-370, RELATING TO PROHIBITED ACTS AND PENALTIES, SO AS TO ADD AN OFFENSE FOR TRAFFICKING IN FENTANYL; AND BY AMENDING SECTION 16-1-60, RELATING TO VIOLENT CRIMES, SO AS TO ADD TRAFFICKING IN FENTANYL.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 3553 -- Reps. G.M. Smith, Erickson, Crawford, Hewitt, Davis, T. Moore, McCravy, B. Newton, West, Burns, Mitchell, Pace, S. Jones, White, Hixon, Hiott, Oremus, M.M. Smith, Landing, W. Newton, Robbins, Brewer, Cromer, Weeks, Wheeler, Magnuson, Yow and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-9-750, RELATING TO FINAL ADOPTION HEARINGS, SO AS TO ELIMINATE THE MANDATORY NINETY-DAY WAITING PERIOD TO FINALIZE AN ADOPTION.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**RECESS**

At 12:15 P.M., on motion of Senator MASSEY, the Senate recessed from business until 1:30 P.M.

At 1:42 P.M., the Senate resumed.

**PRESIDENT PRESIDES**

At 1:42 P.M., the PRESIDENT assumed the Chair.

**Call of the Senate**

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

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

A quorum being present, the Senate resumed.

**POINT OF ORDER**

H. 3583 -- Reps. Guffey, Lawson, Pace, Haddon, O'Neal, Pope, Ligon, B. Newton, Sessions, Anderson, Taylor, Carter, Brewer, Murphy, White, Guest, Mitchell, Pedalino, Oremus, Wooten, Caskey, Leber, Landing, Chapman, Vaughan, Hiott, Gilliam, Cromer, B.L. Cox, Moss, T. Moore, Beach, J.L. Johnson, Hartnett, Bauer, Schuessler, Bailey, Neese, W. Newton, Jordan, Hewitt, King, Gilliard, Williams, Jefferson, Weeks, Trantham, Nutt, McCravy, Robbins, Ballentine, Calhoon, M.M. Smith, Davis, Cobb-Hunter, Henegan, G.M. Smith, Atkinson, Erickson, W. Jones, Blackwell, McDaniel, J.E. Johnson, S. Jones, Willis, Alexander and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 16-15-430 SO AS TO CREATE THE OFFENSES OF "SEXUAL EXTORTION" AND "AGGRAVATED SEXUAL EXTORTION", TO DEFINE NECESSARY TERMS, AND TO PROVIDE PENALTIES FOR VIOLATIONS.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 3872 -- Reps. Murphy, Caskey, B. Newton, Brewer, Robbins, Sandifer, Herbkersman, Rutherford, Wooten, Connell, Mitchell and Hager: A BILL TO AMEND THE SOUTH CAROLINA CODE OF

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LAWS BY ADDING SECTION 59-150-145 SO AS TO EXEMPT CERTAIN PERSONALLY IDENTIFIABLE INFORMATION CONCERNING LOTTERY CLAIMS FROM NONCONSENSUAL DISCLOSURE OR RELEASE UNDER THE FREEDOM OF INFORMATION ACT, TO PROVIDE THE LOTTERY COMMISSION MAY DISCLOSE CERTAIN INFORMATION CONCERNING LOTTERY CLAIMS WITHOUT CONSENT, AND TO PROVIDE AN EXCEPTION FOR PARTICIPANTS IN CERTAIN PROMOTIONS; AND BY AMENDING SECTION 30-4-40, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO MAKE A CONFORMING CHANGE.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 3960 -- Rep. Forrest: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 1-1-686 SO AS TO DESIGNATE THE SOUTH CAROLINA POULTRY FESTIVAL IN LEXINGTON COUNTY AS THE OFFICIAL STATE POULTRY FESTIVAL.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 4352 -- Reps. Calhoun and Felder: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 53-3-270 SO AS TO DESIGNATE THE MONTH OF MARCH OF EACH YEAR AS "MIDDLE LEVEL EDUCATION MONTH".

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**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 39 that the Bill had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

S. 712 -- Senators Goldfinch and Campsen: A CONCURRENT RESOLUTION TO ENCOURAGE THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO ASSIST IN FINDING REASONABLE SOLUTIONS TO PROTECT NORTH ATLANTIC RIGHT WHALES AND SOUTH CAROLINA'S COASTAL CULTURE AND ECONOMY.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 37 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 4096 -- Rep. Hardee: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION OF S-26-31/RED BLUFF ROAD AND S-26-66 IN HORRY COUNTY THE "CHRISTOPHER AND MILES WADDELL MEMORIAL INTERSECTION" AND PLACE APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 37 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**POINT OF ORDER**

H. 4175 -- Reps. Yow, Mitchell and Henegan: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 742 IN CHESTERFIELD COUNTY FROM ITS INTERSECTION WITH ADAMS ROAD TO ITS

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INTERSECTION WITH DAVID'S GROVE CHURCH ROAD "SENATOR EDWARD MCIVER LEPPARD MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

**Point of Order**

Senator MATTHEWS raised a Point of Order under Rule 37 that the Resolution had not been on the desks of the members at least one day prior to second reading.

The PRESIDENT sustained the Point of Order.

**Motion Adopted**

On motion of Senator MASSEY, with unanimous consent, the Senate agreed to go into Executive Session.

The Senate resumed at 3:15 P.M.

**Expression of Personal Interest**

Senator JACKSON rose for an Expression of Personal Interest.

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

**MOTION ADOPTED**

At 3:29 P.M., on motion of Senator MASSEY, the Senate agreed to dispense with the balance of the Motion Period.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

S. 418 -- Senators Hembree, Turner and Gustafson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-155-180, RELATING TO PRE-SERVICE AND IN-SERVICE TEACHER EDUCATION PROGRAMS, SO AS TO UPDATE THE ENDORSEMENT REQUIREMENTS OF READ TO SUCCEED.

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

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**CONCURRENCE**

S. 36 -- Senators Hutto, Young, Campsen and Grooms: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-286, RELATING TO SUSPENSION OF LICENSE OR PERMIT OR DENIAL OF ISSUANCE OF LICENSE OR PERMIT TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN AMOUNT OF ALCOHOL CONCENTRATION, SO AS TO ALLOW PERSONS UNDER THE AGE OF TWENTY-ONE WHO ARE SERVING A SUSPENSION OR ARE DENIED A LICENSE OR PERMIT TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, OR REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS; BY AMENDING SECTION 56-1-385, RELATING TO REINSTATEMENT OF PERMANENTLY REVOKED DRIVERS' LICENSES, SO AS TO LIMIT ITS APPLICATION TO OFFENSES OCCURRING BEFORE OCTOBER 1, 2014; BY AMENDING SECTION 56-1-400, RELATING TO SURRENDER OF LICENSES; ISSUANCE OF NEW LICENSES; ENDORSING SUSPENSION AND IGNITION INTERLOCK DEVICES ON LICENSES, SO AS TO REVISE THE PROVISIONS THAT RELATE TO THE DURATION OF THE PERIOD FOR WHICH THE IGNITION INTERLOCK DEVICES MUST BE MAINTAINED TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE AND DELETE THE REQUIREMENT THAT REQUIRES PERSONS SEEKING TO HAVE LICENSES ISSUED MUST FIRST PROVIDE PROOF THAT FINES OWED HAVE BEEN PAID; BY AMENDING SECTION 56-1-1090, RELATING TO REQUEST FOR RESTORATION OF PRIVILEGES TO OPERATE MOTOR VEHICLES, CONDITIONS, AND APPEALS OF DENIALS OF REQUESTS, SO AS TO PROVIDE HABITUAL OFFENDERS MAY OBTAIN DRIVERS' LICENSES WITH INTERLOCK RESTRICTIONS IF THEY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AND OBTAINED LICENSES WITH INTERLOCK RESTRICTIONS; BY AMENDING SECTION 56-1-1320, RELATING TO PROVISIONAL DRIVERS' LICENSES, SO AS TO ELIMINATE THE ISSUANCE OF PROVISIONAL DRIVERS' LICENSES FOR CERTAIN OFFENSES THAT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS ACT; BY AMENDING SECTION 56-1-1340, RELATING TO LICENSES THAT MUST BE KEPT IN POSSESSION, ISSUANCE OF LICENSES AND CONVICTIONS TO BE RECORDED, SO AS TO CONFORM

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STATUTORY REFERENCES; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE CERTAIN PERSONS ISSUED TEMPORARY ALCOHOL LICENSES ARE REQUIRED TO HAVE IGNITION INTERLOCK DEVICES INSTALLED ON CERTAIN MOTOR VEHICLES, TO DELETE THE PROVISION THAT PROVIDES THIS SECTION DOES NOT APPLY TO PERSONS CONVICTED OF CERTAIN FIRST OFFENSE VIOLATIONS, TO PROVIDE THAT DRIVERS OF MOTORCYCLES ARE EXEMPT FROM HAVING IGNITION INTERLOCK DEVICES INSTALLED ON THESE VEHICLES, TO INCLUDE REFERENCES TO THE HABITUAL OFFENDER STATUTE, TO PERMIT DRIVERS WITH LIFETIME IGNITION INTERLOCK REQUIREMENTS DUE TO CONVICTIONS ON OR AFTER OCTOBER 1, 2014, TO SEEK TO HAVE THE DEVICES REMOVED BY THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES AND THE RESTRICTIONS FROM THEIR DRIVERS' LICENSES, REQUIRE DEVICE MANUFACTURERS TO APPLY TO THE DEPARTMENT OF PROBATION, PAROLE AND PARDON SERVICES FOR CERTIFICATION OF THE DEVICES, PAY A CERTIFICATION FEE AND PROVIDE FOR THE DISPOSITION OF THE FEE, AND TO PROVIDE FOR THE COLLECTION AND RETENTION OF THE INFORMATION RECORDED BY THE DEVICES; BY AMENDING SECTION 56-5-2951, RELATING TO THE SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TEMPORARY ALCOHOL LICENSES, ADMINISTRATIVE HEARING, RESTRICTED DRIVERS' LICENSES AND PENALTIES, SO AS TO PROVIDE WITHIN THIRTY DAYS OF THE ISSUANCE OF NOTICES OF SUSPENSION, PERSONS MAY REQUEST A CONTESTED HEARING BEFORE THE OFFICE OF MOTOR VEHICLES HEARINGS, ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, AND OBTAIN TEMPORARY ALCOHOL LICENSES WITH IGNITION INTERLOCK DEVICE RESTRICTIONS, TO PROVIDE FOR THE DISPOSITION OF TEMPORARY ALCOHOL LICENSE FEES, TO PROVIDE THE IGNITION INTERLOCK RESTRICTION BE MAINTAINED ON TEMPORARY LICENSES UNDER CERTAIN CIRCUMSTANCES, TO MAKE TECHNICAL CHANGES, TO ALLOW PERSONS TO RECEIVE CERTAIN CREDITS FOR MAINTAINING IGNITION INTERLOCK

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RESTRICTIONS ON TEMPORARY ALCOHOL LICENSES UNDER CERTAIN CIRCUMSTANCES, AND TO DELETE THE PROVISIONS RELATING TO ROUTE-RESTRICTED LICENSES, TO PROVIDE PROSECUTING AUTHORITIES ARE NOT PRECLUDED FROM WAIVING OR DISMISSING CHARGES UNDER THIS SECTION; AND BY AMENDING SECTION 56-5-2990, RELATING TO SUSPENSION OF CONVICTED PERSONS DRIVERS' LICENSES, AND PERIOD OF SUSPENSION, SO AS TO REVISE THE PENALTIES RELATING TO CONVICTIONS FOR FIRST OFFENCE DRIVING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR OTHER DRUGS TO ONLY REQUIRE PERSONS TO ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, END THE SUSPENSION, AND OBTAIN INTERLOCK RESTRICTED LICENSES, DELETE THE PROVISION ALLOWING THE USE OF ROUTE-RESTRICTED OR SPECIAL RESTRICTED DRIVERS' LICENSES TO ATTEND CERTAIN PROGRAMS AND FUNCTIONS, AND TO DELETE THE PROVISION THAT ESTABLISHES THE DATE WHEN DRIVER'S LICENSE SUSPENSION PERIODS BEGIN AND WHEN CERTAIN APPEALS MAY BE FILED.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator HUTTO explained the House amendments.

Senator MALLOY proposed the following amendment (SR-36.JG0015S), which was withdrawn:

Amend the bill, by striking all after the enacting words and inserting:  
SECTION 1. Section 56-1-286 of the S.C. Code is amended to read:

Section 56-1-286. (A) The Department of Motor Vehicles shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to a person under the age of twenty-one who drives a motor vehicle and has an alcohol concentration of two one-hundredths of one percent or more. In cases in which a law enforcement officer initiates suspension proceedings for a violation of this section, the officer has elected to pursue a violation of this section and is subsequently prohibited from prosecuting the person

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for a violation of Section 63-19-2440, 63-19-2450, 56-5-2930, or 56-5-2933, arising from the same incident.

(B) A person under the age of twenty-one who drives a motor vehicle in this State is considered to have given consent to chemical tests of the person's breath or blood for the purpose of determining the presence of alcohol.

(C)(1) A law enforcement officer who has arrested a person under the age of twenty-one for a violation of Chapter 5 of this title (Uniform Act Regulating Traffic on Highways), or any other traffic offense established by a political subdivision of this State, and has reasonable suspicion that the person under the age of twenty-one has consumed alcoholic beverages and driven a motor vehicle may order the testing of the person arrested to determine the person's alcohol concentration.

(2) A law enforcement officer may detain and order the testing of a person to determine the person's alcohol concentration if the officer has reasonable suspicion that a motor vehicle is being driven by a person under the age of twenty-one who has consumed alcoholic beverages.

(D)(1) A test must be administered at the direction of the primary investigating law enforcement officer. At the officer's direction, the person first must be offered a breath test to determine the person's alcohol concentration. If the person physically is unable to provide an acceptable breath sample because the person has an injured mouth or is unconscious or dead, or for any other reason considered acceptable by licensed medical personnel, a blood sample may be taken. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to the State Law Enforcement Division's policies. The primary investigating officer may administer the test. Blood samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, or other medical personnel trained to obtain these samples in a licensed medical facility. Blood samples must be obtained and handled in accordance with procedures approved by the division. The division shall administer the provisions of this subsection and shall promulgate regulations necessary to carry out the subsection's provisions. The costs of the tests administered at the officer's direction must be paid from the state's general fund. However, if the person is subsequently convicted of violating Section 56-5-2930, 56-5-2933, or 56-5-2945, then, upon conviction, the person shall pay twenty-five dollars for the costs of the tests. The twenty-five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of

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administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(2) The person tested or giving samples for testing may have a qualified person of the person's choice conduct additional tests at the person's expense and must be notified in writing of that right. A person's request or failure to request additional blood tests is not admissible against the person in any proceeding. The person's failure or inability to obtain additional tests does not preclude the admission of evidence relating to the tests or samples taken at the officer's direction. The officer shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance shall, at a minimum, include providing transportation for the person to the nearest medical facility which provides blood tests to determine a person's alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood to determine the person's alcohol concentration, the State Law Enforcement Division shall test the blood and provide the result to the person and to the officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in a judicial or administrative proceeding.

(E) A qualified person and the person's employer who obtain samples or administer the tests or assist in obtaining samples or administering of tests at the primary investigating officer's direction are immune from civil and criminal liability unless the obtaining of samples or the administering of tests is performed in a negligent, reckless, or fraudulent manner. A person may not be required by the officer ordering the tests to obtain or take any sample of blood or urine.

(F) If a person refuses upon the primary investigating officer's request to submit to chemical tests as provided in subsection (C), the department shall suspend the person's license, permit, or nonresident operating privilege, or deny the issuance of a license or permit to the person for:

(1) six months; or

(2) one year, if the person, within the three years preceding the violation of this section, has been previously convicted of violating Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or the person has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990.

(G) If a person submits to a chemical test and the test result indicates an alcohol concentration of two one-hundredths of one percent or more, the department shall suspend the person's license, permit, or nonresident

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operating privilege, or deny the issuance of a license or permit to the person for:

(1) three months; or

(2) six months, if the person, within the three years preceding the violation of this section, has been previously convicted of violating Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or the person has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990.

(H)(1) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months.

(2) The person must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.

(3) Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(I) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension or ignition interlock restricted license requirement pursuant to subsection (F) or (G) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program in which the person is enrolled. After the person's driving privilege is restored, the person shall continue to participate in the services of the Alcohol and Drug Safety Action Program in which the person is enrolled. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until the person completes completion of the Alcohol and Drug Safety Action Program. A person shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 before the person's driving privilege may can be

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restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

~~(1)~~(J)(1) A test may not be administered or samples taken unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

~~(1)~~(a) the person does not have to take the test or give the samples but that the person's privilege to drive must be suspended or denied for at least six months if the person refuses to submit to the tests, and that the person's refusal may be used against the person in court;

~~(2)~~(b) the person's privilege to drive must be suspended for at least three months if the person takes the test or gives the samples and has an alcohol concentration of two one-hundredths of one percent or more;

~~(3)~~(c) the person has the right to have a qualified person of the person's own choosing conduct additional independent tests at the person's expense;

~~(4)~~(d) the person has the right to request a contested case hearing within thirty days of the issuance of the notice of suspension; and

~~(5)~~(e) the person shall enroll in an Alcohol and Drug Safety Action Program within thirty days of the issuance of the notice of suspension if the person does not request a contested case hearing or within thirty days of the issuance of notice that the suspension has been upheld at the contested case hearing.

(2) The primary investigating officer promptly shall notify the department of a person's refusal to submit to a test requested pursuant to this section as well as the test result of a person who submits to a test pursuant to this section and registers an alcohol concentration of two one-hundredths of one percent or more. The notification must be in a manner prescribed by the department.

~~(1)~~(K) If the test registers an alcohol concentration of two one-hundredths of one percent or more or if the person refuses to be tested, the primary investigating officer shall issue a notice of suspension, and the suspension is effective beginning on the date of the alleged violation of this section. The person, within thirty days of the issuance of the notice of suspension, shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 if the person does not request an administrative hearing. If the person does not request an administrative hearing and does not enroll in an Alcohol and Drug Safety Action Program within thirty days, the suspension remains in effect, and a temporary alcohol license must not be issued. If the person drives a

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motor vehicle during the period of suspension without a temporary alcohol license, the person must be penalized for driving while the person's license is suspended pursuant to Section 56-1-460.

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

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

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

~~(c)~~ obtain a temporary alcohol license by filing with an ignition interlock restriction pursuant to Section 56-1-400 from the Department of Motor Vehicles a form for this purpose. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty-five dollars of the fee collected by the Department of Motor Vehicles must be distributed to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter; and.

~~(2)~~ request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure. The ignition interlock restriction must be maintained on the temporary alcohol license for three months. If the contested case hearing has not reached a final disposition by the time the ignition interlock restriction has been removed, then the person can obtain a temporary alcohol license without an ignition interlock restriction.

~~(3)~~ At the contested case hearing if:

(a) the suspension is upheld, the person shall enroll in an Alcohol and Drug Safety Action Program and the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension periods provided for in subsections (F) and (G); or

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

~~(L)(M)~~ The periods of suspension provided for in subsections (F) and (G) begin on the day the notice of suspension is issued, or at the

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expiration of any other suspensions, and continue until the person applies for a temporary alcohol license and requests an administrative hearing.

~~(M)~~(N) If a person does not request a contested case hearing, the person has waived the person's right to the hearing and the person's suspension must not be stayed but shall continue for the periods provided for in subsections (F) and (G).

~~(N)~~(O) The notice of suspension must advise the person of the requirement to enroll in an Alcohol and Drug Safety Action Program and of the person's right to obtain a temporary alcohol license and to request a contested case hearing. The notice of suspension also must advise the person that, if the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, the person shall enroll in an Alcohol and Drug Safety Action Program, and the person waives the person's right to the contested case hearing, and the suspension continues for the periods provided for in subsections (F) and (G).

~~(O)~~(P) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings.

(1) The scope of the hearing is limited to whether the person:

~~(1)~~(a) was lawfully arrested or detained;

~~(2)~~(b) was given a written copy of and verbally informed of the rights enumerated in subsection ~~(1)~~(J);

~~(3)~~(c) refused to submit to a test pursuant to this section; or

~~(4)~~(d) consented to taking a test pursuant to this section, and the:

~~(a)~~(i) reported alcohol concentration at the time of testing was two one-hundredths of one percent or more;

~~(b)~~(ii) individual who administered the test or took samples was qualified pursuant to this section;

(c)(iii) test administered and samples taken were conducted pursuant to this section; and

~~(d)~~(iv) the machine was operating properly.

(2) Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

(3) The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person

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requesting the contested case hearing or the person's attorney appears at the contested case hearing.

(4) A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days the person's license was suspended before the person received a temporary alcohol license and requested the contested case hearing and must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.

~~(P)~~(Q) A contested case hearing is a contested proceeding under the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal shall stay the suspension until a final decision is issued.

~~(Q)~~(R) A person who is unconscious or otherwise in a condition rendering him incapable of refusal is considered to be informed and not to have withdrawn the consent provided for in subsection (B) of this section.

~~(R)~~(S) When a nonresident's privilege to drive a motor vehicle in this State has been suspended under the procedures of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license or permit.

~~(S)~~(T) A person required to submit to a test must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any proceeding in which the results of the tests are used as evidence. A person who obtains additional tests shall furnish a copy of the time, method, and results of any additional tests to the officer before any trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

~~(T)~~(U) A person whose driver's license or permit is suspended under this section is not required to file proof of financial responsibility.

~~(U)~~(V) The department shall administer the provisions of this section, not including subsection (D), and shall promulgate regulations necessary to carry out its provisions.

~~(V)~~(W) Notwithstanding any other provision of law, no suspension imposed pursuant to this section is counted as a demerit or result in any insurance penalty for automobile insurance purposes if at the time the person was stopped, the person whose license is suspended had an

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alcohol concentration that was less than eight one-hundredths of one percent.

SECTION 2. Section 56-1-385(A) of the S.C. Code is amended to read:

(A) Notwithstanding any other provision of law, a person whose driver's license or privilege to operate a motor vehicle has been revoked permanently pursuant to Section 56-5-2990 for an offense that occurred prior to October 1, 2014, excluding persons convicted of felony driving under the influence of alcohol or another controlled substance under Section 56-5-2945, may petition the circuit court in the county of his residence for reinstatement of his driver's license and shall serve a copy of the petition upon the solicitor of the circuit. The solicitor or his designee within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or his designee does not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor or his designee when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person's driver's license upon the following conditions:

(1) the person must not have been convicted in this State or any other state of an alcohol or drug violation during the previous seven-year period;

(2) the person must not have been convicted of or have charges pending in this State or another state for a violation of driving while his license is canceled, suspended, or revoked during the previous seven-year period;

(3) the person must have completed successfully an alcohol or drug assessment and treatment program provided by the South Carolina Department of Alcohol and Other Drug Abuse Services or an equivalent program designated by that agency; and

(4) the person's overall driving record, attitude, habits, character, and driving ability would make it safe to grant him the privilege to operate a motor vehicle.

SECTION 3. Section 56-1-400 of the S.C. Code is amended to read:

Section 56-1-400. (A)(1) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that the license be surrendered to the department. At the end of the suspension period, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony

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driving under the influence of intoxicants, or pursuant to the point system, the department shall issue a new license to the person.

(2) If the person has not held a license within the previous nine months, the department shall not issue or restore a license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and satisfied the department, after an investigation of the person's driving ability, that it would be safe to grant the person the privilege of driving a motor vehicle on the public highways. The department, in the department's discretion, where the suspension is for a violation under the point system, may waive the examination, application, and investigation. A record of the suspension must be endorsed on the license issued to the person, showing the grounds of the suspension.

(B) If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56-5-2941, the restriction on the license issued to the person must conspicuously identify the person as a person who only may drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to ~~Sections~~ Section 56-1-286; 56-1-1090; 56-5-2945; and 56-5-2947 ~~except if the conviction was for Section 56-5-750, 56-5-2951; or 56-5-2990; or 56-5-2947, except if the conviction was for Section 56-5-750.~~

(C) For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.

(D) Unless the person establishes that the person is entitled to the exemption set forth in subsection ~~(B)~~(G), no ignition interlock restricted license may be issued by the department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order.

(E) If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended indefinitely. If the person subsequently decides to have the ignition interlock device installed, the device must be installed for the length of time set forth in ~~Sections 56-1-286, 56-5-2945, and 56-5-2947~~ ~~except if~~

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~~the conviction was for Section 56-5-750, 56-5-2951, or 56-5-2990 subsection (B).~~

(F) This provision does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23, Chapter 5 of this title.

~~(B)~~(G)(1) A person who does not own a vehicle, as shown in the Department of Motor Vehicles' records, and who certifies that the person:

(a) cannot obtain a vehicle owner's permission to have an ignition interlock device installed on a vehicle;

(b) will not be driving a vehicle other than a vehicle owned by the person's employer; and

(c) will not own a vehicle during the ignition interlock period, may petition the department, on a form provided by the department, for issuance of an ignition interlock restricted license that permits the person to operate a vehicle specified by the employer according to the employer's needs as contained in the employer's statement during the days and hours specified in the employer's statement without having to show that an ignition interlock device has been installed.

(2) The form must contain:

(a) identifying information about the employer's noncommercial vehicles that the person will be operating;

(b) a statement that explains the circumstances in which the person will be operating the employer's vehicles; and

(c) the notarized signature of the person's employer.

(3) This subsection does not apply to:

(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person;

(b) a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section; or

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(c) a person participating in the Ignition Interlock Device Program as an habitual offender as provided for in Section 56-1-1090(A).

(4) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the form specified by this subsection.

(5) The determination of eligibility for the waiver is subject to periodic review at the discretion of the department. The department shall revoke a waiver issued pursuant to this exemption if the department determines that the person has been driving a vehicle other than the vehicle owned by the person's employer or has been operating the person's employer's vehicle outside the locations, days, or hours specified by the employer in the department's records. The person may seek relief from the department's determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

~~(C) A person whose license has been suspended or revoked for an offense within the jurisdiction of the court of general sessions shall provide the department with proof that the fine owed by the person has been paid before the department may issue the person a license. Proof that the fine has been paid may be a receipt from the clerk of court of the county in which the conviction occurred stating that the fine has been paid in full.~~

SECTION 4. Section 56-1-1090(A) of the S.C. Code is amended to read:

(A) No license to operate motor vehicles in this State may be issued to an habitual offender nor shall a nonresident habitual offender operate a motor vehicle in this State for a period of five years from the date of a determination by the Department of Motor Vehicles that a person is an habitual offender unless the period is reduced to two years as permitted in item (1) or (2) or the person has enrolled in the Ignition Interlock Device Program pursuant to Section 56-5-2941 and has obtained a license with an ignition interlock restriction pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to

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Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(1)(a) Upon request to the department on a form prescribed by it, the department may restore to the person the privilege to operate a motor vehicle in this State subject to other provisions of law relating to the issuance of drivers' licenses. The request permitted by this item may be filed after two years have expired from the beginning date of the habitual offender suspension and if the following conditions are met:

(a)(i) the person must not have had a previous habitual offender suspension in this or another state;

(b)(ii) the person must not have driven a motor vehicle during the habitual offender suspension period;

(c)(iii) the person must not have been convicted of or have charges pending for any alcohol or drug violations committed during the habitual offender suspension period;

(d)(iv) the person must not have been convicted of or have charges pending for any offense listed in Section 56-1-1020 committed during the habitual offender suspension period; and

(e)(v) the person must not have any other mandatory driver's license suspension that has not yet reached its end date.

(b) The department will issue its decision within thirty days after receipt of the request.

(2) If the department denies the request referenced in item (1), the person may seek relief from the department's determination by filing a request for a de novo contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings. For good cause shown, the Office of Motor Vehicle Hearings may restore to the person the privilege to operate a motor vehicle in this State subject to other provisions of law relating to the issuance of driver's licenses. The provisions of item (1) shall not be construed to limit the discretion or authority of the Office of Motor Vehicle Hearings in considering the person's request for a reduction of the five-year suspension period; however, those provisions may be used as guidelines for determinations of good cause for relief from the normal five-year suspension period.

SECTION 5. Section 56-1-1320(A) of the S.C. Code is amended to read:

(A) A person with a South Carolina driver's license, a person who had a South Carolina driver's license at the time of the offense referenced below, or a person exempted from the licensing requirements by Section 56-1-30, who is or has been convicted of a first offense violation of a law

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of this State that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including Sections 56-5-2930 and 56-5-2933, ~~and~~ whose license is not presently suspended for any other reason, and whose offense date is prior to the effective date of this section, may apply to the Department of Motor Vehicles to obtain a provisional driver's license of a design to be determined by the department to operate a motor vehicle. The person shall enter an Alcohol and Drug Safety Action Program pursuant to Section 56-1-1330, and shall pay to the department a fee of one hundred dollars for the provisional driver's license. The provisional driver's license is not valid for more than six months from the date of issue shown on the license. The determination of whether or not a provisional driver's license may be issued pursuant to the provisions of this article as well as reviews of cancellations or suspensions under Sections 56-1-370 and 56-1-820 must be made by the director of the department or his designee.

SECTION 6. Section 56-1-1340 of the S.C. Code is amended to read:

Section 56-1-1340. The applicant shall have a provisional driver's license in his possession at all times while driving a motor vehicle, and the issuance of such license and the violation convictions shall be entered in the records of the Department of Motor Vehicles for a period of ten years as required by Sections ~~56-5-2940~~ 56-5-2930, 56-5-2933, and 56-5-2990 ~~of the 1976 Code~~.

SECTION 7. Section 56-5-2941 of the S.C. Code is amended to read:

Section 56-5-2941. (A)(1) The Department of Motor Vehicles shall require a person who ~~is a resident of this State and who~~ is convicted of violating the provisions of Sections 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947 except if the conviction was for Section 56-5-750, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, or who is issued a temporary alcohol license pursuant to Section 56-1-286 or 56-5-2951, to have installed on any motor vehicle the person drives, except a moped or motorcycle, an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. ~~This section does not apply to a person convicted of a first offense violation of Section 56-5-2930 or 56-5-2933, unless the person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of fifteen one hundredths of one percent or more.~~

(2) The department may waive the requirements of this section if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the

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person's driver's license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person's medical condition has improved to the extent that the person has become capable of properly operating an installed device.

(3) The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver's license suspension, denial of license to operate a vehicle as an habitual offender pursuant to Section 56-1-1090, or denial of the issuance of a driver's license or permit to have an ignition interlock device installed on any motor vehicle the person drives, except a moped or motorcycle.

(4) The length of time that a device is required to be affixed to a motor vehicle as is set forth in Sections Section 56-1-286; 56-1-1090; 56-5-2945; 56-5-2947 except if the conviction was for Sections 56-5-750, 56-5-2951, and; 56-5-2990; or 56-5-2947, except if the conviction was for Section 56-5-750.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle's records for offenses pursuant to Section 56-1-286; 56-1-1090; 56-5-2930; 56-5-2933; 56-5-2945; 56-5-2947 except if the conviction was for Sections 56-5-750, 56-5-2950; or 56-5-2951; or 56-5-2947, except if the conviction was for Section 56-5-750.

(C) If a resident of this State is convicted of violating a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, and, as a result of the conviction, the person is subject to an ignition interlock device requirement in the other state, the person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

(D) If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in another state, the person only may obtain a South Carolina driver's license if the person enrolls in the South Carolina Ignition Interlock Device Program pursuant to this section. The person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

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(E) The person must be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services. A person accumulating a total of:

(1) two points or more, but less than three points, must have the length of time that the device is required extended by two months;

(2) three points or more, but less than four points, must have the length of time that the device is required extended by four months, shall submit to a substance abuse assessment pursuant to Section 56-5-2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles shall suspend the person's ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan;

(3) four points or more must have the person's ignition interlock restricted license suspended for a period of six months, shall submit to a substance abuse assessment pursuant to Section 56-5-2990, and successfully shall complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the person not complete the recommended plan or not make progress toward completing the plan, the Department of Motor Vehicles shall leave the person's ignition interlock restricted license in suspended status, or, if the license has already been reinstated following the six-month suspension, shall resuspend the person's ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan. The Department of Alcohol and Other Drug Abuse Services is responsible for notifying the Department of Motor Vehicles of a person's completion and compliance with education and treatment programs. Upon reinstatement of driving privileges following the six-month suspension, the Department of Probation, Parole and Pardon Services shall reset the person's point total to zero points, and the person shall complete the remaining period of time on the ignition interlock device.

(F) The cost of the device must be borne by the person. However, unless a person is participating in the Interlock Ignition Device Program as an habitual offender pursuant to Section 56-1-1090(A), if the person is indigent and cannot afford the cost of the device, the person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services'

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Internet website. If the Department of Probation, Parole and Pardon Services determines that the person is indigent as it pertains to the device, the Department of Probation, Parole and Pardon Services may authorize a device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund also may be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person's financial conditions should be considered including, but not limited to, income, debts, assets, number of dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person's net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. 'Net income' means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

(G) The ignition interlock service provider shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed thirty dollars per month for each month the person is required to drive a vehicle with a device. A service provider who fails to properly remit funds to the Ignition Interlock Device Fund may be decertified as a service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of a device must be borne by the service provider.

(H)(1) The person shall have the device inspected every sixty days to verify that the device is affixed to the motor vehicle and properly operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the person's alcohol content at each attempt to start and running retest during each sixty-day period. Failure of the person to have the interlock device inspected every sixty days must result in one ignition interlock device point.

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(2) Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately shall report devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the person's name, identify the vehicle upon which the failed device is installed, and the reason for the failed inspection.

(3) If the inspection report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point.

(4) If any inspection report or any photographic images collected by the device shows that the person has violated subsection (M), (O), or (P), the person must be assessed one and one-half ignition interlock device points.

(5) The inspection report must indicate the person's alcohol content at each attempt to start and running retest during each sixty-day period. If the report reflects that the person violated a running retest by having an alcohol concentration of:

(a) two one-hundredths of one percent or more but less than four one-hundredths of one percent, the person must be assessed one-half ignition interlock device point;

(b) four one-hundredths of one percent or more but less than fifteen one-hundredths of one percent, the person must be assessed one ignition interlock device point; or

(c) fifteen one-hundredths of one percent or more, the person must be assessed two ignition interlock device points.

(6) A person may appeal less than four ignition interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer's decision on appeal is final and no appeal from such decision is allowed.

(I)(1) If a person's license is suspended due to the accumulation of four or more ignition interlock device points, the Department of Probation, Parole and Pardon Services must provide a notice of assessment of ignition interlock points which must advise the person of his right to request a contested case hearing before the Office of Motor Vehicle Hearings. The notice of assessment of ignition interlock points also must advise the person that, if he does not request a contested case hearing within thirty days of the issuance of the notice of assessment of

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ignition interlock points, he waives his right to the administrative hearing and the person's driver's license is suspended pursuant to subsection (E).

(2) The person may seek relief from the Department of Probation, Parole and Pardon Services' determination that a person's license is suspended due to the accumulation of four or more ignition interlock device points by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act. The filing of the request for a contested case hearing will stay the driver's license suspension pending the outcome of the hearing. However, the filing of the request for a contested case hearing will not stay the requirements of the person having the ignition interlock device.

(3) At the contested case hearing:

(a) the assessment of driver's license suspension can be upheld;

(b) the driver's license suspension can be overturned, or any or all of the contested ignition interlock points included in the device inspection report that results in the contested suspension can be overturned, and the penalties as specified pursuant to subsection (E) will then be imposed accordingly.

(4) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the ignition interlock device. However, if the ignition interlock device is found to not be in working order due to failure of regular maintenance and upkeep by the person challenging the accumulation of ignition interlock points pursuant to the requirement of the ignition interlock program, such allegation cannot serve as a basis to overturn point accumulations.

(5) A written order must be issued by the Office of Motor Vehicle Hearings to all parties either reversing or upholding the assessment of ignition interlock points.

(6) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal does not stay the ignition interlock requirement.

(J) Five years from the date of the person's driver's license reinstatement and every five years thereafter, a fourth or subsequent offender whose license has been reinstated pursuant to Section 56-1-385, or a person with a lifetime ignition interlock requirement due to a conviction on or after October 1, 2014, may apply to the Department of

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Probation, Parole and Pardon Services for removal of the ignition interlock device and the removal of the restriction from the person's driver's license. The Department of Probation, Parole and Pardon Services may, for good cause shown, notify the Department of Motor Vehicles that the person is eligible to have the restriction removed from the person's license.

(K)(1) Except as otherwise provided in this section, it is unlawful for a person who is subject to the provisions of this section to drive a motor vehicle that is not equipped with a properly operating, certified ignition interlock device. A person who violates this subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year. The person must have the length of time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five thousand dollars or imprisoned not more than three years. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than ten thousand dollars or imprisoned not more than ten years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court.

(4) Nothing in this subsection shall be construed to prevent a person who is participating in the Ignition Interlock Device Program pursuant to Section 56-1-1090(A) and who drives a motor vehicle that is not equipped with a properly operating, certified ignition interlock device from being charged with a violation of Section 56-1-1100.

(L)(1) A person who is required in the course and scope of the person's employment to drive a motor vehicle owned by the person's employer may drive the employer's motor vehicle without installation of an ignition interlock device, provided that the person's use of the employer's motor vehicle is solely for the employer's business purposes.

(2) This subsection does not apply to:

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(a) a person convicted of a second or subsequent violation of Section 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, unless the person's driving privileges have been suspended for not less than one year or the person has had an ignition interlock device installed for not less than one year on each of the motor vehicles owned or operated, or both, by the person;

(b) a person who is self employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section; or

(c) a person participating in the Ignition Interlock Device Program as an habitual offender pursuant to Section 56-1-1090(A).

(3) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicles' form specified by Section 56-1-400(B).

(4) This subsection will be construed in parallel with the requirements of Section 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in Section 56-1-400(B).

(M) It is unlawful for a person to tamper with or disable, or attempt to tamper with or disable, an ignition interlock device installed on a motor vehicle pursuant to this section. Obstructing or obscuring the camera lens of an ignition interlock device constitutes tampering. A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(N) It is unlawful for a person to knowingly rent, lease, or otherwise provide a person who is subject to this section with a motor vehicle without a properly operating, certified ignition interlock device. This subsection does not apply if the person began the lease contract period for the motor vehicle prior to the person's arrest for a first offense violation of Section 56-5-2930 or 56-5-2933 or prior to a person who is participating in the Ignition Interlock Device Program as an habitual offender pursuant to Section 56-1-1090(A) receiving his license with an ignition interlock restriction. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more

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than five hundred dollars or imprisoned not more than thirty days, or both.

(O) It is unlawful for a person who is subject to the provisions of this section to solicit or request another person, or for a person to solicit or request another person on behalf of a person who is subject to the provisions of this section, to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section or to conduct a running retest while the vehicle is in operation. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(P) It is unlawful for another person on behalf of a person subject to the provisions of this section to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section or to conduct a running retest while that vehicle is in operation. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

(Q) Only ignition interlock devices certified by the Department of Probation, Parole and Pardon Services may be used to fulfill the requirements of this section.

(1) The Department of Probation, Parole and Pardon Services shall certify whether a device meets the accuracy requirements and specifications provided in guidelines or regulations adopted by the National Highway Traffic Safety Administration, as amended from time to time. Manufacturers of ignition interlock devices shall apply to the Department of Probation, Parole and Pardon Services for certification of devices provided to South Carolina drivers who are subject to the ignition interlock restriction. The Department of Probation, Parole and Pardon Services may charge an initial annual fee on the manufacturer's application for certification of each device, and a subsequent fee for every year the manufacturer continues to provide the certified device to South Carolina drivers. This fee shall be remitted to the Ignition Interlock Device Fund for use by the Department of Probation, Parole and Pardon Services in support of the Ignition Interlock Device Program.

(2) All devices certified to be used in South Carolina must be set to prohibit the starting of a motor vehicle when an alcohol concentration of two one-hundredths of one percent or more is measured and all running retests must record violations of an alcohol concentration of two one-hundredths of one percent or more, and must capture a photographic image of the driver as the driver is operating the ignition interlock device.

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The photographic images recorded by the ignition interlock device may be used by the Department of Probation, Parole and Pardon Services to aid in the Department of Probation, Parole and Pardon Services' management of the Ignition Interlock Device Program; however, neither the Department of Probation, Parole and Pardon Services, the Department of Probation, Parole and Pardon Services' employees, nor any other political subdivision of this State may be held liable for any injury caused by a driver or other person who operates a motor vehicle after the use or attempted use of an ignition interlock device.

~~(2)~~(3) The Department of Probation, Parole and Pardon Services shall maintain a current list of certified ignition interlock devices and manufacturers. The list must be updated at least quarterly. If a particular certified device fails to continue to meet federal requirements, the device must be decertified, may not be used until it is compliant with federal requirements, and must be replaced with a device that meets federal requirements. The cost for removal and replacement must be borne by the manufacturer of the noncertified device.

~~(3)~~(4) Only ignition interlock installers certified by the Department of Probation, Parole and Pardon Services may install and service ignition interlock devices required pursuant to this section. The Department of Probation, Parole and Pardon Services shall maintain a current list of vendors that are certified to install the devices.

(R) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon Services' Internet website. The information regarding a person's participation in the Ignition Interlock Device Program recorded by the ignition interlock device is collected at the direction of the Department of Probation, Parole and Pardon Services and is a record of the department. Information obtained by the Department of Probation, Parole and Pardon Services and ignition interlock service providers regarding a person's participation in the Ignition Interlock Device Program is to be used for internal purposes only and is not subject to the Freedom of Information Act. A person participating in the Ignition Interlock Device Program or the person's family member may request that the Department of Probation, Parole and Pardon Services provide the person or family member with information obtained by the department and ignition interlock service providers. The Department of Probation, Parole and Pardon Services may release the information to the person or family member at the department's discretion. The Department of Probation,

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Parole and Pardon Services and ignition interlock service providers must purge all photographic images collected by the device no later than twelve months from the date of the person's completion of the Ignition Interlock Device Program. The Department of Probation, Parole and Pardon Services may retain the images past twelve months if there are any pending appeals or contested case hearings involved with that person, and at their conclusion must purge the images. The Department of Probation, Parole and Pardon Services and ignition interlock service providers must purge all personal information regarding a person's participation in the Ignition Interlock Device Program no later than twelve months from the date of the person's completion of the Ignition Interlock Device Program except for that information which is relevant for pending legal matters.

(S) The Department of Probation, Parole and Pardon Services shall develop policies including, but not limited to, the certification, use, maintenance, and operation of ignition interlock devices and the Ignition Interlock Device Fund.

(T) This section shall apply retroactively to any person currently serving a suspension or denial of the issuance of a license or permit due to a suspension listed in subsection (A).

SECTION 8. Section 56-5-2951 of the S.C. Code is amended to read:

Section 56-5-2951. (A) The Department of Motor Vehicles shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to, a person who drives a motor vehicle and refuses to submit to a test provided for in Section 56-5-2950 or has an alcohol concentration of fifteen one-hundredths of one percent or more. The arresting officer shall issue a notice of suspension which is effective beginning on the date of the alleged violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(B)(1) Within thirty days of the issuance of the notice of suspension, the person may:

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

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

~~(c)~~ obtain a temporary alcohol license with an ignition interlock device restriction pursuant to Section 56-1-400 from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license and such fee must be held in trust by the Department of Motor Vehicles until final disposition of any contested case hearing. Should the temporary suspension

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provided for in this subsection be upheld during the contested case hearing. Twenty twenty-five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment, while ~~The~~ the remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F), this section or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer's decision and the Department of Motor Vehicles sends notice to the person that the person is eligible to receive a restricted license pursuant to subsection (H); and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with the Office of Motor Vehicle Hearings' rules of procedure. The ignition interlock restriction must be maintained on the temporary alcohol license for three months. If the contested case hearing has not reached a final disposition by the time the ignition interlock restriction has been removed, the person can obtain a temporary alcohol license without an ignition interlock restriction.

(3) At the contested case hearing, if:

(a) the suspension is upheld, the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990;

(b) the suspension is overturned, the person must have the person's driver's license, permit, or nonresident operating privilege reinstated and the person must be reimbursed by the Department of Motor Vehicles in the amount of the fees provided for in subsection (B)(1)(c).

(4) The provisions of this subsection do not affect the trial for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

(C) The period of suspension provided for in subsection (I) begins on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continues until the person applies for a temporary alcohol license and requests a contested case hearing.

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(D) If a person does not request a contested case hearing, the person waives the person's right to the hearing, and the person's suspension must not be stayed but continues for the period provided for in subsection (I).

(E) The notice of suspension must advise the person:

(1) of the person's right to obtain a temporary alcohol driver's license and to request a contested case hearing before the Office of Motor Vehicle Hearings;

(2) ~~the notice of suspension also must advise the person~~ that, if the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, the person waives the person's right to the contested case hearing, and the suspension continues for the period provided for in subsection (I); and

(3) ~~the notice of suspension also must advise the person~~ that, if the suspension is upheld at the contested case hearing or the person does not request a contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program.

(F)(1) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

~~(1)(a)~~ was lawfully arrested or detained;

~~(2)(b)~~ was given a written copy of and verbally informed of the rights enumerated in Section 56-5-2950;

~~(3)(c)~~ refused to submit to a test pursuant to Section 56-5-2950;

or

~~(4)(d)~~ consented to taking a test pursuant to Section 56-5-2950, and the:

~~(a)(i)~~ reported alcohol concentration at the time of testing was fifteen one-hundredths of one percent or more;

~~(b)(ii)~~ individual who administered the test or took samples was qualified pursuant to Section 56-5-2950;

~~(c)(iii)~~ tests administered and samples obtained were conducted pursuant to Section 56-5-2950; and

~~(d)(iv)~~ machine was working properly.

(2) Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

(3) A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the

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number of days the person's license was suspended before the person received a temporary alcohol license and requested the contested case hearing and must receive credit for the number of days, if any, the person maintained an ignition interlock restriction on the temporary alcohol license.

(4) The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person requesting the contested case hearing or the person's attorney appears at the contested case hearing.

(G) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with the Administrative Law Court's appellate rules. The filing of an appeal stays the suspension until a final decision is issued on appeal.

~~(H)(4) If the person did not request a contested case hearing or the suspension is upheld at the contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990, and may apply for a restricted license if the person is employed or enrolled in a college or university. The restricted license permits the person to drive only to and from work and the person's place of education and in the course of the person's employment or education during the period of suspension. The restricted license also permits the person to drive to and from the Alcohol Drug Safety Action Program classes or to a court ordered drug program. The department may issue the restricted license only upon showing by the person that the person is employed or enrolled in a college or university, that the person lives further than one mile from the person's place of employment, place of education, or location of the person's Alcohol and Drug Safety Action Program classes, or the location of the person's court ordered drug program, and that there is no adequate public transportation between the person's residence and the person's place of employment, the person's place of education, the location of the person's Alcohol and Drug Safety Action Program classes, or the location of the person's court ordered drug program.~~

~~(2) If the department issues a restricted license pursuant to this subsection, the department shall designate reasonable restrictions on the~~

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~~times during which and routes on which the person may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of attendance of the person's court-ordered drug program, or residence must be reported immediately to the department by the person.~~

~~(3) The fee for a restricted license is one hundred dollars, but no additional fee may be charged because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the state's general fund, and eighty dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167.~~

~~(4) Driving a motor vehicle outside the time limits and route imposed by a restricted license is a violation of Section 56-1-460.~~

(I)(1) Except as provided in item (3), the period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) six months for a person who refuses to submit to a test pursuant to Section 56-5-2950; or

(b) one month for a person who takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

(2) The period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, a person who has been convicted previously for violating Section 56-5-2930, 56-5-2933, or 56-5-2945, or another law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section 56-1-286, 56-5-2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) for a second offense, nine months if the person refuses to submit to a test pursuant to Section 56-5-2950, or two months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more;

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(b) for a third offense, twelve months if the person refuses to submit to a test pursuant to Section 56-5-2950, or three months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more; and

(c) for a fourth or subsequent offense, fifteen months if the person refuses to submit to a test pursuant to Section 56-5-2950, or four months if the person takes a test pursuant to Section 56-5-2950 and has an alcohol concentration of fifteen one-hundredths of one percent or more.

(3)(a) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months.

(b) The person must receive credit for the number of days the person maintained an ignition interlock restriction on the temporary alcohol license.

(c) Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(J) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension or ignition interlock restricted license requirement pursuant to subsection (I) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program. After the person's driving privilege is restored, the person shall continue the services of the Alcohol and Drug Safety Action Program. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until the completion of the Alcohol and Drug Safety Action Program. A person shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 before the person's driving privilege can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

(K) When a nonresident's privilege to drive a motor vehicle in this State has been suspended pursuant to the provisions of this section, the

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department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license or permit.

(L) The department shall not suspend the privilege to drive of a person under the age of twenty-one pursuant to Section 56-1-286, if the person's privilege to drive has been suspended pursuant to this section arising from the same incident.

(M) A person whose driver's license or permit is suspended pursuant to this section is not required to file proof of financial responsibility.

(N) An insurer shall not increase premiums on, add surcharges to, or cancel the automobile insurance of a person charged with a violation of Section 56-1-286, 56-5-2930, 56-5-2933, 56-5-2945, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs based solely on the violation unless the person is convicted of the violation.

(O) The department shall administer the provisions of this section.

~~(P) If a person does not request a contested case hearing within the thirty day period as authorized pursuant to this section, the person may file with the department a form after enrolling in a certified Alcohol and Drug Safety Action Program to apply for a restricted license. The restricted license permits him to drive only to and from work and his place of education and in the course of his employment or education during the period of suspension. The restricted license also permits him to drive to and from Alcohol and Drug Safety Action Program classes or a court ordered drug program. The department may issue the restricted license at any time following the suspension upon a showing by the individual that he is employed or enrolled in a college or university, that he lives further than one mile from his place of employment, place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court ordered drug program, and that there is no adequate public transportation between his residence and his place of employment, his place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court ordered drug program. The department must designate reasonable restrictions on the times during which and routes on which the individual may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of his court ordered drug program, or residence must be reported immediately to the department by the licensee. The route restrictions, requirements, and fees imposed by the department for the issuance of the restricted license issued pursuant to~~

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~~this item are the same as those provided in this section had the person requested a contested case hearing. A restricted license is valid until the person successfully completes a certified Alcohol and Drug Safety Action Program, unless the person fails to complete or make satisfactory progress to complete the program. Nothing in this section shall prevent the prosecuting authority from waiving or dismissing the charge.~~

SECTION 9. Section 56-5-2990 of the S.C. Code is amended to read:

Section 56-5-2990. (A)(1) The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted for a violation of Section 56-5-2930, 56-5-2933, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs.

(2) For a first offense:

~~(a) If a person is found to have refused to submit to a breath test pursuant to Section 56-5-2950 and is convicted of Section 56-5-2930 or 56-5-2933, the person's driver's license must be suspended six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.~~

~~(b) If a person submitted to a breath test pursuant to Section 56-5-2950 and is convicted of having an alcohol concentration of less than fifteen one hundredths of one percent, the person's driver's license must be suspended six months. The person is eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person's suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for~~

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three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

~~(e) If a person submitted to a breath test pursuant to Section 56-5-2950 and is convicted of having an alcohol concentration of fifteen one hundredths of one percent or more, the~~ a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56.

(3) For a second offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for two years.

(4) For a third offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three years. If the third offense occurs within five years from the date of the first offense, the ignition interlock device is required to be affixed to the motor vehicle for four years.

(5) For a fourth or subsequent offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for life.

(6) Except as provided in subsection (A)(4), only those offenses which occurred within ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.

(B) A person whose license is suspended pursuant to this section, Section 56-1-286, 56-5-2945, or 56-5-2951 must be notified by the department of the suspension and of the requirement to enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services. ~~A person who must complete an Alcohol and Drug Safety Action Program as a condition of reinstatement of his driving privileges or a~~

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~~court ordered drug program may use the route restricted or special restricted driver's license to attend the Alcohol and Drug Safety Action Program classes or court ordered drug program in addition to the other permitted uses of a route restricted driver's license or a special restricted driver's license.~~ An assessment of the extent and nature of the alcohol and drug abuse problem, if any, of the person must be prepared and a plan of education or treatment, or both, must be developed for the person. Entry into the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the person is a mandatory requirement of the issuance of an ignition interlock restricted license to the person whose license is suspended pursuant to this section. Successful completion of the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the person is a mandatory requirement of the full restoration of driving privileges to the person whose license is suspended pursuant to this section. The Alcohol and Drug Safety Action Program shall determine if the person has successfully completed the services. Alcohol and Drug Safety Action Programs shall meet at least once a month. The person whose license is suspended shall attend the first Alcohol and Drug Safety Action Program available after the date of enrollment.

(C) The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each person shall bear the cost of services recommended in the person's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. No person may be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the person has successfully completed services. A person who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the person has successfully completed services. The Department of Alcohol and Other Drug Abuse Services shall report annually to the House Ways and Means Committee and Senate Finance Committee on the number of first and multiple offenders completing the Alcohol and Drug Safety Action Program, the amount of fees collected and expenses incurred by each Alcohol and Drug Safety Action Program, and the number of community service hours performed in lieu of payment.

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(D) If the person has not successfully completed the services as directed by the Alcohol and Drug Safety Action Program within one year of enrollment, a hearing must be provided by the Alcohol and Drug Safety Action Program whose decision is appealable to the Department of Alcohol and Other Drug Abuse Services. If the person is unsuccessful in the Alcohol and Drug Safety Action Program, the Department of Motor Vehicles may waive the successful completion of the program as a mandatory requirement of the issuance of an ignition interlock restricted license upon the recommendation of the Medical Advisory Board as utilized by the Department of Motor Vehicles, if the Medical Advisory Board determines public safety and welfare of the person may not be endangered.

(E) The Department of Motor Vehicles and the Department of Alcohol and Other Drug Abuse Services shall develop procedures necessary for the communication of information pertaining to relicensing, or otherwise. These procedures must be consistent with the confidentiality laws of the State and the United States. If a person's driver's license is suspended pursuant to this section, an insurance company shall not refuse to issue insurance to cover the remaining members of the person's family, but the insurance company is not liable for any actions of the person whose license has been suspended or who has voluntarily turned the person's license in to the Department of Motor Vehicles.

~~(F) Except as provided for in Section 56-1-365(D) and (E), the driver's license suspension periods under this section begin on the date the person is convicted, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted for the a violation of Section 56-5-2930, 56-5-2933, or for the violation of any other a law of this State or ordinance of a county or municipality of this State that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, or narcotics; however, a person is not prohibited from filing a notice of appeal and receiving a certificate which entitles him to operate a motor vehicle for a period of sixty days after the conviction, plea of guilty or nolo contendere, or bail forfeiture pursuant to Section 56-1-365(F).~~

SECTION 10. A. Sections 56-5-2941(J), 56-5-2941(Q)(1), and 56-5-2941(R), as amended by this act, take effect upon approval by the Governor.

B. Except as otherwise provided, this act takes effect one year after the date approved by the Governor.

Renumber sections to conform.

Amend title to conform.

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Senator MALLOY explained the amendment.

On motion of Senator MALLOY, the amendment was withdrawn.

The question then being concurrence in the House amendments.

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

**Ayes 43; Nays 0**

**AYES**

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

**Total--43**

**NAYS**

**Total--0**

On motion of Senator HUTTO, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

**CONCURRENCE**

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

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LAW ENFORCEMENT PERSONAL INFORMATION PRIVACY PROTECTION ACT, BY ADDING ARTICLE 5 TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MAY FORMALLY REQUEST THAT HIS PERSONAL IDENTIFYING INFORMATION HELD OR MAINTAINED BY A STATE OR LOCAL GOVERNMENTAL AGENCY BE HELD CONFIDENTIAL AFTER WHICH THE INFORMATION MUST NOT BE DISCLOSED EXCEPT TO ANOTHER GOVERNMENTAL AGENCY, UNDER SUBPOENA, BY ORDER OF THE COURT, OR UPON WRITTEN CONSENT OF THE OFFICER.

The House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator M. JOHNSON explained the amendments.

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

**Ayes 45; Nays 0**

**AYES**

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

**Total--45**

**NAYS**

**Total--0**

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On motion of Senator M. JOHNSON, the Senate concurred in the House amendments and a message was sent to the House

**HOUSE AMENDMENTS AMENDED  
RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 330 -- Senators Rankin, Alexander, Verdin and Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-11-740, RELATING TO MALICIOUS INJURY TO TELEGRAPH, TELEPHONE, OR ELECTRIC UTILITY SYSTEM, SO AS TO ADD TIERED PENALTIES FOR DAMAGE TO A UTILITY SYSTEM.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator RANKIN explained the House amendments.

Senator TALLEY proposed the following amendment (SR-330.JG0028S), which was carried and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 16-11-740, by adding subsection (B)(3) to read:

(3) Any person whose property or person is injured by reason of a violation of this subsection shall have a right of action on account of such injury done against the person who committed the violation and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation of this section. If damages are assessed in such cases, the plaintiff shall be entitled to recover treble the amount of damager fixed by the verdict or punitive damages, together with costs, including attorney's fees.

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The question then was the adoption of the amendment.

The amendment was carried over.

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Senator HEMBREE proposed the following amendment (SEDU-330.DB0027S), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 2, 3, and 4.

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

Senator RANKIN spoke on the amendment.

Senator MALLOY spoke on the amendment.

The question then was the adoption of the amendment.

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

**Ayes 29; Nays 15**

**AYES**

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Malloy
Martin	Massey	Peeler
Reichenbach	Rice	Senn
Shealy	Talley	Turner
Verdin	Young	

**Total--29**

**NAYS**

Allen	Fanning	Harpoottian
Hutto	Jackson	<i>Johnson, Kevin</i>
Kimpson	Matthews	McLeod
Rankin	Sabb	Scott
Setzler	Stephens	Williams

**Total—15**

The amendment was adopted.

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Senator RANKIN proposed the following amendment (SJ-330.BM0025S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Section 16-23-500 of the S.C. Code is amended to read:

Section 16-23-500. (A) Except as provided in subsection (F), it is unlawful for a person who has been convicted of a violent crime, as defined by Section 16-1-60, that is classified as a felony offense, crime punishable by a maximum term of imprisonment of more than one year to possess a firearm or ammunition within this State.

(B) A person who violates the provisions of this section is guilty of a felony and, upon conviction, ~~must be fined not more than two thousand dollars or imprisoned not more than five years, or both:~~

(1) for a first offense, must be imprisoned not more than five years;

(2) for a second offense, must be imprisoned for a mandatory minimum of five years, but not more than twenty years; and

(3) for a third or subsequent offense, must be imprisoned for a mandatory minimum of ten years, but not more than thirty years.

(C)(1) In addition to the penalty provided in this section, the firearm or ammunition involved in the violation of this section must be confiscated. The firearm or ammunition must be delivered to the chief of police of the municipality or to the sheriff of the county if the violation occurred outside the corporate limits of a municipality. The law enforcement agency that receives the confiscated firearm or ammunition may use it within the agency, transfer it to another law enforcement agency for the lawful use of that agency, trade it with a retail dealer licensed to sell firearms or ammunition in this State for a firearm, ammunition, or any other equipment approved by the agency, or destroy it. A firearm or ammunition must not be disposed of in any manner until the results of any legal proceeding in which it may be involved are finally determined. If the State Law Enforcement Division seized the firearm or ammunition, the division may keep the firearm or ammunition for use by its forensic laboratory. Records must be kept of all confiscated firearms or ammunition received by the law enforcement agencies under the provisions of this section.

(2) A law enforcement agency that receives a firearm or ammunition pursuant to this section shall administratively release the firearm or ammunition to an innocent owner. The firearm or ammunition must not be released to the innocent owner until the results of any legal proceedings in which the firearm or ammunition may be involved are finally determined. Before the firearm or ammunition may be released,

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the innocent owner shall provide the law enforcement agency with proof of ownership and shall certify that the innocent owner will not release the firearm or ammunition to the person who has been charged with a violation of this section which resulted in the confiscation of the firearm or ammunition. The law enforcement agency shall notify the innocent owner when the firearm or ammunition is available for release. If the innocent owner fails to recover the firearm or ammunition within thirty days after notification of the release, the law enforcement agency may maintain or dispose of the firearm or ammunition as otherwise provided in this section.

(D) The judge that hears the case involving the violent court with jurisdiction over an offense, as defined by Section 16-1-60, that is classified as a felony offense, punishable by imprisonment for more than one year, as provided in subsection (A), shall make a specific finding on the record that the offense is a violent offense, as defined by Section 16-1-60, and is classified as a felony offense subject to the provisions of this section. A judge's failure to make a specific finding on the record does not bar or otherwise affect prosecution pursuant to this subsection and does not constitute a defense to prosecution pursuant to this subsection.

(E) A second or subsequent offense for the purpose of this section means any conviction pursuant to Section 16-23-500(A).

(F) For the purpose of this section, "crime punishable by a maximum term of imprisonment of more than one year" does not include:

(1) any offense in this State or another jurisdiction pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices;

(2) any offense classified by the laws of this State or another jurisdiction as a misdemeanor and punishable by a term of imprisonment of five years or less; or

(3) any crime for which the conviction has been expunged, or set aside, or for which a person has been pardoned or has had his civil rights restored, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

Renumber sections to conform.

Amend title to conform.

Senator RANKIN explained the amendment.

The amendment was withdrawn.

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Senator SENN proposed the following amendment (SR-330.JG0035S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X. Chapter 3, Title 16 of the 1976 Code is amended by adding:

Article 22

Penalty Enhancements for Certain Crimes

Section 16-3-2410. (A)(1) When a person commits a violent crime as defined in Section 16-1-60 or commits assault by mob in the second degree as defined in Section 16-3-210(C) and the trier of fact determines beyond a reasonable doubt that the offense was committed against a victim who was intentionally selected in whole or in part because of the person's belief or perception regarding the victim's race, color, religion, sex, gender, national origin, sexual orientation, or physical or mental disability, whether or not the perception is correct, the person is subject to additional penalties as provided in subsection (B).

(2) For purposes of this article, the definition of 'sex' shall conform to the definition as set forth in the majority's holding in *Bostock v. Clayton County, Georgia*, 140 S.Ct. 1731 (2020).

(B) A person who violates the provisions of subsection (A) and commits a violent crime as defined in Section 16-1-60 or commits assault by mob in the second degree as defined in Section 16-3-210(C), upon conviction, is subject to an additional fine of not more than ten thousand dollars and an additional term of imprisonment of up to five years;

(C) The provisions of this section provide for the enhancement of the penalties applicable to underlying offenses. The court shall permit the prosecuting agency and the defense to present evidence relevant to the determination of whether the defendant intentionally selected the person against whom the offense is committed in whole or in part because of the person's belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct. The court with competent jurisdiction over the underlying offense shall instruct the trier of fact to find a special verdict as to a violation of the provisions of this section.

(D) The additional penalties described in subsection (B) may not be imposed unless the person was indicted, either separately or as a separate count in the indictment for the underlying offense, for the offense pursuant to this section committed against the victim who was intentionally selected, in whole or in part, because of the person's belief or perception regarding one or more of the factors provided in subsection

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(A), whether or not the perception is correct, and the person was found guilty of the underlying offense.

Renumber sections to conform.

Amend title to conform.

The question then was the adoption of the amendment.

The amendment was withdrawn.

Senators SCOTT, KIMPSON and STEPHENS proposed the following amendment (SMIN-330.AA0036S), which was withdrawn:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

SECTION X.

Chapter 3, Title 16 of the S.C. Code is amended by adding:

Article 22

Penalty Enhancements for Certain Crimes

Section 16-3-2410. (A) When a person commits a violent crime as defined in Section 16-1-60 or commits assault by mob in the second degree as defined in Section 16-3-210(C) and the trier of fact determines beyond a reasonable doubt that the offense was committed against a victim who was intentionally selected, in whole or in part, because of the person's belief or perception regarding the victim's race, color, religion, sex, gender, national origin, sexual orientation, or physical or mental disability, whether or not the perception is correct, the person is subject to additional penalties as provided in subsection (B).

(B) A person who violates the provisions of subsection (A) and commits a violent crime as defined in Section 16-1-60 or commits assault by mob in the second degree as defined in Section 16-3-210(C), upon conviction, is subject to an additional fine of not more than ten thousand dollars and an additional term of imprisonment of up to five years;

(C) The provisions of this section provide for the enhancement of the penalties applicable to underlying offenses. The court shall permit the prosecuting agency and the defense to present evidence relevant to the determination of whether the defendant intentionally selected the person against whom the offense is committed, in whole or in part, because of the person's belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct. The court with competent jurisdiction over the underlying offense shall instruct the trier of fact to find a special verdict as to a violation of the provisions of this section.

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(D) The additional penalties described in subsection (B) may not be imposed unless the person was indicted, either separately or as a separate count in the indictment for the underlying offense, for the offense pursuant to this section committed against the victim who was intentionally selected, in whole or in part, because of the person's belief or perception regarding one or more of the factors provided in subsection (A), whether or not the perception is correct, and the person was found guilty of the underlying offense.

Renumber sections to conform.

Amend title to conform.

The question then was the adoption of the amendment.

The amendment was withdrawn.

Senator TALLEY proposed the following amendment (SJ-330.BJ0030S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by adding an undesignated paragraph to read:

(D) Any person whose property or person is injured by reason of a violation of this section shall have a right of action on account of such injury done against the person who committed the violation and any person who acts as an accessory before or after the fact, aids or abets, solicits, conspires, or lends material support to the violation of this section. If damages are assessed in such case the plaintiff shall be entitled to recover treble the amount of damages fixed by the verdict, together with costs, including attorneys' fees and, in the discretion of the court, punitive damages. The rights and remedies provided by this subsection are in addition to any other rights and remedies provided by law. For purposes of this subsection, the "damages" includes actual and consequential damages.

Renumber sections to conform.

Amend title to conform.

Senator TALLEY explained the amendment.

The amendment was adopted.

On motion of Senator TALLEY, Amendment No. 3 was withdrawn.

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The Bill was ordered returned to the House of Representatives with amendments.

**CONCURRENCE**

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 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

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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 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

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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 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

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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 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

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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 House returned the Bill with amendments, the question being concurrence in the House amendments.

Senator BENNETT explained the amendments.

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

**Ayes 45; Nays 0**

**AYES**

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

**Total--45**

**NAYS**

**Total--0**

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On motion of Senator BENNETT, the Senate concurred in the House amendments and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for Ratification.

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

**COMMITTEE AMENDMENT ADOPTED  
AMENDED, READ THE THIRD TIME  
HOUSE BILL RETURNED**

H. 3728 -- Reps. Felder, A.M. Morgan, Leber, Magnuson, Haddon, Harris, Taylor, S. Jones, Landing, McCravy, Lowe, Jordan, Bradley, Herbkersman, Bannister, W. Newton, Elliott, B.J. Cox, Willis, Hewitt, West, Long, Burns and T.A. Morgan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA TRANSPARENCY AND INTEGRITY IN EDUCATION ACT"; BY ADDING ARTICLE 5 TO CHAPTER 29, TITLE 59 SO AS TO EXPRESS RELATED INTENTIONS OF THE GENERAL ASSEMBLY, TO PROVIDE NECESSARY DEFINITIONS, TO PROHIBIT CERTAIN CONCEPTS FROM BEING INCLUDED IN PUBLIC SCHOOL INSTRUCTION AND PROFESSIONAL DEVELOPMENT, TO PROVIDE MEANS FOR ADDRESSING VIOLATIONS, AND TO PROVIDE PROCEDURES FOR PUBLIC REVIEW OF PUBLIC SCHOOL CURRICULUM AND INSTRUCTIONAL MATERIALS; AND BY AMENDING SECTION 59-28-180, RELATING TO PARENTAL EXPECTATIONS IN THE PARENTAL INVOLVEMENT IN THEIR CHILDREN'S EDUCATION ACT, SO AS TO PROVIDE PARENTS ARE EXPECTED TO BE THE PRIMARY SOURCE OF THE EDUCATION OF THEIR CHILDREN REGARDING MORALS, ETHICS, AND CIVIC RESPONSIBILITY, AND TO PROVIDE A PARENTAL PLEDGE OF EXPECTATIONS MUST BE PROVIDED TO PARENTS AS PART OF THE REGISTRATION AND ENROLLMENT PROCESS.

The Senate proceeded to the consideration of the Bill.

The Committee on Education proposed the following amendment (SEDU-3728.DB0105S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by deleting Section 59-29-600.

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Amend the bill further, SECTION 2, by striking Section 59-29-610(2) and inserting:

(2) “Parent” means the biological parent, adoptive parent, stepparent, person with legal custody or other person with legal authority to act on behalf of a student, excluding an individual whose parental relationship to the child has been legally terminated.

Amend the bill further, SECTION 2, by striking Section 59-29-620(A)(1) and inserting:

(1) members of one race, sex, ethnicity, color, or national origin are inherently superior to members of another race, sex, ethnicity, color, or national origin;

Amend the bill further, SECTION 2, by striking Section 59-29-620(A)(5) and inserting:

(5) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, bears responsibility for actions committed in the past by other members of the same race, sex, ethnicity, religion, color, or national origin;

Amend the bill further, SECTION 2, by striking Section 59-29-620(A)(7) and inserting:

(7) fault, blame, or bias should be assigned to members of a race, sex, ethnicity, religion, color, or national origin because of their race, sex, ethnicity, religion, color, or national origin.

Amend the bill further, SECTION 2, by striking Section 59-29-620(C) and inserting:

(C) A student, administrator, teacher, staff member, other school or district employee, or volunteer may not be required to engage in any gender or sexual diversity training or counseling unless it is prescribed as part of a corrective action plan pursuant to Section 59-29-630.

Amend the bill further, SECTION 2, by striking Section 59-29-620(D)(1), (2), and (3) and inserting:

(1) the history of an ethnic group, as described in the South Carolina State Standards and instructional materials adopted pursuant to the South Carolina Code of Regulations;

(2) the fact-based discussion of controversial aspects of history or current events;

(3) the fact-based instruction on the historical oppression of a particular group of people based on race, sex, ethnicity, class, nationality, religion, or geographic region; or

Amend the bill further, SECTION 2, Section 59-29-620, by adding a subsection to read:

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(F) Nothing in this section prohibits an LEA from taking disciplinary action or corrective action for prohibited conduct as prescribed by state law, the department of education, or local school board.

Amend the bill further, SECTION 2, by striking Section 59-29-630 and inserting:

(9) location, either physical or virtual, of the printed or electronically available material; and

(10) a statement by the complainant verifying that he has made a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept and resolve the matter as required in Section 59-29-640(B)(3), including the date and time of the communication, the mode of communication, copies of any communications available, and a summary of the outcome of the communications and resolution efforts.

Amend the bill further, SECTION 2, by striking Section 59-29-640(A)(1)(a) and inserting:

(a) provide a statement on its website announcing the rights of parents to review all curriculum;

Amend the bill further, SECTION 2, by striking Section 59-29-640(A)(1)(c), (d), (e), (f), (g), and (h) and inserting:

(c) ensure compliance with the provisions of this Article by investigating suspected violations and complaints filed pursuant to this Article;

(d) prohibit retaliation for filing a complaint or participating in an investigation;

(e) obtain written consent from a parent prior to the participation of a minor student in the investigative process, including consent for the minor to be interviewed;

(f) provide instructions to complainant or individual alleged to have violated for filing an appeal of the LEA determination with the department in a written determination to an eligible complainant; and

(g) before July 1, 2025, and each year thereafter, provide a report to the department containing a summary of the:

(i) number of complaints filed with a description of the nature of each complaint;

(ii) number of complaints closed;

(iii) number of complaints pending;

(iv) number of resolution agreements successfully executed;

(v) number of complaints substantiated; and

(vi) number of complaints not substantiated.

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Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and inserting:

(3) A requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter.

Amend the bill further, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this Article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant.

Amend the bill further, SECTION 2, by striking Section 59-29-640(H)(2)(c)(I) and inserting:

(I) The State Board shall issue a written determination letter to the complainant, the individual alleged to have included or promoted the prohibited concept, and the LEA from which the allegation arose. This determination letter is subject to any Federal or State law that relates to the privacy of student information.

Amend the bill further, SECTION 2, by striking Section 59-29-650(A) and inserting:

(A) Beginning with the 2024-2025 School Year, and each school year thereafter, each LEA prominently shall post information regarding their chosen curriculum and instructional materials on the school district website. The information must indicate the materials used by school, grade or course, and subject matter, and must include:

(1) a listing of the approved textbooks by title and including author, brief summary and date of copyright for every course offered in the district;

(2) a link to statewide academic standards;

(3) relevant district policies concerning curriculum development and academic transparency; and

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(4) a process for which parents may review in person, at the school of their child's attendance and contest instructional materials and library and media center materials being used.

Amend the bill further, SECTION 2, by striking Section 59-29-650(C)(4) and inserting:

(4) a list of primary textbooks and instructional materials;

Amend the bill further, SECTION 2, by deleting Section 59-29-670 and 59-29-680.

Amend the bill further, SECTION 3, by striking Section 59-28-180(A), (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), and (14) and (B) and inserting:

Parent involvement influences student learning and academic performance;- therefore, parents are expected to:

~~(1)~~(a) uphold high expectations for academic achievement;

~~(2)~~(b) expect and communicate expectations for success;

~~(3)~~(c) recognize that parental involvement in middle and high school is equally as critical as in elementary school;

~~(4)~~(d) ensure attendance and punctuality;

~~(5)~~(e) attend parent-teacher conferences;

~~(6)~~(f) monitor and check homework;

~~(7)~~(g) communicate with the school and teachers;

~~(8)~~(h) build partnerships with teachers to promote successful school experiences;

~~(9)~~(i) attend, when possible, school events;

~~(10)~~(j) model desirable behaviors;

~~(11)~~(k) use encouraging words;

~~(12)~~(l) stimulate thought and curiosity; ~~and~~

~~(13)~~(m) show support for school expectations and efforts to increase student learning; ~~and~~

(n) be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

Renumber sections to conform.

Amend title to conform.

Senator HARPOOTLIAN explained the amendment.

Senator SABB spoke on the amendment.

Senator McLEOD spoke on the amendment.

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**Point of Quorum**

At 7:50 P.M., Senator MATTHEWS made the point that a quorum was not present. It was ascertained that a quorum was not present.

**Call of the Senate**

Senator MASSEY 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	Garrett
Grooms	Gustafson	Harpoottian
Hembree	Hutto	Jackson
<i>Johnson, Kevin</i>	<i>Johnson, Michael</i>	Kimbrell
Kimpson	Malloy	Martin
Massey	Matthews	McLeod
Rankin	Reichenbach	Sabb
Setzler	Shealy	Stephens
Turner	Williams	Young

A quorum being present, the Senate resumed.

Senator K. JOHNSON spoke on the amendment.

Senator FANNING spoke on the amendment.

The amendment was adopted.

Senators SETZLER, HUTTO and MALLOY proposed the following amendment (SMIN-3728.AA0149S), which was adopted:

Amend the bill, as and if amended, SECTION 2, Section 59-29-640, by adding a subsection to read:

(H) Nothing in any determination letter, final order, or any portion of a corrective action plan issued by the State Board shall be considered binding for purposes of any other investigation of a complaint or appeal filed with the Board or any other resolution process conducted by the Board, shall be considered binding on any other school district, and shall only apply to the underlying complaint.

Re-number sections to conform.

Amend title to conform.

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Senator SETZLER explained the amendment.

The amendment was adopted.

Senator GROOMS proposed the following amendment (SR-3728.JG0120S), which was ruled out of order:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS to read:

SECTION X. Chapter 63, Title 59 of the S.C. Code is amended by adding:

Article 17

The Given Name Act

Section 59-63-1700. (1) "Parent" or "guardian" means a resident of this State who is the parent, stepparent, adoptive parent, foster parent, or otherwise legal guardian of a student enrolled in school in this State, excluding an individual whose parental relationship to the child has been legally terminated..

(2) "Employee" means any individual working in any capacity, whether performance of such work is voluntary or paid, including, but not limited to, teachers, administrators, janitors, cafeteria workers, or other individuals working at any state-funded preschool, primary, or secondary school.

(3) "Contractor" means any individual working in any capacity for any state-funded preschool, primary, or secondary school through a contract between any such school or board of education or employee of or member of any school or board of education and that individual or that individual's employer.

(4) "Student" means an individual under the age of eighteen years of age who is enrolled in school in this State.

(5) "Sex" means biological sex, as listed on an individual's original birth certificate.

Section 59-63-1710. (A) No public education employee or contractor shall use a name to address a student other than the name listed on the student's birth certificate, or a derivative thereof, without the written permission of the student's parent or guardian.

(B) No public education employee or contractor shall use a pronoun when addressing a student that is different from the student's biological sex without the written permission of the student's parent or guardian.

(C) No employee of a public preschool, elementary, or secondary school operating in this State, when acting in the course of his official

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duties, shall carry out any act or communication that would violate subsections (A) or (B).

(D) No public institution may require an education employee or contractor to use a pronoun that does not match a person's biological sex if doing so is contrary to the employee's or contractor's religious or moral convictions.

(E) Nothing in this section prohibits an employee or contractor of a public preschool, elementary, or secondary school from discussing any matter of public concern outside the context of his official duties.

(F) Any public institution whose employee or contractor is found to be in violation of this section is not eligible for state funding or state or local contracts.

(G) Any aggrieved individual under this section may seek relief through the Office for Civil Rights at the U.S. Department of Education or bring a private right of action against any institution engaged in such prohibited discrimination, or both.

SECTION X. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

#### **Point of Order**

Senator HUTTO raised a Point of Order under Rule 24A that the amendment was out of order inasmuch as it was not germane to the Bill.

The PRESIDENT sustained the Point of Order.

The amendment was ruled Out of Order.

Senator GUSTAFSON proposed the following amendment (SR-3728.JG0148S), which was tabled:

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Amend the bill, as and if amended, SECTION 3, by striking Section 59-28-180 and inserting:

Section 59-28-180. Parent involvement influences student learning and academic performance;- therefore, parents are expected to:

- ~~—(1) uphold high expectations for academic achievement;~~
- ~~—(2) expect and communicate expectations for success;~~
- ~~—(3) recognize that parental involvement in middle and high school is equally as critical as in elementary school;~~
- ~~—(4) ensure attendance and punctuality;~~
- ~~—(5) attend parent teacher conferences;~~
- ~~—(6) monitor and check homework;~~
- ~~—(7) communicate with the school and teachers;~~
- ~~—(8) build partnerships with teachers to promote successful school experiences;~~
- ~~—(9) attend, when possible, school events;~~
- ~~—(10) model desirable behaviors;~~
- ~~—(11) use encouraging words;~~
- ~~—(12) stimulate thought and curiosity; and~~
- ~~—(13) show support for school expectations and efforts to increase student learning~~

be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

Renumber sections to conform.

Amend title to conform.

Senator GUSTAFSON explained the amendment.

Senator MASSEY spoke on the Bill.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 26; Nays 14**

**AYES**

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Garrett	Grooms	Hembree
<i>Johnson, Michael</i>	Kimbrell	Malloy
Martin	Massey	Peeler

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Rankin	Reichenbach	Rice
Shealy	Talley	Turner
Verdin	Young	

**Total--26**

**NAYS**

Allen	Fanning	Gustafson
Harpootlian	Hutto	Jackson
<i>Johnson, Kevin</i>	Loftis	Matthews
McLeod	Sabb	Setzler
Stephens	Williams	

**Total--14**

The amendment was laid on the table.

Senators BENNETT and KIMBRELL proposed the following amendment (SEDU-3728.DB0158S), which was carried over and subsequently withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(A) and (B) and inserting:

(A) The following prohibited concepts may not be included or promoted in a course of instruction, curriculum, assignment, instructional program, instructional material (including primary or supplemental materials, whether in print, digital, or online), surveys or questionnaires, presentations, performances, school policies and protocols or professional educator development or training, nor may a student, employee, or volunteer be compelled to affirm, accept, adopt, or adhere to such prohibited concepts:

(1) members of one race, sex, ethnicity, color, or national origin are inherently superior to members of another race, sex, ethnicity, color, or national origin;

(2) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, inherently is privileged, racist, sexist, contributive to any oppression or oppressive, whether consciously or subconsciously;

(3) an individual should be discriminated against or receive adverse or favorable treatment because of the race, sex, ethnicity, religion, color, or national origin of the individual;

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(4) the moral character of an individual is determined by the race, sex, ethnicity, religion, color, or national origin of the individual;

(5) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, bears responsibility for actions committed in the past by other members of the same race, sex, ethnicity, religion, color, or national origin;

(6) meritocracy or traits such as a hard work ethic:

(a) are racist, sexist, belong to the principles of one religion; or

(b) were created by members of a particular race, sex, or religion to oppress members of another race, sex, ethnicity, color, national origin or religion; and

(7) fault, blame, or bias should be assigned to members of a race, sex, ethnicity, religion, color, or national origin because of their race, sex, ethnicity, religion, color, or national origin.

(B) All materials made available to students, including but not limited to, primary and supplemental instructional material, reference material, extracurricular material, library and media center material, both printed and electronically accessible, must be age appropriate and grade appropriate. Determination of the appropriateness of materials should be guided by criteria established by the State Board of Education.

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(2)(c) and inserting:

(c) an employee or volunteer of the LEA in which the allegation arose;

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and (4) and inserting:

(3) a requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter: and

(4) the following timelines for the investigation by a LEA:

(a) complaint must be received within one year of the alleged violation;

(b) response must be provided within thirty business days; and

(c) decision must be rendered within thirty business days of the response being provided.

Amend the bill further, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. At any point after a complaint is filed but before the LEA has issued a final written

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determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this Article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant. If the LEA determines that the alleged violation is substantiated, it shall take immediate corrective action, which shall include:

(1) removing all materials found in violation, discontinuing any such instructional programs, initiatives or activities. If necessary for meeting the learning objectives of the study unit, identify and provide appropriate replacement materials which do not violate this article;

(2) notifying the State Board of the violation and corrective action taken; and

(3) maintaining the confidentiality of parties and the complaint.

Amend the bill further, SECTION 2, by striking Section 59-29-640(K)(1) and (2) and inserting:

(1) LEA shall immediately take a corrective action plan that:

(a) identifies specific acts or steps the LEA will take to resolve the noncompliance;

(b) specifies deadlines for the completion of the required acts or steps; and

(c) specifies dates for submission of reports and documentation to the State Board verifying implementation; and

(d) meets the requirements of Section 59-29-640(C).

(2) The State Board shall:

(a) monitor the corrective action plan to ensure the LEA complies with the terms of the plan;

(b) provide written notice to the LEA of any deficiencies in implementation and request immediate and appropriate action to address those deficiencies;

(c) require additions to the corrective action plan to address the failure of the LEA to fully implement commitments in the original plan when necessary; and

(d) conclude the monitoring of the corrective action plan when the State Board determines that the LEA fully has implemented the terms of the plan by providing written notification to the LEA.

Amend the bill further, SECTION 2, Section 59-29-640, by adding a subsection to read:

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(M) A parent must not be subject to retaliation or sanctions from the LEAs, the State Board of Education, and employees thereof for filing a complaint or appeal as outlined in this Article.

Amend the bill further, SECTION 2, by striking Section 59-29-650(C)(7) and inserting:

(6) information on accessing the course Learning Management System;

(7) reading and reference material, including the title, author and publisher; and

(8) the link to state standards, if available.

Amend the bill further, SECTION 2, by striking Section 59-29-660(A) and inserting:

(A) The State Superintendent of Education shall plan for a thirty-day public review of materials recommended by the instructional materials review panels before taking those recommendations to the State Board of Education. The public review sites must be geographically distributed around the State at as many state-supported colleges and universities or, if necessary, other designated sites that agree to host the reviews. Public review sites must be advertised in each congressional district in the newspaper with the largest circulation figures for that district, on the website of the department, and on social media sites used by the department. All recommended materials shall be made available for review at each location and the public shall be given access during the review period without unreasonable restrictions or conditions.

Amend the bill further, SECTION 2, by striking Section 59-29-670 and inserting:

Section 59-29-670. A school may not use, make available, or promote any curricula, presentations, performances, assignments, questionnaires, surveys or materials in any format, including making access available through school or class libraries, clubs, book fairs, book or media catalogs, or technology which contains an application, link, or other access to pornographic or other prohibited materials. A school district that receives or distributes such materials must receive disciplinary action as stated in the complaint process.

Amend the bill further, SECTION 3, by striking Section 59-28-180 and inserting:

Section 59-28-180. (A) Parent involvement influences student learning and academic performance;- therefore, parents are expected to:

~~(1)~~(a) uphold high expectations for academic achievement;

~~(2)~~(b) expect and communicate expectations for success;

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- ~~(3)~~(c) recognize that parental involvement in middle and high school is equally as critical as in elementary school;
- ~~(4)~~(d) ensure attendance and punctuality;
- ~~(5)~~(e) attend parent-teacher conferences;
- ~~(6)~~(f) monitor and check homework;
- ~~(7)~~(g) communicate with the school and teachers;
- ~~(8)~~(h) build partnerships with teachers to promote successful school experiences;
- ~~(9)~~(i) attend, when possible, school events;
- ~~(10)~~(j) model desirable behaviors;
- ~~(11)~~(k) use encouraging words;
- ~~(12)~~(l) stimulate thought and curiosity; ~~and~~
- ~~(13)~~(m) show support for school expectations and efforts to increase student learning; and
- (n) be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

(B) The intent of this section is to foster parental involvement and shall not be construed as a mandate on parents.

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

SECTION X. Within six months of this act becoming law, the department shall review and update, as necessary, academic standards and model lesson plans; educator practices and professional conduct principles; school counseling frameworks and standards; and any other student services personnel guidelines, standards, or frameworks in accordance with the requirements of this act.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was carried over.

The amendment was withdrawn.

Senator FANNING proposed the following amendment (SMIN-3728.MW0127S), which was carried over and subsequently not adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(A), (B), (C), (D), (E), and (F) and inserting:

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(A) Library and media center material, both printed and electronically accessible, must be age appropriate and grade appropriate. Determination of the appropriateness of materials should be guided by criteria established by the State Board of Education.

(B) A student, administrator, teacher, staff member, other school or district employee, or volunteer may not be required to engage in any gender or sexual diversity training or counseling unless it is prescribed as part of a corrective action plan pursuant to Section 59-29-630.

(C) Nothing in this section prohibits concepts as part of a course of instruction, in a curriculum or instructional program, or through the use of supplemental instructional materials if these concepts involve:

(1) the history of an ethnic group, as described in the South Carolina State Standards and instructional materials adopted pursuant to the South Carolina Code of Regulations;

(2) the fact-based discussion of controversial aspects of history or current events;

(3) the fact-based instruction on the historical oppression of a particular group of people based on race, sex, ethnicity, class, nationality, religion, or geographic region; or

(4) the fact-based and historically accurate discussion of the history of slavery.

(D) The department shall create and make accessible model lesson plans for LEAs to utilize in all grades and subject areas.

(E) Nothing in this section prohibits an LEA from taking disciplinary action or corrective action for prohibited conduct as prescribed by state law, the department of education, or local school board.

Renumber sections to conform.

Amend title to conform.

Senator FANNING spoke in favor of the amendment.

Senator MASSEY spoke against the amendment.

The question being the adoption of the amendment.

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

**Ayes 10; Nays 27**

**AYES**

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Matthews
McLeod	Sabb	Scott

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Stephens

**Total--10**

**NAYS**

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin
Reichenbach	Rice	Talley
Turner	Verdin	Young

**Total--27**

The amendment failed.

Senator SABB proposed the following amendment (SMIN-3728.AA0173S), which was carried over:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(A)(2) and inserting:

(2) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, inherently is racist, sexist, or oppressive, whether consciously or subconsciously;

Re-number sections to conform.

Amend title to conform.

Senator SABB explained the amendment.

The amendment was carried over.

Senators MATTHEWS and FANNING proposed the following amendment (SMIN-3728.AA0167S), which was tabled:

Amend the bill, as and if amended, SECTION 2, Section 59-29-640, by adding a subsection to read:

(M) Nothing in this section shall be construed to preempt local school district board policies on the selection or reconsideration process for library/media center materials.

Re-number sections to conform.

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Amend title to conform.

Senator MATTHEWS explained the amendment.

Senator MASSEY spoke on the amendment.

Senator MASSEY moved to lay the amendment on the table.

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

**Ayes 26; Nays 13**

**AYES**

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Garrett	Grooms	Gustafson
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
Peeler	Rankin	Reichenbach
Rice	Shealy	Turner
Verdin	Young	

**Total--26**

**NAYS**

Allen	Fanning	Harpootlian
Hutto	Jackson	<i>Johnson, Kevin</i>
Matthews	McElveen	McLeod
Sabb	Scott	Stephens
Williams		

**Total--13**

The amendment was laid on the table.

Senator JACKSON proposed the following amendment (SMIN-3728.AA0142S), which was carried over:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-630(10) and inserting:

(10) a statement by the complainant verifying that he has made a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept and resolve the matter

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as required in Section 59-29-640(B)(3), including the date and time of the communication, the mode of communication, copies of any communications available, and a summary of the outcome of the communications and resolution efforts. The statement must also verify that the individual alleged to have included or promoted the prohibited concept has received a copy of the complaint if the complainant has not communicated directly with that person.

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and inserting:

(3) A requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter and that the individual alleged to have included or promoted the prohibited concept has received a copy of the complaint if the complainant has not communicated directly with that person.

Re-number sections to conform.

Amend title to conform.

Senator JACKSON explained the amendment.

The amendment was carried over.

Senator SABB proposed the following amendment (SMIN-3728.AA0146S), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(E) and (F) and inserting:

(4) the fact-based and historically accurate discussion of the history of slavery.

(E) Nothing in this section shall be construed to prohibit the use of autobiographical accounts or autobiographical texts as part of a course of instruction, in a curriculum or instructional program, or as supplemental instructional materials.

(F) The department shall create and make accessible model lesson plans for LEAs to utilize in all grades and subject areas.

(G) Nothing in this section prohibits an LEA from taking disciplinary action or corrective action for prohibited conduct as prescribed by state law, the department of education, or local school board.

Re-number sections to conform.

Amend title to conform.

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Senator SABB explained the amendment.

**Call of the Senate**

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

A quorum being present, the Senate resumed.

**Motion Under Rule 15A Adopted**

At 10:21 P. M., Senator MASSEY moved under the provisions of Rule 15A that the debate on the entire matter H. 3728 be brought to a close and that up to five amendments authorized by the Majority Leader and up to five amendments authorized by the Minority Leader would be considered with up to three minutes of debate for the supporters and opponents of each amendment.

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

**Ayes 26; Nays 17**

**AYES**

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Hembree	<i>Johnson, Michael</i>	Kimbrell

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Loftis	Martin	Massey
Peeler	Reichenbach	Rice
Shealy	Talley	Turner
Verdin	Young	

**Total--26**

**NAYS**

Allen	Fanning	Gustafson
Harpoottlian	Hutto	Jackson
<i>Johnson, Kevin</i>	Malloy	Matthews
McElveen	McLeod	Rankin
Scott	Senn	Setzler
Stephens	Williams	

**Total--17**

Having received the necessary vote, the motion was adopted.

Senator BENNETT proposed the following amendment (SEDU-3728.DB0182S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(A) and (B) and inserting:

(A) The following prohibited concepts may not be included or promoted in a course of instruction, curriculum, assignment, instructional program, instructional material (including primary or supplemental materials, whether in print, digital, or online), surveys or questionnaires, presentations, performances, school policies and protocols or professional educator development or training, nor may a student, employee, or volunteer be compelled to affirm, accept, adopt, or adhere to such prohibited concepts:

(1) members of one race, sex, ethnicity, color, or national origin are inherently superior to members of another race, sex, ethnicity, color, or national origin;

(2) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, inherently is privileged, racist, sexist, contributive to any oppression or oppressive, whether consciously or subconsciously;

(3) an individual should be discriminated against or receive adverse or favorable treatment because of the race, sex, ethnicity, religion, color, or national origin of the individual;

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(4) the moral character of an individual is determined by the race, sex, ethnicity, religion, color, or national origin of the individual;

(5) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, bears responsibility for actions committed in the past by other members of the same race, sex, ethnicity, religion, color, or national origin;

(6) meritocracy or traits such as a hard work ethic:

(a) are racist, sexist, belong to the principles of one religion; or

(b) were created by members of a particular race, sex, or religion to oppress members of another race, sex, ethnicity, color, national origin or religion; and

(7) fault, blame, or bias should be assigned to members of a race, sex, ethnicity, religion, color, or national origin because of their race, sex, ethnicity, religion, color, or national origin.

(B) All materials made available to students, including but not limited to, primary and supplemental instructional material, reference material, extracurricular material, library and media center material, both printed and electronically accessible, must be age appropriate, grade appropriate or appropriate to the academic grade level of the student. .

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(2)(c) and inserting:

(c) an employee or volunteer of the LEA in which the allegation arose;

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and (4) and inserting:

(3) a requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter: and

(4) the following timelines for the investigation by a LEA:

(a) complaint must be received within one year of the alleged violation;

(b) response must be provided within thirty business days; and

(c) decision must be rendered within thirty business days of the response being provided.

Amend the bill further, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation

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through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this Article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant. If the LEA determines that the alleged violation is substantiated, it shall take immediate corrective action, which shall include:

(1) removing all materials found in violation, discontinuing any such instructional programs, initiatives or activities. If necessary for meeting the learning objectives of the study unit, identify and provide appropriate replacement materials which do not violate this article;

(2) notifying the State Board of the violation and corrective action taken; and

(3) maintaining the confidentiality of parties and the complaint.

Amend the bill further, SECTION 2, by striking Section 59-29-640(K)(1) and (2) and inserting:

(1) LEA shall immediately take a corrective action plan that:

(a) identifies specific acts or steps the LEA will take to resolve the noncompliance;

(b) specifies deadlines for the completion of the required acts or steps; and

(c) specifies dates for submission of reports and documentation to the State Board verifying implementation; and

(d) meets the requirements of Section 59-29-640(C).

(2) The State Board shall:

(a) monitor the corrective action plan to ensure the LEA complies with the terms of the plan;

(b) provide written notice to the LEA of any deficiencies in implementation and request immediate and appropriate action to address those deficiencies;

(c) require additions to the corrective action plan to address the failure of the LEA to fully implement commitments in the original plan when necessary; and

(d) conclude the monitoring of the corrective action plan when the State Board determines that the LEA fully has implemented the terms of the plan by providing written notification to the LEA.

Amend the bill further, SECTION 2, Section 59-29-640, by adding a subsection to read:

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(M) A parent must not be subject to retaliation or sanctions from the LEAs, the State Board of Education, and employees thereof for filing a complaint or appeal as outlined in this Article.

Amend the bill further, SECTION 2, by striking Section 59-29-650(C)(7) and inserting:

(6) information on accessing the course Learning Management System;

(7) reading and reference material, including the title, author and publisher; and

(8) the link to state standards, if available.

Amend the bill further, SECTION 2, by striking Section 59-29-660(A) and inserting:

(A) The State Superintendent of Education shall plan for a thirty-day public review of materials recommended by the instructional materials review panels before taking those recommendations to the State Board of Education. The public review sites must be geographically distributed around the State at as many state-supported colleges and universities or, if necessary, other designated sites that agree to host the reviews. Public review sites must be advertised in each congressional district in the newspaper with the largest circulation figures for that district, on the website of the department, and on social media sites used by the department. All recommended materials shall be made available for review at each location and the public shall be given access during the review period without unreasonable restrictions or conditions.

Amend the bill further, SECTION 2, by striking Section 59-29-670 and inserting:

Section 59-29-670. A school may not use, make available, or promote any curricula, presentations, performances, assignments, questionnaires, surveys or materials in any format, including making access available through school or class libraries, clubs, book fairs, book or media catalogs, or technology which contains an application, link, or other access to pornographic or other prohibited materials. A school district that receives or distributes such materials must receive disciplinary action as stated in the complaint process.

Amend the bill further, SECTION 3, by striking Section 59-28-180 and inserting:

Section 59-28-180. (A) Parent involvement influences student learning and academic performance;- therefore, parents are expected to:

~~(1)~~(a) uphold high expectations for academic achievement;

~~(2)~~(b) expect and communicate expectations for success;

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- ~~(3)~~(c) recognize that parental involvement in middle and high school is equally as critical as in elementary school;
- ~~(4)~~(d) ensure attendance and punctuality;
- ~~(5)~~(e) attend parent-teacher conferences;
- ~~(6)~~(f) monitor and check homework;
- ~~(7)~~(g) communicate with the school and teachers;
- ~~(8)~~(h) build partnerships with teachers to promote successful school experiences;
- ~~(9)~~(i) attend, when possible, school events;
- ~~(10)~~(j) model desirable behaviors;
- ~~(11)~~(k) use encouraging words;
- ~~(12)~~(l) stimulate thought and curiosity; ~~and~~
- ~~(13)~~(m) show support for school expectations and efforts to increase student learning; and
- (n) be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

(B) The intent of this section is to foster parental involvement and shall not be construed as a mandate on parents.

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

SECTION X. Within six months of this act becoming law, the department shall review and update, as necessary, academic standards and model lesson plans; educator practices and professional conduct principles; school counseling frameworks and standards; and any other student services personnel guidelines, standards, or frameworks in accordance with the requirements of this act.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

Senator BENNETT spoke in favor of the amendment.

Senator SABB spoke against the amendment.

The question being adoption of the amendment.

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

**Ayes 28; Nays 11**

**AYES**

Adams

Alexander

Bennett

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Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Hembree	<i>Johnson, Michael</i>	Kimbrell
Loftis	Martin	Massey
McElveen	Peeler	Rankin
Reichenbach	Rice	Setzler
Talley	Turner	Verdin
Young		

**Total--28**

**NAYS**

Allen	Fanning	Gustafson
Hutto	Jackson	<i>Johnson, Kevin</i>
Matthews	McLeod	Sabb
Scott	Stephens	

**Total—11**

The amendment was adopted.

Senator FANNING proposed the following amendment (SMIN-3728.AA0147S), which was not adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(E) and (F) and inserting:

(E) Nothing in this section shall be construed to ban any book.

(F) The department shall create and make accessible model lesson plans for LEAs to utilize in all grades and subject areas.

(G) Nothing in this section prohibits an LEA from taking disciplinary action or corrective action for prohibited conduct as prescribed by state law, the department of education, or local school board.

Re-number sections to conform.

Amend title to conform.

Senator FANNING spoke in favor of the amendment.

Senator MASSEY spoke against the amendment.

The amendment failed.

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Senator MALLOY proposed the following amendment (SR-3728.KM0176S), which was adopted:

Amend the bill, as and if amended, SECTION 2, Section 59-29-620(D), by adding an item to read:

(5) the fact-based and historically accurate discussion of Reconstruction, the Jim Crow era, and segregation with an emphasis on lynchings and other crimes committed based upon the race of the victim.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

The amendment was adopted.

Senator JACKSON proposed the following amendment (SMIN-3728.AA0186S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. Within seven calendar days of receiving a complaint, the LEA must provide a redacted copy of the complaint to the principal of the school where the individual is alleged to have included or promoted the prohibited concept. Upon receipt, the principal shall provide a copy of the redacted complaint to the individual alleged to have included or promoted the prohibited concept. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this Article have been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant.

Renumber sections to conform.

Amend title to conform.

Senator JACKSON explained the amendment.

The amendment was adopted.

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Senator FANNING proposed the following amendment (SMIN-3728.MW0139S), which was not adopted:

Amend the bill, as and if amended, SECTION 2, Section 59-29-640, by adding a subsection to read:

(M) If the State Board determines the complaint does not demonstrate violation of Section 59-29-620, the complainant cannot file another complaint regarding similar instructional practices until the expiration of one year from the date upon which the complaint was initially filed.

Renumber sections to conform.

Amend title to conform.

Senator FANNING explained the amendment.

The amendment failed.

Senators CASH and HUTTO proposed the following amendment (SEDU-3728.DB0185S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-29-620(A) and (B) and inserting:

(A) The following prohibited concepts may not be included or promoted in a course of instruction, curriculum, assignment, instructional program, instructional material (including primary or supplemental materials, whether in print, digital, or online), surveys or questionnaires, presentations, performances, school policies and protocols or professional educator development or training, nor may a student, employee, or volunteer be compelled to affirm, accept, adopt, or adhere to such prohibited concepts:

(1) members of one race, sex, ethnicity, color, or national origin are inherently superior to members of another race, sex, ethnicity, color, or national origin;

(2) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, inherently is privileged, racist, sexist, contributive to any oppression or oppressive, whether consciously or subconsciously;

(3) an individual should be discriminated against or receive adverse or favorable treatment because of the race, sex, ethnicity, religion, color, or national origin of the individual;

(4) the moral character of an individual is determined by the race, sex, ethnicity, religion, color, or national origin of the individual;

(5) an individual, by virtue of the race, sex, ethnicity, religion, color, or national origin of the individual, bears responsibility for actions

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committed in the past by other members of the same race, sex, ethnicity, religion, color, or national origin;

(6) meritocracy or traits such as a hard work ethic:

(a) are racist, sexist, belong to the principles of one religion; or

(b) were created by members of a particular race, sex, or religion to oppress members of another race, sex, ethnicity, color, national origin or religion; and

(7) fault, blame, or bias should be assigned to members of a race, sex, ethnicity, religion, color, or national origin because of their race, sex, ethnicity, religion, color, or national origin.

(B) All materials made available to students, including but not limited to, primary and supplemental instructional material, reference material, extracurricular material, library and media center material, both printed and electronically accessible, must be age appropriate, grade appropriate or appropriate to the academic grade level of the student. .

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(2)(c) and inserting:

(c) an employee or volunteer of the LEA in which the allegation arose;

Amend the bill further, SECTION 2, by striking Section 59-29-640(B)(3) and (4) and inserting:

(3) a requirement that the complainant must have undertaken a good faith effort to communicate with the principal or individual alleged to have included or promoted the prohibited concept to discuss the complainant's concerns and attempt to resolve the matter: and

(4) the following timelines for the investigation by a LEA:

(a) complaint must be received within one year of the alleged violation;

(b) response must be provided within thirty business days; and

(c) decision must be rendered within thirty business days of the response being provided.

Amend the bill further, SECTION 2, by striking Section 59-29-640(C) and inserting:

(C) An LEA shall work collaboratively with parents, teachers, and other employees to resolve concerns and complaints. At any point after a complaint is filed but before the LEA has issued a final written determination, the parties may reach an early resolution of an allegation through a resolution agreement, which shall include any agreed upon terms of the early resolution. Once a complaint is submitted, it must be confidential and not accessible to the public until a decision has been rendered and administrative procedures provided in this Article have

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been exhausted. An LEA is not required to complete its investigation or issue a final written determination once it has entered a resolution agreement with the complainant. If the LEA determines that the alleged violation is substantiated, it shall take immediate corrective action, which shall include:

- (1) removing all materials found in violation, discontinuing any such instructional programs, initiatives or activities. If necessary for meeting the learning objectives of the study unit, identify and provide appropriate replacement materials which do not violate this article;
- (2) notifying the State Board of the violation and corrective action taken; and
- (3) maintaining the confidentiality of parties and the complaint.

Amend the bill further, SECTION 2, by striking Section 59-29-640(K)(1) and (2) and inserting:

- (1) LEA shall immediately take a corrective action plan that:
  - (a) identifies specific acts or steps the LEA will take to resolve the noncompliance;
  - (b) specifies deadlines for the completion of the required acts or steps; and
  - (c) specifies dates for submission of reports and documentation to the State Board verifying implementation; and
  - (d) meets the requirements of Section 59-29-640(C).
- (2) The State Board shall:
  - (a) monitor the corrective action plan to ensure the LEA complies with the terms of the plan;
  - (b) provide written notice to the LEA of any deficiencies in implementation and request immediate and appropriate action to address those deficiencies;
  - (c) require additions to the corrective action plan to address the failure of the LEA to fully implement commitments in the original plan when necessary; and
  - (d) conclude the monitoring of the corrective action plan when the State Board determines that the LEA fully has implemented the terms of the plan by providing written notification to the LEA.

Amend the bill further, SECTION 2, Section 59-29-640, by adding a subsection to read:

(M) A parent must not be subject to retaliation or sanctions from the LEAs, the State Board of Education, and employees thereof for filing a complaint or appeal as outlined in this Article.

Amend the bill further, SECTION 2, by striking Section 59-29-650(C)(7) and inserting:

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(6) information on accessing the course Learning Management System;

(7) reading and reference material, including the title, author and publisher; and

(8) the link to state standards, if available.

Amend the bill further, SECTION 2, by striking Section 59-29-660(A) and inserting:

(A) The State Superintendent of Education shall plan for a thirty-day public review of materials recommended by the instructional materials review panels before taking those recommendations to the State Board of Education. The public review sites must be geographically distributed around the State at as many state-supported colleges and universities or, if necessary, other designated sites that agree to host the reviews. Public review sites must be advertised in each congressional district in the newspaper with the largest circulation figures for that district, on the website of the department, and on social media sites used by the department. All recommended materials shall be made available for review at each location and the public shall be given access during the review period without unreasonable restrictions or conditions.

Amend the bill further, SECTION 2, by striking Section 59-29-670 and inserting:

Section 59-29-670. A school may not use, make available, or promote any curricula, presentations, performances, assignments, questionnaires, surveys or materials in any format, including making access available through school or class libraries, clubs, book fairs, book or media catalogs, or technology which contains an application, link, or other access to pornographic or other prohibited materials. A school district that receives or distributes such materials must receive disciplinary action as stated in the complaint process. Pornographic materials are those meeting the definitions provided in Section 16-15-375(1).

Amend the bill further, SECTION 3, by striking Section 59-28-180 and inserting:

Section 59-28-180. (A) Parent involvement influences student learning and academic performance;- therefore, parents are expected to:

~~(1)~~(a) uphold high expectations for academic achievement;

~~(2)~~(b) expect and communicate expectations for success;

~~(3)~~(c) recognize that parental involvement in middle and high school is equally as critical as in elementary school;

~~(4)~~(d) ensure attendance and punctuality;

~~(5)~~(e) attend parent-teacher conferences;

~~(6)~~(f) monitor and check homework;

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- ~~(7)~~(g) communicate with the school and teachers;
- ~~(8)~~(h) build partnerships with teachers to promote successful school experiences;
- ~~(9)~~(i) attend, when possible, school events;
- ~~(10)~~(j) model desirable behaviors;
- ~~(11)~~(k) use encouraging words;
- ~~(12)~~(l) stimulate thought and curiosity; ~~and~~
- ~~(13)~~(m) show support for school expectations and efforts to increase student learning; and
- (n) be the primary source of their student's education regarding learning morals, ethics, and civic responsibility.

(B) The intent of this section is to foster parental involvement and shall not be construed as a mandate on parents.

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

SECTION X. Within six months of this act becoming law, the department shall review and update, as necessary, academic standards and model lesson plans; educator practices and professional conduct principles; school counseling frameworks and standards; and any other student services personnel guidelines, standards, or frameworks in accordance with the requirements of this act.

Renumber sections to conform.

Amend title to conform.

Senator CASH 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 27; Nays 10**

**AYES**

Adams	Alexander	Bennett
Campsen	Cash	Climer
Corbin	Cromer	Davis
Gambrell	Garrett	Grooms
Gustafson	Hembree	<i>Johnson, Michael</i>
Kimbrell	Loftis	Martin
Massey	Peeler	Rankin

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Reichenbach	Rice	Talley
Turner	Verdin	Young

**Total--27**

**NAYS**

Allen	Fanning	Hutto
Jackson	<i>Johnson, Kevin</i>	Matthews
McLeod	Sabb	Scott
Stephens		

**Total--10**

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

**LOCAL APPOINTMENT**

**Confirmation**

Having received a favorable report from the Senate, the following appointment was confirmed in open session:

Initial appointment, Bamberg County Magistrate, with the term to commence April 30, 2022, and to expire April 30, 2026

Donald L. Price, 2534 Tractor Road, Bamberg, SC 29003-8927

**Motion Adopted**

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

**MOTION ADOPTED**

On motion of Senator McELVEEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Mary Macaulay Brown Shaw of Sumter, S.C. Mary served as president of the Sumter Junior Women, Sumter Art Association and Sumter Mental Health Board. Mary was a loving mother and devoted grandmother who will be dearly missed.

and

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**MOTION ADOPTED**

On motion of Senator Stephens, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mrs. Dixie Elizabeth Weeks Mizell of Reevesville, S.C. Dixie worked for the U.S. Postal Service and was a lifelong member of Reevesville Baptist Church. She had many talents including making fudge and one of a kind baby blankets. She loved animals, mining, collecting bug and rock and tending to her flowers. Dixie was a loving mother and devoted grandmother who will be dearly missed.

**ADJOURNMENT**

At 11:10 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 10:00 A.M.

\* \* \*

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