**South Carolina General Assembly**

126th Session, 2025-2026

**S. 406**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Martin and Jackson

Companion/Similar bill(s): 4304

Document Path: SR-0039CEM25.docx

Introduced in the Senate on March 4, 2025

Currently residing in the Senate

Summary: Passing a School Bus

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/4/2025 Senate Introduced and read first time (Senate Journal‑page 6)

 3/4/2025 Senate Referred to Committee on **Transportation** (Senate Journal‑page 6)

 3/5/2025 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[03/04/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/406_20250304.docx)

[03/05/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/406_20250305.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 56‑5‑2790 SO AS TO MAKE A VEHICLE OWNER OR OPERATOR LIABLE TO THE DEPARTMENT OF EDUCATION FOR A VIOLATION OF SECTION 56‑5‑2770; BY ADDING SECTION 59‑67‑235 SO AS TO REQUIRE THE OPERATOR OF A SCHOOL BUS TO NOTIFY THE DEPARTMNET OF EDUCATION IF A VEHICLE DOES NOT STOP WHEN THE DRIVER HAD AMBER SIGNALS ACTUATED; AND BY AMENDING SECTION 56‑3‑1335, RELATING TO THE SUSPENSION OF A VEHICLE’S REGISTRATION FOR FAILURE TO A PAY TOLL, SO AS TO PROVIDE THAT THE DEPARMENT OF MOTOR VEHICLES SHALL SUSPEND A VEHICLE REGISTRATION FOR AN OUTSTANDING JUDGMENT FOR PASSING A SCHOOL BUS.

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

SECTION 1. Chapter 5, Title 56 of the S.C. Code is amended by adding:

 Section 56‑5‑2790. (A) When a vehicle violates Section 56‑5‑2770, the vehicle owner or operator is joint and severally liable to the Department of Education to pay the administrative fees and civil penalty as provided for in this section.

 (1) The department or its authorized agent may assess and collect a civil penalty of:

 (a) not more than one hundred dollars for the first violation within a period of one year; and

 (b) not more than two hundred and fifty dollars for each subsequent violation within a period of one year.

 (2) Upon failure to pay the administrative fees and civil penalty to the department within thirty days of the notice, the vehicle owner may be cited for failure to pay a penalty pursuant to this subsection and, upon an adjudication of liability, is subject to an additional civil penalty not to exceed five hundred dollars for each violation.

 (a) The department or its authorized agent shall send:

 (i) a "First Notice to Pay Penalty" to the owner or operator of a vehicle that, on one occasion in any twelve‑month period, is identified as having been involved in a violation. The first notice must require payment to the department of the required penalty, plus an administrative fee, as provided for in subsection (A)(2), within thirty days of the mailing of the notice;

 (ii) a "Second Notice to Pay Penalty" to the owner or operator of a vehicle that is identified as having been involved in a second toll violation in a twelve‑month period or who has failed to respond to a "First Notice to Pay Penalty" notice within the required period. The second notice must require payment to the department of the required penalties, plus an administrative fee, as provided for in subsection (A)(2) within thirty days of the mailing of the notice; and

 (iii) a "Third Failure to Pay a Penalty" citation to the owner or operator of a vehicle that is identified as having been involved in a third violation in a twelve‑month period or who has failed to respond to a “Second Notice to Pay Penalty” notice within the required period. Within thirty days, the citation requires payment to the department of the unpaid penalties, plus an administrative fee of not more than twenty‑five dollars for each violation, or the recipient's appearance in magistrate's court of the county in which the violation occurred or the municipal court of the city in which the violation occurred to contest the citation.

 (b) A first, second, or third "Failure to Pay a Penalty" citation constitutes the summons and complaint for an action to recover the penalty and all applicable fees allowed pursuant to this section.

 (3) If a magistrate or municipal judge determines that the person or entity charged with liability under this section is liable, then the magistrate or municipal judge shall collect the unpaid penalty and administrative fee and forward them to the department or its authorized agent. The magistrate or municipal judge may also impose a civil penalty of up to fifty dollars for each violation, plus court costs and attorney's fees. The civil penalty must be distributed in the same manner as other fines and penalties collected by the magistrate.

 (a) If the owner or operator fails to satisfy the judgement within thirty days, then the court shall notify the Department of Motor Vehicles and the authorized agent, and the department shall suspend the registration of the vehicle that was operated when the penalty was not paid and deny the vehicle's registration or reregistration pursuant to Section 56‑3‑1335.

 (b) The suspension shall remain in effect until the judgment is satisfied and evidence of its satisfaction has been presented to the Department of Motor Vehicles and the authorized agent.

 (B) The department shall send by first‑class mail a notice and penalty as prescribed in subsection (C) to the owner or operator of the vehicle identified as being involved in the violation of section 56‑5‑2770. If a vehicle is registered in two or more names, the notices or citation must be mailed to the first name listed on the registration records. A manual or automatic record of the mailing of the notices or citation prepared in the ordinary course of business is prima facie evidence of the mailing of the notices or citation.

 (C) The notice and penalty required by this section must contain:

 (1) a certificate, sworn to or affirmed by an agent of the department, or a facsimile of it, that a violation of Section 56‑5‑2770 has occurred, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a digital video‑monitoring device mounted on a school bus, and is prima facie evidence of the violation and is admissible in any proceeding charging a violation pursuant to this section. The photograph, microphotograph, videotape, or other recorded image evidencing a violation must be available for inspection by the party charged and is admissible into evidence in a proceeding to adjudicate liability for a violation;

 (2) the name and address of the vehicle owner alleged to be liable for a violation of Section 56‑5‑2770;

 (3) the registration number of the vehicle involved in the violation;

 (4) the location where the violation took place;

 (5) the date and time of the violation;

 (6) the identification number of the photo‑monitoring system that recorded the violation or other document locator number;

 (7) information advising of the manner and time in which liability may be contested;

 (8) warning advising that failure to contest liability in the manner and time provided in this section is an admission of liability; and

 (9) information advising that failure to pay the penalty may result in the suspension of vehicle registration as provided in Section 56‑5‑2790(A)(3).

 (D) A vehicle owner who receives a notice or citation pursuant to this section shall have the following valid defenses available:

 (1) for a period during which the vehicle involved in the violation was reported to a law enforcement division as having been stolen, a valid defense to an allegation of liability for a failure to pay a penalty is that the vehicle had been reported to a law enforcement division as stolen before the time the violation occurred and had not been recovered by the time of the violation;

 (2) for a period in which the vehicle involved in the violation was stolen but had not been reported to a law enforcement division as having been stolen, a valid defense to an allegation of liability for a violation pursuant to this section is that the vehicle was reported as stolen within two hours after the discovery of the theft by the owner. For purposes of asserting the defense provided by this subitem, a certified copy of the police report on the stolen vehicle, sent by first‑class mail to the department, its agent, or the magistrate's court or the municipal court having jurisdiction of the citation within thirty days after receipt of the notices or citation, is sufficient;

 (3) for a period in which the vehicle involved in the violation was leased to another person or entity, then the lessor is not liable for the violation if the lessor sends to the department or to the court having jurisdiction over the citation a copy of the rental, lease, or another contract document covering the vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty days after receiving the notices or citation;

 (a) if the lessor complies with the provisions of this subitem, then the lessee of the vehicle on the date of the violation is subject to liability for the failure to pay the fees and penalties if the department or its agent mails a notice of liability to the lessee within thirty days after receipt of a copy of the rental, lease, or other contract document; and

 (b) failure to send the information within the thirty‑day period renders the lessor liable for the unpaid penalties and any administrative fees or additional penalties assessed pursuant to this section; and

 (4) if the current owner of the vehicle was not the owner of the vehicle at the time of the violation, then it is a valid defense to liability that the person or entity who received the notice was not the owner of the vehicle at the time of the violation.

 (E) If an owner who pays the required fees, penalties, or both pursuant to this section was not the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

 (F) An owner of a vehicle is not liable for a penalty imposed pursuant to this section if the operator of the vehicle has been convicted of a violation of Section 56‑5‑2770 for the same incident.

SECTION 2. Chapter 67, Title 59 of the S.C. Code is amended by adding:

 Section 59‑67‑235. The operator of a school bus shall report to the Department of Education within twenty‑four hours if a vehicle does not stop when the driver has amber visual signals actuated pursuant to the Section 56‑5‑2770. The operator will notify the department of an alleged violation and retrieve and properly store the video from the bus for enforcement pursuant to Section 56‑5‑2790.

SECTION 3. Section 56‑3‑1335 of the S.C. Code is amended to read:

 Section 56‑3‑1335. The Department of Motor Vehicles shall suspend a motor vehicle's current registration and shall not register or reregister a motor vehicle that was operated when its driver failed to pay a toll and whose owner has an outstanding judgment for failure to pay a toll pursuant to Section 57‑5‑1495(E) entered against him. The department shall also suspend a motor vehicle’s current registration and shall not register or reregister a motor vehicle that was operated when its driver had an outstanding judgement for passing a school bus in violation of Section 56‑5‑2770 and whose owner has an outstanding judgment for failure to pay the penalty pursuant to Section 55‑5‑2790. The suspension or denial of registration or reregistration shall remain in effect until the judgment is satisfied, evidence of the satisfaction has been provided to the Department of Motor Vehicles, and a reinstatement fee of fifty dollars has been paid. The reinstatement fee collected must be placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.

SECTION 4. This act takes effect upon approval by the Governor.

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