

NO. 65

JOURNAL
OF THE
SENATE
OF THE
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 14, 2025

WEDNESDAY, MAY 6, 2026

Wednesday, May 6, 2026
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 1:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

Proverbs 15:33

We read in the book of Proverbs that: “The fear of the Lord teaches wisdom, and humility comes before honor.”

Let us pray, my friends: Holy God, it is no secret that serving the public as these leaders do is filled with challenges. And any who might believe otherwise are only kidding themselves. To serve as these Senators do is not always a proverbial “walk in the park.” At times it may even be just the opposite of all that.

Nonetheless, how satisfying it must be to know that one has honorably and selflessly done his or her absolute best to make life somewhat better for others. So we ask You, Lord, to bless each of the women and men here in the Senate of South Carolina who indeed do care genuinely and even thoughtfully for those whom they serve. We are indeed humbled by and grateful for each one for his or her dedication. In Your loving name we do pray, dear Lord. Amen.

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

Call of the Senate

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

| | | |
|-----------|-----------|---------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Chaplin |
| Climer | Corbin | Cromer |
| Davis | Devine | Elliott |
| Fernandez | Gambrell | Garrett |
| Goldfinch | Graham | Grooms |
| Hutto | Jackson | Johnson |
| Kennedy | Kimbrell | Martin |

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| | | |
|--------|-------------|--------|
| Massey | Matthews | Ott |
| Peeler | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |
| Walker | Williams | Zell |

A quorum being present, the Senate resumed.

Recorded Presence

Senator LEBER recorded his presence subsequent to the Call of the Senate.

MESSAGE FROM THE GOVERNOR

The following appointments were transmitted by the Honorable Henry Dargan McMaster:

Local Appointments

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Dorchester County:

William H. Waring III, Esquire, 203 Bellerive Lane, Summerville, SC 29483 *VICE* Tara L. Frost

Reappointment, Greenville County Magistrate, with the term to commence April 30, 2026, and to expire April 30, 2030

Greenville County:

Hon. Dean E. Ford, 445 East Curtis Street, Simpsonville, SC 29681

Reappointment, York County Natural Gas Authority, with the term to commence March 1, 2026, and to expire March 1, 2029

Fort Mill:

Robert Marcus Howie, 112 Hallett Street, Fort Mill, SC 29715

Doctor of the Day

Senator ZELL introduced Dr. Lisa Heichberger of Clarendon, S.C., Doctor of the Day.

Leave of Absence

At 1:23 P.M., Senator MARTIN requested a leave of absence for Thursday, May 28, 2026, through Sunday, June 28, 2026.

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Leave of Absence

On motion of Senator BRIGHT, at 3:45 P.M., Senator LEBER was granted a leave of absence for the balance of the day.

Leave of Absence

At 4:11 P.M., Senator DAVIS requested a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator MARTIN, at 5:04 P.M., Senator KIMBRELL was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator ALLEN, at 5:04 P.M., Senator DEVINE was granted a leave of absence for the balance of the day.

Leave of Absence

On motion of Senator SABB, at 5:04 P.M., Senator WALKER was granted a leave of absence for the balance of the day.

Expression of Personal Interest

Senator GROOMS rose for an Expression of Personal Interest.

Expression of Personal Interest

Senator MATTHEWS rose for an Expression of Personal Interest.

Remarks to be Printed

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

CO-SPONSOR ADDED

The following co-sponsor was added to the respective Bill:
S. 896 Sen. Kimbrell

Motion Adopted

On motion of Senator CORBIN, with unanimous consent, Senator GARRETT was granted leave to vote from the balcony.

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Motion Adopted

On motion of Senator GROOMS, with unanimous consent, Senator GROOMS was granted leave to vote from the balcony.

RECALLED

S. 1175 -- Senator Devine: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 176 FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 16 TO THE COLUMBIA CANAL IN RICHLAND COUNTY “DR. JASPER SALMOND HIGHWAY” AND PLACE APPROPRIATE MARKERS OR SIGNS CONTAINING THESE WORDS AT THIS LOCATION.

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

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

RECALLED

H. 4086 -- Rep. Hager: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 321 IN HAMPTON COUNTY FROM ITS INTERSECTION WITH SOUTH CAROLINA HIGHWAY 363 TO THE HAMPTON-ALLENDALE COUNTY LINE THE “HONORABLE JAMES RISHER SR. MEMORIAL HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY CONTAINING THESE WORDS.

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

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

RECALLED

H. 4679 -- Reps. C. Mitchell, B.L. Cox, M.M. Smith, Wooten, Chapman, W. Newton, Herbkersman, Wickensimer, Guest, McCravy, Hartnett, Gilliard, Rivers and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE

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“SOUTH CAROLINA DRONE REGULATION AND PUBLIC SAFETY ACT” BY ADDING SECTION 55-1-110 SO AS TO ESTABLISH GUIDELINES FOR DRONE OPERATIONS, AND PENALTIES FOR UNLAWFUL DRONE USE.

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

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

RECALLED

H. 5176 -- Rep. Willis: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 76 (HILLCREST DRIVE) IN THE CITY OF LAURENS IN LAURENS COUNTY FROM THE INTERSECTION OF NORTH HARPER STREET TO HILLCREST SQUARE “JUDGE JOSEPH WILSON MCGOWAN III MEMORIAL HIGHWAY” AND ERECT APPROPRIATE SIGNS OR MARKERS AT THIS LOCATION CONTAINING THESE WORDS.

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

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

RECALLED

H. 5352 -- Rep. Hosey: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME MOODY ROAD IN THE TOWN OF MARTIN IN ALLENDALE COUNTY FROM MILLET ROAD TO PATTERSON MILL DRIVE “SGT. ORENTIAL J. ‘O.J.’ SMITH MEMORIAL ROAD” AND ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION CONTAINING THESE WORDS.

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

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

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INTRODUCTION OF BILLS AND RESOLUTIONS

The following were introduced:

S. 1179 -- Senator Allen: A SENATE RESOLUTION TO RECOGNIZE AND HONOR JACK LOGAN DURING NATIONAL NURSES WEEK AND TO COMMEND HIM FOR HIS SERVICE IN HEALTHCARE AND FOR HIS WORK TO PROMOTE GUN SAFETY.

sr-0675km-amb26.docx

The Senate Resolution was adopted.

S. 1180 -- Senator Kimbrell: A JOINT RESOLUTION A JOINT RESOLUTION TO CHANGE THE PRIMARY DATE FOR THE 2026 GENERAL ELECTION TO THE SECOND TUESDAY OF AUGUST; AND TO REQUIRE ADDITIONAL FILING TIMES.

sr-0132cem26.docx

Senator KIMBRELL spoke on the Resolution.

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

S. 1181 -- Senator Adams: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR MELINDA POUNDER OF JENNIE MOORE ELEMENTARY IN MOUNT PLEASANT AND TO CONGRATULATE HER UPON BEING CHOSEN AS ANEXTRAORDINARYEDUCATORBYCURRICULUM ASSOCIATES.

lc-0754wab-rm26.docx

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

S. 1182 -- Senator Ott: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR BRANTLEY LOMBR OF SANDHILLS PRIMARY SCHOOL IN SWANSEA AND TO CONGRATULATE HER UPON BEING CHOSEN AS AN EXTRAORDINARY EDUCATOR BY CURRICULUM ASSOCIATES.

lc-0394ha-gm26.docx

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

H. 4042 -- Reps. Kilmartin, White, Gilreath, Cromer, Guffey, Harris, Hager, McCravy, Edgerton, Terrible, Magnuson, Lastinger, D. Mitchell, Sessions, Chapman, Brewer, Lawson, Oremus, Hartz, Vaughan, Pedalino, Teeple, Landing, Rankin, Schuessler, Ligon, Long, Sanders, Ford, T. Moore, Forrest, Chumley, Bowers, Taylor, Hixon, M.

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M. Smith, Gibson and Duncan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-53-150 SO AS TO AUTHORIZE THE OVER-THE-COUNTER SALE OF IVERMECTIN TABLETS.

lc-0176vr25.docx

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

REPORTS OF STANDING COMMITTEES

Senator DAVIS from the Committee on Labor, Commerce and Industry submitted a favorable with amendment report on:

S. 896 -- Senators Leber, Walker, Blackmon and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "CHATBOT PROTECTION ACT"; AND BY ADDING CHAPTER 80 TO TITLE 39 SO AS TO PROVIDE RESTRICTIONS ON CERTAIN CHATBOT ACTIVITIES AND TO PROVIDE FOR CIVIL REMEDIES.

Ordered for consideration tomorrow.

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

S. 1043 -- Senators Adams, Zell, Leber and Graham: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE "CIVIL AIR PATROL LEAVE ACT"; BY ADDING CHAPTER 23 TO TITLE 25 SO AS TO DEFINE TERMS RELATED TO THE CIVIL AIR PATROL LEAVE ACT, TO PROVIDE FOR THE CREATION AND ADMINISTRATION OF CIVIL AIR PATROL LEAVE, TO PRESCRIBE THE DUTIES OF EMPLOYEES AND RIGHTS OF EMPLOYERS REGARDING CIVIL AIR PATROL LEAVE, TO PROVIDE EXCEPTIONS, AND TO PROVIDE ANTI-DISCRIMINATION AND EMPLOYEE BENEFITS PROTECTIONS.

Ordered for consideration tomorrow.

Senator YOUNG from the Committee on Family and Veterans' Services submitted a favorable with amendment report on:

H. 3510 -- Reps. Gilliam, Davis, M.M. Smith, Vaughan, Chapman, Kirby, Landing, Bustos, Yow, Mitchell, Hart, Williams, Luck, Gagnon and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25-11-40, RELATING TO COUNTY VETERANS' AFFAIRS OFFICERS, SO AS TO PROVIDE THAT THE SECRETARY OF THE SOUTH CAROLINA

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DEPARTMENT OF VETERANS' AFFAIRS SHALL APPOINT ONE COUNTY VETERANS' AFFAIRS OFFICER FOR EACH COUNTY IN THE STATE AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL APPROPRIATE THE NECESSARY FUNDS FOR TWO FULL-TIME EMPLOYEES IN EACH COUNTY VETERANS' AFFAIRS OFFICE.

Ordered for consideration tomorrow.

Senator VERDIN from the Committee on Medical Affairs polled out H. 4042 favorable:

H. 4042 -- Reps. Kilmartin, White, Gilreath, Cromer, Guffey, Harris, Hager, McCravy, Edgerton, Terribile, Magnuson, Lastinger, D. Mitchell, Sessions, Chapman, Brewer, Lawson, Oremus, Hartz, Vaughan, Pedalino, Teeple, Landing, Rankin, Schuessler, Ligon, Long, Sanders, Ford, T. Moore, Forrest, Chumley, Bowers, Taylor, Hixon, M.M. Smith, Gibson and Duncan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 44-53-150 SO AS TO AUTHORIZE THE OVER-THE-COUNTER SALE OF IVERMECTIN TABLETS.

**Poll of the Medical Affairs Committee
Polled 17; Ayes 13; Nays 4; Not Voting 0**

AYES

| | | |
|-----------|-----------|---------|
| Verdin | Peeler | Martin |
| Alexander | Davis | Corbin |
| Gambrell | Cash | Garrett |
| Kimbrell | Fernandez | Leber |
| Zell | | |

Total--13

NAYS

| | | |
|--------|----------|------|
| Hutto | Matthews | Sabb |
| Tedder | | |

Total--4

NOT VOTING

Total--0

Ordered for consideration tomorrow.

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Senator VERDIN from the Committee on Medical Affairs polled out H. 4760 favorable:

H. 4760 -- Reps. W. Newton, Oremus, G.M. Smith, Jordan, Crawford, Duncan, Erickson, Forrest, Gatch, Gilliam, Guest, Haddon, Hiott, Hixon, J.E. Johnson, Lawson, Ligon, Long, Lowe, McCravy, Martin, C. Mitchell, T. Moore, B. Newton, Pedalino, Pope, Rankin, Robbins, Sessions, Vaughan, Whitmire, Willis, Yow, Chumley, Edgerton, Taylor, Bowers, White and Burns: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 8 TO CHAPTER 41, TITLE 44 SO AS TO CREATE CRIMES AND ASSOCIATED PENALTIES REGARDING THE USE OF ABORTION-INDUCING DRUGS, WITH EXCEPTIONS; BY AMENDING SECTION 44-53-250, RELATING TO SCHEDULE IV CONTROLLED SUBSTANCES, SO AS TO ADD MIFEPRISTONE AND MISOPROSTOL; AND BY AMENDING SECTION 44-53-370, RELATING TO CONTROLLED SUBSTANCE OFFENSES AND PENALTIES, SO AS TO CREATE CRIMINAL PENALTIES FOR POSSESSION OF MIFEPRISTONE AND MISOPROSTOL, WITH EXCEPTIONS.

**Poll of the Medical Affairs Committee
Polled 15; Ayes 10; Nays 4; Abstain 1; Not Voting 1**

AYES

| | | |
|-----------|----------|-----------|
| Verdin | Peeler | Martin |
| Alexander | Corbin | Cash |
| Garrett | Kimbrell | Fernandez |
| Leber | | |

Total--10

NAYS

| | | |
|--------|----------|------|
| Hutto | Matthews | Sabb |
| Tedder | | |

Total--4

ABSTAIN

Davis

Total--1

NOT VOTING

Gambrell

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Total--1

Ordered for consideration tomorrow.

Senator CROMER from the Committee on Banking and Insurance submitted a favorable with amendment report on:

H. 5538 -- Reps. Pope, Herbkersman, G.M. Smith, Hartz, W. Newton, Jordan, Ligon, Oremus, Neese, Taylor, Hiott, Cromer, Gilreath, Morgan, Lastinger, Huff, Burns, Chumley, Beach, D. Mitchell, McCabe, Pedalino, Vaughan, Kilmartin, Gibson and Govan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "GUARANTEE BANKING ACT" BY ADDING CHAPTER 47 TO TITLE 34 SO AS TO PROVIDE FOR FAIRNESS AND TRANSPARENCY IN BANKING.

Ordered for consideration tomorrow.

Message from the House

Columbia, S.C., May 5, 2026

Mr. President and Senators:

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

S. 585 -- Senators Tedder, Adams, Devine, Zell and Sutton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SAFEGUARDING AMERICAN FAMILIES EVERYWHERE (SAFE) ACT" AND BY ADDING SECTION 56-3-125 SO AS TO PROVIDE APPLICATIONS FOR MOTOR VEHICLE REGISTRATIONS MUST INCLUDE LANGUAGE ALLOWING APPLICANTS TO VOLUNTARILY INDICATE THEY OR THEIR FAMILY MEMBERS HAVE BEEN DIAGNOSED WITH CERTAIN DISABILITIES OR DISORDERS, AND TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO INCLUDE THE DESIGNATION "SAFE" IN THE MOTOR VEHICLE'S RECORDS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

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

H. 3034 -- Reps. Collins, Wooten, C. Mitchell, Pope, Chapman, Pedalino, Yow, M.M. Smith, Davis, Holman, B.L. Cox, Hixon, Gagnon, Calhoon, Moss, Lawson, Kirby, Ligon, Bailey, Forrest, Gilliam, Willis, Erickson, Schuessler, Vaughan, Bradley, Hager, Whitmire, Robbins, T. Moore, Brewer, Guffey, Martin, J.L. Johnson, Haddon, Wickensimer, Brittain, Kilmartin, D. Mitchell, Cromer, Bowers, Landing, White, W. Newton, J.E. Johnson and B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "FARGO'S, HYCO'S, RICO'S, COBA'S, WICK'S, AND MIKKA'S LAW" BY AMENDING ARTICLE 11 OF CHAPTER 3, TITLE 47, RELATING TO TAUNTING, TORMENTING, INJURING, OR KILLING POLICE DOGS OR HORSES, SO AS TO EXPAND THE CONDUCT THAT RESULTS IN A VIOLATION, INCREASE THE PENALTIES, REQUIRE RESTITUTION TO THE LAW ENFORCEMENT DEPARTMENT OR AGENCY, AND MAKE TECHNICAL CHANGES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

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

H. 3453 -- Reps. Rose, Pope, Spann-Wilder and J. Moore: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-111-20, RELATING TO FREE TUITION FOR CERTAIN VETERANS' CHILDREN, SO AS TO PROVIDE THAT A VETERAN'S CHILD QUALIFIES FOR FREE TUITION IF THAT CHILD HAS BEEN A RESIDENT OF SOUTH CAROLINA SINCE BIRTH.

and has ordered the Bill enrolled for Ratification.

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Very respectfully,
Speaker of the House
Received as information.

Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

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

H. 3842 -- Reps. Lowe, Willis, Caskey, Wooten, Rose, Huff, Sanders and Duncan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 40-45-285 SO AS TO PROVIDE PHYSICAL THERAPISTS MAY CERTIFY THAT AN INDIVIDUAL IS HANDICAPPED AND DECLARE THAT THE HANDICAP IS TEMPORARY OR PERMANENT FOR PURPOSES OF THE INDIVIDUAL'S APPLICATION FOR A HANDICAPPED PLACARD.

and has ordered the Bill enrolled for Ratification.

Very respectfully,
Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

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

H. 3872 -- Reps. B.J. Cox, Bauer and Caskey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HUNTING HERITAGE PROTECTION ACT" BY ADDING SECTION 50-1-320 SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ADOPT POLICIES AND PROCEDURES TO ENSURE THAT THERE IS NO NET LOSS OF DEPARTMENT-MANAGED LAND FOR HUNTING AND FISHING.

and has ordered the Bill enrolled for Ratification.

Very respectfully,
Speaker of the House

Received as information.

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Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H.5126 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2026, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

RULE 32A

On motion of Senator PEELER, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar, proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

NONCONCURRENCE

H. 5126 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2026, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

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

Senator PEELER explained the amendments.

On motion of Senator PEELER, the Senate nonconcurred in the House amendments and a message was sent to the House accordingly.

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Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

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

H. 5064 -- Reps. Yow, Hayes, C. Mitchell, Luck and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 59-53-510, RELATING TO THE CREATION OF THE NORTHEASTERN TECHNICAL COLLEGE AREA COMMISSION, SO AS TO PROVIDE THAT THE REPRESENTATION FROM LOCAL INDUSTRY MAY INCLUDE CERTAIN EX OFFICIO MEMBERS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

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

H. 5073 -- Reps. Pedalino, Erickson, Montgomery, McCravy, Pace, Bradley, D. Mitchell, Terribile, Robbins, T. Moore, Sessions, Neese, Brittain, Crawford, Lawson, Edgerton, Chumley, Brewer, Chapman, Vaughan, Guest, Guffey, Cox, W. Newton, McGinnis, B. Newton, McCabe, Rankin, Gagnon, Gibson, J.E. Johnson, Long, Moss, Schuessler, G.M. Smith, White, Oremus, Teeple, Lastinger, Burns, Hewitt, Haddon, Cromer, Gilreath, Hartnett and Ballentine: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-29-250 SO AS TO PROVIDE REQUIREMENTS FOR PUBLIC SCHOOL GRADING PRACTICES, TO CONDITION ELIGIBILITY FOR CREDIT RECOVERY AND CONTENT RECOVERY ON COMPLETION OF REQUIRED ASSIGNMENTS, TO LIMIT THE USE OF CERTAIN ASSESSMENTS IN CALCULATING FINAL COURSE GRADES, TO PROVIDE ENFORCEMENT THROUGH WITHHOLDING OF STATE AID TO CLASSROOM FUNDS, TO DIRECT THE STATE BOARD OF EDUCATION TO ESTABLISH A TASK FORCE TO EVALUATE

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AND RECOMMEND REVISIONS TO THE UNIFORM GRADING POLICY, AND TO REQUIRE THE STATE BOARD OF EDUCATION AND LOCAL SCHOOL DISTRICTS TO ADOPT THE RECOMMENDED REVISIONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

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

H. 5131 -- Reps. Hartnett, M.M. Smith and Henderson-Myers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-3-780, RELATING TO PERMANENT LICENSE PLATES AND FEES FOR VEHICLES OF STATE POLITICAL SUBDIVISIONS, SO AS TO CREATE A PERMANENT LICENSE PLATE FOR TRIBAL GOVERNMENTS LOCATED IN THE STATE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

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

H. 5205 -- Reps. McGinnis, Erickson, Grant, Spann-Wilder and Govan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 4 TO CHAPTER 101, TITLE 59 SO AS TO REQUIRE EACH PUBLIC COLLEGE, UNIVERSITY, AND TECHNICAL COLLEGE IN THIS STATE TO IMPLEMENT A SAFETY TRAINING PROGRAM FOR ALL NEW STUDENTS, TO PROVIDE EXCLUSIONS FROM THE PROGRAMS, TO PROVIDE REQUIREMENTS OF THE PROGRAMS, TO REQUIRE EACH

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INSTITUTION TO COMPILE AND ANNUALLY REPORT CERTAIN CAMPUS CRIME STATISTICS, AMONG OTHER THINGS, TO PROVIDE ADDITIONAL REPORTING REQUIREMENTS, AND TO PROVIDE ENFORCEMENT MECHANISMS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has appointed Reps. Bannister, Erickson and Brewer to the Committee of Conference on the part of the House on:

S. 831 -- Senators Grooms, Jackson, Kimbrell, Sutton and Bennett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 57-1-25 SO AS TO ESTABLISH A COORDINATING COUNCIL FOR TRANSPORTATION AND MOBILITY AND DEFINE ITS MEMBERSHIP, POWERS, AND RESPONSIBILITIES; BY AMENDING SECTION 57-1-360, RELATING TO THE CHIEF INTERNAL AUDITOR, SO AS TO CLARIFY QUALIFICATIONS AND SCOPE OF ACTIVITIES; BY AMENDING SECTION 57-1-370, RELATING TO THE DEVELOPMENT OF A LONG-RANGE STATEWIDE TRANSPORTATION PLAN, SO AS TO MANDATE THAT THE DEPARTMENT OF TRANSPORTATION IS RESPONSIBLE FOR DEVELOPING THE PLAN; BY AMENDING SECTION 57-3-20, RELATING TO RESPONSIBILITIES AND DUTIES OF THE DEPUTY SECRETARIES, SO AS TO PROVIDE FOR THE RESPONSIBILITIES AND DUTIES OF THE DEPUTY SECRETARIES; BY ADDING SECTION 57-3-205 SO AS TO ALLOW THE DEPARTMENT TO ENTER INTO PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS; BY AMENDING SECTION 57-3-615, RELATING TO HIGHWAY TOLLS AND USAGE, SO AS TO ALLOW THE IMPOSITION OF TOLLS IN CERTAIN SITUATIONS; BY ADDING SECTION 57-3-790 SO AS TO WAIVE THE STATE'S IMMUNITY; BY ADDING SECTION 57-3-800 SO AS TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO

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ENTER INTO RECIPROCAL AGREEMENTS WITH OTHERS TO ENFORCE TOLL VIOLATIONS; BY AMENDING SECTION 57-5-820, RELATING TO THE CONSENT OF A MUNICIPALITY TO WORK ON STATE HIGHWAYS, SO AS TO PROVIDE FOR CANCELLATION OF PROJECTS IN CERTAIN CIRCUMSTANCES; BY AMENDING SECTION 57-5-830, RELATING TO THE ASSENT OF MUNICIPALITY TO PLANS, SO AS TO PROVIDE THAT COSTS CAUSED BY AN UNREASONABLE DELAY ARE THE RESPONSIBILITY OF THE MUNICIPALITY; BY ADDING SECTION 57-5-105 SO AS TO IDENTIFY AND TRANSFER OWNERSHIP OF NON-ESSENTIAL ROADS TO THE STATE HIGHWAY SYSTEM; BY ADDING SECTION 57-5-1085 SO AS TO IMPOSE FEES ON NEW DEVELOPMENTS WITHIN THE STATE IN ORDER TO MITIGATE CONGESTION CAUSED BY ADDITIONAL TRAFFIC; BY AMENDING SECTION 57-5-1320, RELATING TO TURNPIKE PROJECT DEFINITIONS, SO AS TO INCLUDE NONTAX REVENUES OR OTHER LEGALLY AVAILABLE FUNDS AS A SOURCE FOR FUNDING TURNPIKE FACILITIES; BY AMENDING SECTION 57-5-1330, RELATING TO GENERAL POWERS OF THE DEPARTMENT OF TRANSPORTATION, SO AS TO ALLOW THE DEPARTMENT TO CONTRACT WITH OTHER POLITICAL SUBDIVISIONS IN DESIGNATING, ESTABLISHING, PLANNING, ABANDONING, FINANCING, IMPROVING, CONSTRUCTING, MAINTAINING, AND REGULATING TURNPIKE FACILITIES; BY AMENDING SECTION 57-5-1335, RELATING TO THE FEASIBILITY STUDIES, SO AS TO REQUIRE THE DEPARTMENT TO COMPLETE A FEASIBILITY STUDY PRIOR TO A BRIDGE CONSTRUCTION QUALIFYING AS TURNPIKE FACILITY; BY AMENDING SECTION 57-5-1340, RELATING TO ADDITIONAL POWERS OF THE DEPARTMENT, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1350, RELATING TO A REQUEST FOR AN ISSUANCE OF TURNPIKE BONDS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1360, RELATING TO POWERS AND DUTIES OF THE STATE FISCAL ACCOUNTABILITY AUTHORITY UPON RECEIPT OF REQUEST, SO AS TO PROVIDE THAT A RESOLUTION APPROVING ANY PROPOSED TURNPIKE BONDS MAY NOT BE ADOPTED UNLESS THE STATE BOARD CONDUCTS A HEARING BEFORE APPROVAL; BY AMENDING SECTION 57-5-1380, RELATING TO TURNPIKE REVENUE PLEDGED FOR PAYMENT OF BONDS, SO

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AS TO CLARIFY THAT TURNPIKE BONDS ISSUED BY THIS ARTICLE DO NOT CONSTITUTE AN INDEBTEDNESS OF THE STATE; BY AMENDING SECTION 57-5-1390, RELATING TO BOND INTEREST, MATURITY, AND REDEMPTION, SO AS TO UPDATE TERMS; BY AMENDING SECTION 57-5-1400, RELATING TO THE SALE OF BONDS AND EXPENSES INCIDENT TO SALE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1410, RELATING TO THE EXECUTION OF BONDS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1420, RELATING TO THE APPLICATION OF BOND PROCEEDS, SO AS TO PROVIDE THAT THE PROCEEDS DERIVED FROM THE SALE OF TURNPIKE BONDS MUST BE APPLIED ONLY TO THE PURPOSES AUTHORIZED BY THIS ARTICLE AND PROVIDED IN THE BOND RESOLUTION; BY AMENDING SECTION 57-5-1430, RELATING TO DENOMINATIONS OF TURNPIKE BONDS, SO AS TO PROVIDE THAT TURNPIKE BONDS MUST EACH BE IN THE DENOMINATION OF ONE THOUSAND OR FIVE THOUSAND DOLLARS OR SOME MULTIPLE THEREOF OR SUCH LARGER DENOMINATIONS AS MAY BE AUTHORIZED BY THE AUTHORITY IN THE BOND RESOLUTION; BY AMENDING SECTION 57-5-1440, RELATING TO THE FORM OF BONDS, SO AS TO REMOVE THE PROVISION THAT TURNPIKE BONDS ISSUED PURSUANT TO THIS ARTICLE MAY BE IN THE FORM OF NEGOTIABLE COUPON BONDS, PAYABLE TO BEARER; BY AMENDING SECTION 57-5-1450, RELATING TO THE RESOLUTION TO ISSUE BONDS, SO AS TO PROVIDE THAT THE DEPARTMENT AND THE AUTHORITY MAY RELY ON THE WORK PRODUCT OF THIRD-PARTY PROFESSIONALS TO PROVIDE FINANCIAL, FEASIBILITY, OR PRACTICABILITY STUDIES RELATED TO THE TURNPIKE FACILITIES; BY AMENDING SECTION 57-5-1460, RELATING TO THE POWERS AND DUTIES OF THE GOVERNOR AND THE STATE TREASURER UPON RECEIPT OF THE BOND RESOLUTION, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1480, RELATING TO THE PROVISION THAT IT IS LAWFUL FOR FIDUCIARIES AND SINKING FUND COMMISSIONS TO INVEST IN TURNPIKE BONDS; BY AMENDING SECTION 57-5-1490, RELATING TO PENALTIES FOR FAILURE TO PAY TOLLS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 57-5-1495, RELATING TO

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THE COLLECTION OF TOLLS, SO AS TO CHANGE THE DEFINITION OF “ELECTRONIC TOLL COLLECTION SYSTEM” AND ADD THAT A CERTIFICATE THAT A TOLL VIOLATION HAS OCCURRED BASED UPON ELECTRONIC MEANS IS PRIMA FACIE EVIDENCE OF THE VIOLATION; BY ADDING SECTION 57-5-1710 SO AS TO ALLOW THE DEPARTMENT TO USE PHASED DESIGN-BUILD AS A PROJECT DELIVERY METHOD AND PROSCRIBE THE PROCEDURE FOR ENTERING INTO A PHASED DESIGN-BUILD CONTRACT; BY ADDING SECTION 57-5-1720 SO AS TO ALLOW THE DEPARTMENT TO AWARD HIGHWAY CONSTRUCTION CONTRACTS USING A CONSTRUCTION MANAGER/GENERAL CONTRACTOR PROCEDURE; BY AMENDING SECTION 57-11-210, RELATING TO DEFINITIONS PERTAINING TO STATE HIGHWAY BONDS, SO AS TO DEFINE “ALTERNATIVE FUEL FEES”; BY AMENDING SECTION 56-3-645, RELATING TO ALTERNATIVE FUEL FEES FOR VEHICLES POWERED BY ELECTRICITY, HYDROGEN, AND FUELS OTHER THAN MOTOR FUEL, SO AS TO INCREASE FEES, PROVIDE FOR ADJUSTMENT OF THE FEES, AND TO CREDIT THE FEES TO THE STATE HIGHWAY FUND; BY AMENDING SECTION 11-43-140, RELATING TO THE BOARD OF DIRECTORS OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, SO AS TO DESIGNATE THE SECRETARY OF TRANSPORTATION AS AN EX OFFICIO MEMBER; BY AMENDING SECTION 11-35-710, RELATING TO EXEMPTIONS IN THE SOUTH CAROLINA CONSOLIDATED PROCUREMENT CODE, SO AS TO INCLUDE AN EXEMPTION FOR THE PURCHASE AND MANAGEMENT OF INFORMATION TECHNOLOGY BY THE DEPARTMENT OF TRANSPORTATION; BY ADDING SECTION 12-28-315 SO AS TO PRESCRIBE A USER FEE ON ELECTRICITY CONSUMED WHEN USING A PUBLICLY ACCESSIBLE ELECTRIC VEHICLE CHARGING STATION; BY AMENDING SECTION 12-28-2740, RELATING TO THE DISTRIBUTION OF A GASOLINE USER FEE AMONG COUNTIES, REQUIREMENTS FOR THE EXPENDITURE OF FUNDS, AND COUNTY TRANSPORTATION COMMITTEES, SO AS TO PROVIDE FOR THE POWERS AND RESPONSIBILITIES OF THE COUNTY TRANSPORTATION COMMITTEES AND PROCEDURES FOR USING “C” FUNDS REVENUES; AND BY AMENDING SECTION 12-28-2920, RELATING TO

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CONSTRUCTION OF TOLL ROADS, SO AS TO DEFINE HOW FUNDS DERIVED FROM TOLLS MAY BE USED.

Very respectfully,
Speaker of the House

Received as information.

HOUSE CONCURRENCE

S. 1173 -- Senator Devine: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR CAPTIVATING COLUMBIA, THE COLUMBIA CHAPTER OF JACK AND JILL OF AMERICA INC., AND TO COMMEND THE CHAPTER ON ITS SEVENTY-FIFTH ANNIVERSARY OF SERVICE IN THE COMMUNITY.

Returned with concurrence.

Received as information.

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

MOTION TO VARY THE ORDER OF THE DAY ADOPTED

On motion of Senator MASSEY, under Rule 32A, the Senate agreed to vary the order of the day and proceed directly to the Bills Returned from the House.

CARRIED OVER

S. 718 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 45-2-65 SO AS TO PROVIDE THE CONDITIONS UNDER WHICH AN OPERATOR OF ANY RECREATIONAL VEHICLE PARK MAY HAVE ANY TRANSIENT GUEST OF THE PARK REMOVED, AND TO PROVIDE GUIDELINES FOR REMOVAL OF THE GUEST.

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

HOUSE AMENDMENTS AMENDED

RETURNED TO THE HOUSE WITH AMENDMENTS

S. 52 -- Senators Davis, Cash, Gambrell, Grooms, Jackson, Devine, Climer, Johnson, Adams, Turner, Kimbrell, Sutton, Blackmon, Williams, Alexander, Verdin, Garrett, Zell and Walker: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-5-2930, RELATING TO OPERATING MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO AMEND THE PENALTY PROVISIONS TO PERMIT SENTENCES OF BOTH FINES AND

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INCARCERATION AND TO REQUIRE CONVICTED PERSONS TO ATTEND DUI VICTIM IMPACT PANELS; BY AMENDING SECTION 56-5-2933, RELATING TO DRIVING WITH UNLAWFUL ALCOHOL CONCENTRATIONS, SO AS TO PERMIT SENTENCES OF BOTH FINES AND INCARCERATION AND TO REQUIRE CONVICTED PERSONS TO ATTEND DUI VICTIM IMPACT PANELS; BY AMENDING SECTION 56-5-2941, RELATING TO IGNITION INTERLOCK DEVICES, SO AS TO DELETE THE PROVISION THAT PROVIDES NOTHING IN THE SECTION REQUIRES INSTALLATION OF IGNITION INTERLOCK DEVICES PRIOR TO CONTESTED CASE HEARINGS; BY AMENDING SECTION 56-5-2945, RELATING TO THE OFFENSE OF FELONY DRIVING UNDER THE INFLUENCE, SO AS TO CREATE THE OFFENSE OF FELONY DRIVING UNDER THE INFLUENCE SECOND DEGREE, ESTABLISH PENALTIES, AND DEFINE THE TERM "MODERATE BODILY INJURY"; BY AMENDING SECTION 56-5-2947, RELATING TO CHILD ENDANGERMENT, SO AS TO INCLUDE THE OFFENSES OF RECKLESS VEHICULAR HOMICIDE AND RECKLESS DRIVING AS VIOLATIONS SUBJECT TO A CHARGE OF CHILD ENDANGERMENT; BY AMENDING SECTION 56-5-2950, RELATING TO IMPLIED CONSENT TO TESTING FOR ALCOHOL OR DRUGS, SO AS TO REVISE THE CIRCUMSTANCES, PROCEDURES TO BE FOLLOWED, AND TEST SITES THAT CAN BE USED WHEN PERSONS ARE SUBJECTED TO TESTS FOR ALCOHOL OR DRUGS, TO PROVIDE THAT LABORATORY TECHNICIANS, PHLEBOTOMISTS, AND EMERGENCY MEDICAL TECHNICIANS MAY OBTAIN BLOOD OR URINE SAMPLES, TO REVISE THE PERIOD OF SUSPENSIONS OF DRIVING PRIVILEGES THAT MUST BE IMPOSED FOR FAILURE IF PERSONS REFUSE TO BE TESTED AND IF PERSONS HAVE CERTAIN ALCOHOL CONCENTRATIONS, TO REVISE THE PROVISION THAT ESTABLISHES ALCOHOL CONCENTRATIONS, AND TO DELETE THE PROVISION RELATING TO PERSONS INCAPABLE OF REFUSING TO CONSENT TO TESTS; BY AMENDING SECTION 56-5-2951, RELATING TO SUSPENSION OF LICENSES FOR REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATIONS, SO AS TO PROVIDE THAT PERSONS ISSUED LICENSE SUSPENSIONS MAY INSTALL IGNITION INTERLOCK DEVICES WITHIN THIRTY DAYS AND OBTAIN TEMPORARY DRIVERS' LICENSES WITH

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IGNITION INTERLOCK RESTRICTIONS, AND TO PROVIDE THAT PERSONS WHO REFUSE TO SUBMIT TO CHEMICAL TESTS MUST HAVE THEIR DRIVERS' LICENSES SUSPENDED FOR ONE YEAR FOR A FIRST OFFENSE, AND TO PROVIDE INCREASED SUSPENSIONS FOR SUBSEQUENT OFFENSES, OR IF PERSONS TAKE THE TESTS AND REGISTER ALCOHOL CONCENTRATIONS OF OVER FIFTEEN ONE-HUNDREDTH OF ONE PERCENT OR MORE, THAT THEIR LICENSES ARE SUSPENDED FOR TWO MONTHS; BY AMENDING SECTION 56-5-2953, RELATING TO INCIDENT SITES AND BREATH TEST SITES FOR VIDEO RECORDING, SO AS TO PROVIDE THAT NOTHING IN THIS SECTION MAY BE CONSTRUED TO COMPEL OR AUTHORIZE A DISMISSAL OF A DUI OFFENSE IF THE OFFICERS SUBSTANTIALLY COMPLY WITH THE STATUTE AND THAT MOTIONS FOR SUPPRESSION OF EVIDENCE UNDER THE STATUTE MUST BE MADE PRIOR TO JEOPARDY ATTACHING; BY AMENDING SECTION 56-5-2920, RELATING TO RECKLESS DRIVING, SO AS TO CREATE THE OFFENSES OF FELONY RECKLESS DRIVING WITH GREAT BODILY INJURY AND RECKLESS DRIVING RESULTING IN MODERATE BODILY INJURY AND TO ESTABLISH PENALTIES; BY ADDING SECTION 56-5-2960 SO AS TO PROVIDE THAT PERSONS CONVICTED OF FELONY DRIVING UNDER THE INFLUENCE CAUSING THE DEATH OR DISABILITY OF PARENTS OR GUARDIANS MAY BE ORDERED TO PAY CHILD SUPPORT AS RESTITUTION FOR THE DURATION OF ANY PROBATION ORDERED, PERFORM COMMUNITY SERVICE, OR BOTH; BY AMENDING SECTION 56-1-286, RELATING TO THE SUSPENSION OF LICENSES OR PERMITS OR THE DENIAL OF ISSUANCE OF LICENSES OR PERMITS TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH CERTAIN ALCOHOL CONCENTRATIONS, SO AS TO PROVIDE THAT PERSONS ISSUED NOTICES OF SUSPENSIONS MAY OBTAIN TEMPORARY LICENSES WITH IGNITION INTERLOCK RESTRICTIONS; AND BY AMENDING SECTION 56-1-400, RELATING TO THE SURRENDER OF LICENSES, SO AS TO REMOVE THE PROVISION THAT NOTHING IN THIS SECTION REQUIRES PERSONS OBTAIN IGNITION INTERLOCKS UNLESS THE OFFENSES ARE ALCOHOL RELATED.

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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 HEMBREE explained the House amendments.

Senator HEMBREE proposed the following amendment (SEDU-52.DB0012S), which was adopted:

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

SECTION 1. Section 56-5-2930 (A), (C), and (H) of the S.C. Code is amended to read:

(A) It is unlawful for a person to drive a motor vehicle within this State while under the influence of alcohol to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired, under the influence of any other drug, ~~or~~ a combination of ~~other~~ drugs or any other substances, to include but not limited to tetrahydrocannabinol or tetrahydrocannabinol analogue which cause impairment to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired, or under the combined influence of alcohol and any other drug or drugs or substances, to include but not limited to tetrahydrocannabinol or tetrahydrocannabinol analogue which cause impairment to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired. A person who violates the provisions of this section is guilty of the offense of driving under the influence and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows:

(1) for a first offense, ~~by a fine of four hundred dollars or imprisonment for not less than forty-eight hours nor more than thirty days~~ then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy-two hours nor more than thirty days, or both. The fine may not be suspended. However ~~however~~, in lieu of the ~~forty-eight~~ seventy-two hour minimum imprisonment, the court may provide for ~~forty-eight~~ seventy-two hours of public service employment. The minimum ~~forty-eight~~ seventy-two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of

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~~the minimum forty-eightseventy-two hour sentence. If the person's alcohol concentration is at least ten one hundredths of one percent but less than sixteen one hundredths of one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy two hours nor more than thirty days. However, in lieu of the seventy two hour minimum imprisonment, the court may provide for seventy two hours of public service employment. The minimum seventy two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person's alcohol concentration is sixteen one hundredths of one percent or more, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days. However, in lieu of the thirty day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty day minimum sentence. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, a first offense charged for this item may be tried in magistrates court;~~

~~(2) for a second offense, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not less than five days nor more than one year then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not less than thirty days nor more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars; or: If the person's alcohol concentration is at least ten one hundredths of one percent but less than sixteen one hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not less than thirty days nor more than two years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars. If the person's alcohol concentration is sixteen one hundredths of one percent or more, then the person must be punished~~

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~~by a fine of not less than three thousand five hundred dollars nor more than six thousand five hundred dollars and imprisonment for not less than ninety days nor more than three years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars;~~

~~— (3) for a third offense, by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not less than sixty days nor more than three years. If the person's alcohol concentration is at least ten one hundredths of one percent but less than sixteen one hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for not less than ninety days nor more than four years. If the person's alcohol concentration is sixteen one hundredths of one percent or more, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not less than six months nor more than five years; or~~

~~(4)(3) for a fourth-third or subsequent offense, by imprisonment for not less than one year nor more than five years. If the person's alcohol concentration is at least ten one hundredths of one percent but less than sixteen one hundredths of one percent, then the person must be punished by imprisonment for not less than two years nor more than six years. If the person's alcohol concentration is sixteen one hundredths of one percent or more, then the person must be punished by imprisonment for not less than three years nor more than seven years.~~

~~(C) The fine for a first offense must not be suspended. The court is prohibited from suspending a monetary fine below that of the next preceding minimum monetary fine. A person who, while under the influence of alcohol, drugs, the combination of alcohol and drugs or any other substances, to include but not limited to tetrahydrocannabinol or tetrahydrocannabinol analogue, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglected any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately cause a collision that occurred while the person was driving in violation of this section, and resulted in bodily injury is guilty of the offense of driving under the influence, third degree, and, upon conviction, by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not more than one year. A person who suffers a personal or financial injury because of a violation of the provisions of the section is considered the victim of the person convicted of the violation and must be afforded~~

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all rights enumerated in the Victim's Bill of Rights in the South Carolina Constitution, Article I, Section 24 including, but not limited to, reasonable access to all documents relating to the investigation.

(H) A person convicted of violating this section, whether for a first offense or subsequent offense, must enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the ~~Department of Alcohol and Other Drug Abuse Services~~ Office of Substance Use Services. The judge must order participation in a DUI victim impact panel including, but not limited to, one operated by an IRS-classified 501(c)(3) nonprofit organization approved by the Office of Substance Use Services, which may include online victim impact panels if approved by the office. The maximum fee for enrollment in the DUI victim impact panel shall not exceed seventy-five dollars subject to annual percentage increases not to exceed increases in the Consumer Price Index as reported by the Department of Labor Statistics, Consumer Price Index for South Carolina after year 2026. An assessment of the extent and nature of the alcohol and drug abuse problem of the applicant must be prepared and a plan of education or treatment, or both, must be developed for the applicant. The Alcohol and Drug Safety Action Program shall determine if the applicant successfully has completed the services. The applicant must attend the first Alcohol and Drug Safety Action Program available after the date of enrollment. The ~~Department of Alcohol and Other Drug Abuse Services~~ Office of Substance Use Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each applicant shall bear the cost of services recommended in the applicant's plan of education or treatment. The cost may not exceed ~~five hundred~~ one thousand dollars for education services, ~~two~~ four thousand dollars for treatment services, and ~~two thousand five hundred~~ five thousand dollars in total for all services for each certified Alcohol and Drug Safety Action Program. The cost for the Alcohol and Drug Safety Action Program is subject to annual percentage increases not to exceed increases in the Consumer Price Index as reported by the Department of Labor Statistics, Consumer Price Index for South Carolina after year 2026. An applicant may not 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 applicant has successfully completed services. An applicant 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 applicant successfully has completed services. The court must be notified whether

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an offender failed to enroll in a certified program within thirty days or failed to participate in the plan of education or treatment. The court may hold the individual in contempt of court if the individual cannot show cause as to why no enrollment occurred within the mandated thirty days or why no progress has been made on the plan of education or treatment.

SECTION 2. Section 56-5-2930 of the S.C. Code is amended by adding:

(M)(1) If a person is charged with violation of Section 56-5-2930 or Section 56-5-2933, the prosecuting authority shall review the person's criminal history and driving record to determine how many prior convictions as defined in subsection (D) are within the penalty enhancement period.

(2) The prosecuting authority may thereafter proceed with a plea agreement that involves a reduction in charge only to the degree of an immediate lesser offense unless there are compelling reasons that justify a greater reduction. Any compelling reason for a greater reduction must be presented in court, and the court may not accept such a plea unless a judicial determination is made on the record that compelling reasons exist.

SECTION 3. Section 56-5-2933 (A), (C), and (H) of the S.C. Code is amended to read:

(A) It is unlawful for a person to drive a motor vehicle within this State while his alcohol concentration is eight one-hundredths of one percent or more. A person who violates the provisions of this section is guilty of the offense of driving with an unlawful alcohol concentration and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished as follows:

(1) for a first offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of one percent, then the person must be punished by a fine of four hundred dollars or imprisonment for not less than forty-eight hours nor more than thirty days, or both. ~~However~~ The fine may not be suspended, however, in lieu of the forty-eight hour minimum imprisonment, the court may provide for forty-eight hours of public service employment. The minimum forty-eight hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum forty-eight hour sentence. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of

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one percent, then the person must be punished by a fine of five hundred dollars or imprisonment for not less than seventy-two hours nor more than thirty days, or both. However, The fine may not be suspended, however, in lieu of the seventy-two hour minimum imprisonment, the court may provide for seventy-two hours of public service employment. The minimum seventy-two hour imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment in lieu of the minimum sentence. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of one thousand dollars or imprisonment for not less than thirty days nor more than ninety days, or both. However, The fine may not be suspended, however, in lieu of the thirty-day minimum imprisonment, the court may provide for thirty days of public service employment. The minimum thirty days imprisonment or public service employment must be served at a time when the person is not working and does not interfere with his regular employment under terms and conditions as the court considers proper. However, the court may not compel an offender to perform public service employment instead of the thirty-day minimum sentence. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, a first offense charged for this item may be tried in magistrates court;

(2) for a second offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of one percent, then the person must be punished by a fine of not less than two thousand one hundred dollars nor more than five thousand one hundred dollars, and imprisonment for not less than five days nor more than one year. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars.—If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by a fine of not less than two thousand five hundred dollars nor more than five thousand five hundred dollars and imprisonment for not less than thirty days nor more than two years. ~~However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars.~~—If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by a fine of not less than three thousand five hundred dollars nor more than six thousand five

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hundred dollars and imprisonment for not less than ninety days nor more than three years. However, the fine imposed by this item must not be suspended in an amount less than one thousand one hundred dollars; or ~~— (3) for a third offense, by a fine of not less than three thousand eight hundred dollars nor more than six thousand three hundred dollars, and imprisonment for not less than sixty days nor more than three years. If the person's alcohol concentration is at least ten one hundredths of one percent but less than sixteen one hundredths of one percent, then the person must be punished by a fine of not less than five thousand dollars nor more than seven thousand five hundred dollars and imprisonment for not less than ninety days nor more than four years. If the person's alcohol concentration is sixteen one hundredths of one percent or more, then the person must be punished by a fine of not less than seven thousand five hundred dollars nor more than ten thousand dollars and imprisonment for not less than six months nor more than five years. or~~

~~(4)(3) for a fourth third or subsequent offense, if the person's alcohol concentration is at least eight one-hundredths of one percent but less than ten one-hundredths of a percent, then the person must be punished by imprisonment for not less than one year nor more than five years. If the person's alcohol concentration is at least ten one-hundredths of one percent but less than sixteen one-hundredths of one percent, then the person must be punished by imprisonment for not less than two years nor more than six years. If the person's alcohol concentration is sixteen one-hundredths of one percent or more, then the person must be punished by imprisonment for not less than three years nor more than seven years.~~

~~(C) The fine for a first offense must not be suspended. The court is prohibited from suspending a monetary fine below that of the next preceding minimum monetary fine. A person who, while driving a vehicle while his alcohol concentration is eight one-hundredths of one percent or more and while driving a vehicle did any act forbidden by law or neglected any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately cause a collision that resulted in bodily injury and occurred while the person was driving in violation of this section, is guilty of the offense of driving with an unlawful alcohol concentration, third degree, and, upon conviction, entry of a plea of guilty or of nolo contendere, or forfeiture of bail must be punished by a fine not less than two thousand one hundred dollars nor more than five thousand one hundred dollars and imprisonment not more than one year. A person who suffers a personal or financial injury because of a violation of the provisions of the section is considered the victim of the person convicted of the violation and must be afforded all rights enumerated in~~

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the Victim's Bill of Rights in the South Carolina Constitution, Article I, Section 24, including but not limited to, reasonable access to all documents relating to the investigation.

(H) A person convicted of violating this section, whether for a first offense or subsequent offense, must enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the ~~Department of Alcohol and Other Drug Abuse Services~~ Office of Substance Use Services, and the judge must order participation in a DUI victim impact panel including, but not limited to, one operated by an IRS-classified 501(c)(3) nonprofit organization approved by the Office of Substance Use Services, which may include online victim impact panels if approved by the office. An assessment of the extent and nature of the alcohol and drug abuse problem of the applicant must be prepared and a plan of education or treatment, or both, must be developed for the applicant. The Alcohol and Drug Safety Action Program shall determine if the applicant successfully has completed the services. The applicant must attend the first Alcohol and Drug Safety Action Program available after the date of enrollment. The ~~Department of Alcohol and Other Drug Abuse Services~~ Office of Substance Use Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each applicant shall bear the cost of services recommended in the applicant's plan of education or treatment. The cost may not exceed ~~five hundred~~ one thousand dollars for education services, ~~two~~ four thousand dollars for treatment services, and ~~two thousand five hundred~~ five thousand dollars in total for all services for each certified Alcohol and Drug Safety Action Program. The cost for the Alcohol and Drug Safety Action Program is subject to annual percentage increases not to exceed increases in the Consumer Price Index as reported by the Department of Labor Statistics, Consumer Price Index for South Carolina after 2026. The maximum fee for enrollment in the DUI victim impact panel shall not exceed seventy-five dollars subject to annual percentage increases not to exceed increases in the Consumer Price Index as reported by the Department of Labor Statistics, Consumer Price Index for South Carolina after year 2026. An applicant may not 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 applicant successfully has completed services. An applicant 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 applicant successfully has completed services. The court must be notified whether

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an offender failed to enroll in a certified program within thirty days or failed to participate in the plan of education or treatment. The court may hold the individual in contempt of court if the individual cannot show cause as to why no enrollment occurred within the mandated thirty days or why no progress has been made on the plan of education or treatment.

SECTION 4. Section 56-5-2933 of the S.C. Code is amended by adding:

(M)(1) If a person is charged with violation of Section 56-5-2930 or Section 56-5-2933, the prosecuting authority shall review the person's criminal history and driving record to determine how many prior convictions as defined in subsection (D) are within the penalty enhancement period.

(2) The prosecuting authority may thereafter proceed with a plea agreement that involves a reduction in charge only to the degree of an immediate lesser offense unless there are compelling reasons that justify a greater reduction. Any compelling reason for a greater reduction must be presented in court, and the court may not accept such a plea unless a judicial determination is made on the record that compelling reasons exist.

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

Section 56-5-2940.(A) A circuit solicitor must become the prosecuting authority for a first or second offense violation of Section 56-5-2930 or a first or second offense violation of Section 56-5-2933 immediately upon receiving notice from the county clerk of court. The circuit solicitor may assume the prosecution of a first offense violation of Section 56-5-2930 or a first offense violation of Section 56-5-2933 pending in municipal court.

(B) There is established and designated in each of the counties of this State a magistrates centralized court to have jurisdiction over all magistrate level offenses occurring:

(1) within the unincorporated areas of the county involving a first offense violation of Section 56-5-2930 or a first offense violation of Section 56-5-2933;

(2) within all areas of the county involving a second offense violation of Section 56-5-2930 or a second offense violation of Section 56-5-2933;

(3) within all areas of the county any other magistrate level offenses as determined by the circuit solicitor; or

(4) within the incorporated areas of the county, provided the solicitor has notified the municipal court and the municipal attorney,

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where applicable, that the solicitor will assume prosecution of a first offense violation of Section 56-5-2930 or a first offense violation of Section 56-5-2933.

(C) The county clerk shall forward the arrest warrant or charging documents for a first or second offense violation of Section 56-5-2930, a first or second offense violation of Section 56-5-2933, or any other magistrate level offenses as determined by the circuit solicitor in subsection (B)(3) occurring within the county's jurisdiction to the solicitor of the judicial circuit.

(D) Pursuant to Article V, Section 4 of the Constitution of South Carolina, the Chief Justice of the South Carolina Supreme Court may appoint a master-in-equity to sit in the magistrates centralized court for the purpose of presiding over cases involving violations of Section 56-5-2930 or violations of Section 56-5-2933.

SECTION 6. Section 56-5-2941(A) of the S.C. Code is amended to read:

(A)(1) The Department of Motor Vehicles shall require a person 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~~ or other drugs or substances, 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 requirement shall not apply to a person who submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of .00 one-hundredths of one percent.

(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 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

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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 is set forth in Section 56-1-286; 56-1-1090; 56-5-2945; 56-5-2951; 56-5-2990; or 56-5-2947, except if the conviction was for Section 56-5-750.

~~(5) Nothing in this section shall be construed to require installation of an ignition interlock device until the suspension is upheld at a contested case hearing or the contested hearing is waived.~~

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

(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:

(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 or substances~~, 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

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subsection will be subject to the same review and revocation as described in Section 56-1-400(B).

SECTION 8. Section 56-5-2945 of the S.C. Code is amended to read:

Section 56-5-2945. (A) A person who, while under the influence of alcohol, drugs, the combination of alcohol and drugs or any substances to include tetrahydrocannabinol or tetrahydrocannabinol analogue, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes moderate bodily injury to another person or damage to real or personal property of another valued at over twenty-five thousand dollars, is guilty of the offense of felony driving under the influence, second degree, and, upon conviction, must be punished by a mandatory fine of not less than three thousand dollars nor more than six thousand dollars and mandatory imprisonment for not less than ninety days nor more than ten years.

(B) A person who, while under the influence of alcohol, drugs, or the a combination of alcohol and drugs or any other substances, to include but not limited to tetrahydrocannabinol or tetrahydrocannabinol analogue, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to another person, is guilty of the offense of felony driving under the influence, first degree, and, upon conviction, must be punished:

(1) by a mandatory fine of not less than five thousand one hundred dollars nor more than ten thousand one hundred dollars and mandatory imprisonment for not less than ~~thirty days~~ six months nor more than fifteen years when great bodily injury results;

(2) by a mandatory fine of not less than ten thousand one hundred dollars nor more than twenty-five thousand one hundred dollars and mandatory imprisonment for not less than one year nor more than twenty-five years when death results.

(C) A part of the mandatory sentences required to be imposed by this section must not be suspended, and probation must not be granted for any portion. If a person is sentenced to a mandatory minimum sentence pursuant to subsection (A) or subsection (B)(1), the person may be confined to his place of residence pursuant to the Home Detention Act for the duration of the sentence.

~~(B)~~(D) As used in this section, “great bodily injury” means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the

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function of any bodily member or organ. As used in this chapter, “moderate bodily injury” means physical injury that involves prolonged loss of consciousness, or that causes temporary or moderate disfigurement or temporary loss of the function of a bodily member or organ, or injury that requires medical treatment when the treatment requires the use of general anesthesia or injury that results in a fracture or dislocation. Moderate bodily injury does not include a one-time treatment and subsequent observation of scratches, cuts, abrasions, bruises, burns, splinters, or any other injuries that do not ordinarily require extensive medical care.

~~(C)~~(E)(1) The Department of Motor Vehicles shall suspend the driver’s license of a person who is convicted pursuant to this section. For suspension purposes of this section, convictions arising out of a single incident must run concurrently.

(2) After the person is released from prison, the 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:

(a) three years when great bodily injury results and five years when a death occurs; or

(b) one year when the conviction was for felony DUI, second degree.

~~(D)~~(F) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.

SECTION 9. Section 56-5-2947(A) and (D) of the S.C. Code is amended to read:

(A) A person eighteen years of age or older is guilty of child endangerment when:

(1) the person violates:

(a) Section 56-5-750;

(b) Section ~~56-5-2930~~56-5-2910;

(c) Section ~~56-5-2933~~56-5-2920; ~~or~~

(d) Section ~~56-5-2945~~56-5-2930; ~~and~~

(e) Section 56-5-2933; or

(f) Section 56-5-2945; and

(2) the person has one or more passengers younger than sixteen years of age in the motor vehicle when the violation occurs.

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If more than one passenger younger than sixteen years of age is in the vehicle when a violation occurs, the person may be charged with only one violation of this section.

(D)(1) In addition to imposing the penalties for offenses listed in subsection (A)(1) and the penalties contained in subsection (B), the Department of Motor Vehicles shall suspend the person's driver's license for sixty days upon conviction under subsection (A)(1)(a). Upon conviction under subsection (A)(1)(b) through (d), the Department of Motor Vehicles shall suspend the person's driver's license.

(2) Upon conviction under subsection (A)(1)(~~b~~)(d) through (~~e~~)(f), the 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 months.

(3) Sections 56-1-1320 and 56-5-2990 as they relate to enrollment in an alcohol and drug safety action program and to the issuance of a provisional driver's license will not be effective until the ignition interlock restricted license period is completed.

SECTION 10. Section 56-5-2950 of the S.C. Code is amended to read:

Section 56-5-2950. (A) A person who drives a motor vehicle in this State is considered to have given consent to chemical tests of the person's breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, ~~or~~ the combination of alcohol and drugs, or other substances to include but not limited to tetrahydrocannabinol or tetrahydrocannabinol analogue if arrested for an offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of alcohol, drugs, ~~or~~ a combination of alcohol and drugs or any other substances to include but not limited to tetrahydrocannabinol or tetrahydrocannabinol analogue. ~~A breath test~~ Any breath or blood testing must be administered at the direction of a law enforcement officer who has arrested a person for driving a motor vehicle in this State while under the influence of alcohol, drugs, ~~or~~ a combination of alcohol and drugs or any other substances to include but not limited to tetrahydrocannabinol or tetrahydrocannabinol analogue.

(1) ~~A~~ If the officer has reasonable suspicion to believe the person is under the influence of alcohol, at the direction of the arresting officer, the person first must be offered a breath test to determine the person's alcohol concentration. ~~If~~ However, if the person is physically unable to provide an acceptable breath sample because the person has an injured

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~~mouth, is unconscious or dead, or for any other reason considered acceptable by the licensed medical personnel, the person is being evaluated or treated at a medically licensed facility,~~ the arresting officer may request a blood sample to be taken ~~without first offering a breath test. If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, or is under the influence of a combination of alcohol and drugs, the officer may order that a urine sample be taken for testing.~~ A breath sample taken for testing must be collected within two hours of the arrest. Any additional ~~tests to collect other samples taken with the timely consent of the person~~ must be collected within three hours of the arrest. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to SLED policies. Before the breath test is administered, an eight one-hundredths of one percent simulator test must be performed and the result must reflect a reading between 0.076 percent and 0.084 percent.

(2) If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, a combination of alcohol and drugs or any other substances to include but not limited to tetrahydrocannabinol or tetrahydrocannabinol analogue, the officer may request that the person submit a blood sample for testing. Such a request may be made with, or without first offering a breath test. A request for a blood sample may also be made after a breath sample has been provided if the officer has reasonable suspicion that the person is under the influence of drugs or other substances, other than alcohol, to include but not limited to tetrahydrocannabinol or tetrahydrocannabinol analogue. Blood samples taken with the consent of the person must be collected within three hours of the arrest unless exigent circumstances prevent collection of the samples within the three-hour period.

~~Blood and urine samples must be obtained by physicians licensed by the State Board of Medical Examiners, a licensed physician, or a registered nurse licensed by the State Board of Nursing, a certified phlebotomist, or nurses licensed by the State Board of Nursing, and other medical personnel trained to obtain the samples in a licensed medical facility. The arresting officer shall not draw or obtain the blood sample. Blood and urine samples must be obtained and handled in accordance with procedures approved by SLED and may be collected anywhere the Department of Public Health and the trained person who is collecting the sample determine is reasonable and adheres to the medical industry standard of safety and quality procedures.~~

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(B) No tests may be administered or samples obtained 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) 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~~ one year with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if the person refuses to submit to the test, and that the person's refusal may be used against the person in court;

(2) the person's privilege to drive must be suspended for at least ~~one month~~ ninety days with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if the person takes the test or gives the samples and has an alcohol concentration of fifteen one-hundredths of one percent or more;

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

(5) if the person does not request a contested case hearing or if the person's suspension is upheld at the contested case hearing, the person shall enroll in an Alcohol and Drug Safety Action Program.

(C) A hospital, physician, qualified technician, chemist, phlebotomist, emergency medical technician, or registered nurse, or any other trained medical personnel who obtains the samples or conducts the test or participates in the process of obtaining the samples or conducting the test in accordance with this section is not subject to a cause of action for assault, battery, or another cause alleging that the drawing of blood or taking samples at the request of the arrested person or a law enforcement officer was wrongful. This release from liability does not reduce the standard of medical care required of the person obtaining the samples or conducting the test. This qualified release also applies to the employer of the person who conducts the test or obtains the samples.

(D) The person tested or giving samples for testing may have a qualified person of the person's own choosing 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 or urine tests is not admissible against the person in the criminal trial. The failure or inability of the person tested to obtain additional tests does not preclude the

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admission of evidence relating to the tests or samples obtained at the direction of the law enforcement officer.

(E) If the person provides the requested samples and thereafter requests assistance to obtain additional tests, The the arresting officer shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance, at a minimum, includes providing transportation for the person to the nearest medical facility which performs 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 sample to determine the person's alcohol concentration, SLED shall test the blood sample and provide the result to the person and to the arresting officer. Failure to provide affirmative assistance upon request to obtain additional tests when required by this subsection bars the admissibility of the breath test result in a judicial or administrative proceeding. The arresting officer is not required to provide affirmative assistance if the person refuses to provide the requested sample provided for by subsection (A).

SLED shall administer the provisions of this subsection and shall make regulations necessary to carry out this subsection's provisions. The costs of the tests administered at the direction of the law enforcement officer 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 administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(F) A qualified person who obtains samples or administers the tests or assists in obtaining samples or the administration of tests at the direction of a law enforcement officer is released from civil and criminal liability unless the obtaining of samples or tests is performed in a negligent, reckless, or fraudulent manner. No person may be required by the arresting officer, or by another law enforcement officer, to obtain or take any sample of blood or urine.

(G) In the criminal prosecution for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945 the alcohol concentration at the time of the test, as shown by chemical analysis of the person's breath or other body fluids, gives rise to the following:

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(1) if the alcohol concentration was at that time five one-hundredths of one percent or less, it is conclusively presumed that the person was not under the influence of alcohol;

(2) if the alcohol concentration was at that time in excess of five one-hundredths of one percent but less than eight one-hundredths of one percent, this fact does not give rise to any inference that the person was or was not under the influence of alcohol, but this fact may be considered with other evidence in determining the guilt or innocence of the person; or

(3) ~~(2)~~—if the alcohol concentration was at that time eight one-hundredths of one percent or more, it may be inferred that the person was under the influence of alcohol.

The provisions of this section must not be construed as limiting the introduction of any other evidence bearing upon the question of whether or not the person was under the influence of alcohol, drugs, ~~or~~ a combination of alcohol and drugs or other substances to include but not limited to tetrahydrocannabinol or tetrahydrocannabinol analogue.

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

~~(I)~~ A person required to submit to tests by the arresting law enforcement officer 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 trial or other 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 such tests to the officer before a trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

~~(J)~~(I) Policies, procedures, and regulations promulgated by SLED may be reviewed by the trial judge or hearing officer on motion of either party. The failure to follow policies, procedures, and regulations, or the provisions of this section, shall result in the exclusion from evidence of any test results, if the trial judge or hearing officer finds that this failure materially affected the accuracy or reliability of the test results or the fairness of the testing procedure and the court trial judge or hearing officer rules specifically as to the manner in which the failure materially affected the accuracy or reliability of the test results or the fairness of the procedure.

~~(K)~~(J) If a state employee charged with the maintenance of breath testing devices in this State and the administration of breath testing policy is required to testify at a contested case hearing or court

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proceeding, the entity employing the witness may charge a reasonable fee to the defendant for such services if summoned for court at the request of the defendant.

SECTION 11. 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 and provide a copy of the notice to the person.

(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; and, either:

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

(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. If a final disposition of the matter has not occurred within ninety days of the request of the contested case hearing, the Department of Motor Vehicles shall remove the ignition interlock device restriction pending the final disposition of the contested case hearing. If the person asks for a continuance which delays the hearing, the ignition interlock device restriction shall be extended for an additional ninety days. Should the temporary suspension provided for in this subsection be upheld during the contested case hearing, 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 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

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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 pursuant to subsection (H).

(2) 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 and must enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941 for any suspension time still remaining;

(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).

~~(3) If the suspension is overturned, the person's driver's license, permit, or nonresident operating privilege must be reinstated.~~

~~—(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.

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

~~(1)(a)~~ 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)(b)~~ 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

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~~(3)~~(c) 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.

(2) Following the advisement, the arresting officer must electronically submit the notice to the Department of Motor Vehicles. The suspension begins upon the electronic submission of the notice. The arresting officer is not required to confiscate the person's driver's license. The person is not required to return the license to the Department of Motor Vehicles.

(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:

- (a) was lawfully arrested or detained;
- (b) was given a written copy of and verbally informed of the rights enumerated in Section 56-5-2950;
- (c) refused to submit to a test pursuant to Section 56-5-2950; or
- (d) consented to taking a test pursuant to Section 56-5-2950, and the:

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

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

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

(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 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

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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) 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.

(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 or substances 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~~ one year for a person who refuses to submit to a test pursuant to Section 56-5-2950; or

(b) ~~one month~~ two months 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 or substance 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~~ two years if the person refuses to submit to a test pursuant to Section 56-5-2950, or ~~two~~ four months if the person takes a test pursuant to Section 56-5-2950 and has

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an alcohol concentration of fifteen one-hundredths of one percent or more;

(b) for a third offense, ~~twelve months~~ three years if the person refuses to submit to a test pursuant to Section 56-5-2950, or ~~three-six~~ 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~~ four years if the person refuses to submit to a test pursuant to Section 56-5-2950, or ~~four-eight~~ 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

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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 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 or substances based solely on the violation unless the person is convicted of the violation.

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

(P) Nothing in this section shall prevent the prosecuting authority from waiving or dismissing the charge.

SECTION 12. Section 56-5-2953 of the S.C. Code is amended to read:

Section 56-5-2953. (A) A person who violates Section 56-5-2930, 56-5-2933, or 56-5-2945 must have his conduct at the incident site and the breath test site video recorded. The State may comply with the video recording requirement by offering into evidence one or more video recordings, or by establishing that one or more of the exceptions provided for in subsection (B) applies.

(1)(a) ~~The video~~ Video recording at the incident site must:

(i) not begin later than the activation of the officer's blue lights;

(ii) include any field sobriety tests administered; and

~~(iii) include the arrest of a person for a violation of Section 56-5-2930 or Section 56-5-2933, or a probable cause determination in that the person violated Section 56-5-2945, and show the person being advised of his Miranda rights.~~

(iii) reasonably document the advisement of Miranda rights if Miranda warnings are given. Nothing in this section shall be construed to require the giving of Miranda warnings unless the state attempts to introduce statements made in response to a custodial interrogation.

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(b) A refusal to take a field sobriety test does not constitute disobeying a police command.

(2) ~~The~~ If a breath test is administered, video recording at the breath test site must:

(a) include the entire breath test procedure, the person being informed that he is being video recorded, and that he has the right to refuse the test;

(b) include the person taking or refusing the breath test and the actions of the breath test operator while conducting the test; and

(c) also include the person's conduct during the required twenty-minute pre-test waiting period, unless the officer submits a sworn affidavit certifying that it was physically impossible to video record this waiting period.

(3) ~~The video recordings of made at the incident site, in the law enforcement vehicle, on a body worn camera, and of at the breath test site~~ are admissible pursuant to the South Carolina Rules of Evidence in a criminal, administrative, or civil proceeding by any party to the action.

(B)(1) Nothing in this section may be construed as prohibiting the introduction of other relevant evidence in the trial of a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945. A violation of this section is not grounds for the dismissal of a violation of Section 56-5-2930, Section 56-5-2933, or Section 56-5-2945.

(2) Failure by the arresting officer to produce the video recording required by this section is not alone a ground for dismissal of any charge made pursuant to a video recording that substantially complies with the recording requirements of this section may be grounds for the suppression of evidence that was not properly recorded or documented as set forth in this section in any trial for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945 if unless the arresting officer submits a sworn affidavit certifying that the video recording equipment at the time of the arrest or probable cause determination, or video equipment at the breath test facility was in an inoperable condition, stating which reasonable efforts have been made to maintain the equipment in an operable condition, and certifying that there was no other operable breath test facility available in the county or, in the alternative, submits a sworn affidavit certifying that it was physically impossible to produce the video recording because the person needed emergency medical treatment, or exigent circumstances existed. In circumstances including, but not limited to, road blocks roadblocks, traffic accident investigations, and citizens' arrests, where an arrest has been made and the video recording equipment has not been activated by

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blue lights, the failure by the arresting officer to produce the video recordings required by this section is not alone a ground for ~~dismissal~~ the suppression of evidence. However, ~~as soon as video recording is practicable~~ in these circumstances, video recording must begin as soon as practicable and thereafter must conform with the provisions of this section. Nothing in this section prohibits the court from considering any other valid reason for the failure ~~to produce the~~ of the State to substantially comply with any video recording requirements based upon the totality of the circumstances; nor do the provisions of this section prohibit the person from offering evidence relating to the arresting law enforcement officer's failure to produce the video recording.

(3) The court must view all relevant portions of any video recordings before making a ruling on suppression of evidence or testimony.

(C) A video recording must not be disposed of in any manner except for its transfer to a master recording for consolidation purposes until the results of any legal proceeding in which it may be involved are finally determined.

(D) SLED is responsible for purchasing, maintaining, and supplying all necessary video recording equipment for use at the breath test sites. SLED also is responsible for monitoring all breath test sites to ensure the proper maintenance of video recording equipment. The Department of Public Safety is responsible for purchasing, maintaining, and supplying all videotaping equipment for use in all law enforcement vehicles used for traffic enforcement. The Department of Public Safety also is responsible for monitoring all law enforcement vehicles used for traffic enforcement to ensure proper maintenance of video recording equipment.

(E) Beginning one month from the effective date of this section, all of the funds received in accordance with Section 14-1-208(C)(9) must be expended by SLED to equip all breath test sites with video recording devices and supplies. Once all breath test sites have been equipped fully with video recording devices and supplies, eighty-seven and one-half percent of the funds received in accordance with Section 14-1-208(C)(9) must be expended by the Department of Public Safety to purchase, maintain, and supply video recording equipment for vehicles used for traffic enforcement. The remaining twelve and one-half percent of the funds received in accordance with Section 14-1-208(C)(9) must be expended by SLED to purchase, maintain, and supply video recording equipment for the breath test sites. Funds must be distributed by the State Treasurer to the Department of Public Safety and SLED on a monthly

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basis. The Department of Public Safety and SLED are authorized to carry forward any unexpended funds received in accordance with Section 14-1-208(C)(9) as of June thirtieth of each year and to expend these carried forward funds for the purchase, maintenance, and supply of video recording equipment. The Department of Public Safety and SLED must report the revenue received under this section and the expenditures for which the revenue was used as required in the department's and SLED's annual appropriation request to the General Assembly.

(F) The Department of Public Safety and SLED must promulgate regulations necessary to implement the provisions of this section.

(G) The provisions contained in Section 56-5-2953(A), (B), and (C) take effect for each law enforcement vehicle used for traffic enforcement once the law enforcement vehicle is equipped with a video recording device. The provisions contained in Section 56-5-2953(A), (B), and (C) take effect for a breath test site once the breath test site is equipped with a video recording device.

SECTION 13. Section 56-5-2920 of the S.C. Code is amended to read:

Section 56-5-2920. ~~(A) Any~~ A person who drives any vehicle in such a manner as to indicate either a wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. ~~The Department of Motor Vehicles, upon receiving satisfactory evidence of the conviction, of the entry of a plea of guilty or the forfeiture of bail of any person charged with a second and subsequent offense for the violation of this section shall forthwith suspend the driver's license of any such person for a period of three months. Only those offenses which occurred within a period of five years including and immediately preceding the date of the last offense shall constitute prior offenses within the meaning of this section.~~ Any person violating the provisions of this section shall, upon conviction, entry of a plea of guilty or forfeiture of bail, be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment for not more than thirty days.

(B) A person who drives any vehicle in such a manner as to indicate either a wilful or wanton disregard for the safety of persons or property and causes great bodily injury, as defined in Section 56-5-2945(B), to another is guilty of misdemeanor reckless driving and, upon conviction, shall be punished by a fine of not less than five hundred dollars nor more than two thousand five hundred dollars, or by imprisonment for not more than five years, or both.

(C) A person who drives any vehicle in such a manner as to indicate either a wilful or wanton disregard for the safety of persons or property and causes moderate bodily injury, as defined in Section 56-5-2945, to

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another is guilty of misdemeanor reckless driving resulting in moderate bodily injury and, upon conviction, shall be punished by a fine of not less than five hundred dollars nor more one thousand dollars, or by imprisonment for not more than three years, or both.

(D) The Department of Motor Vehicles, upon receiving satisfactory evidence of the conviction, of the entry of a plea of guilty, or the forfeiture of bail of any person charged with a second and subsequent offense of the violation of this section shall suspend the driver's license of any such person for a period of three months. Only those offenses which occurred within a period of five years including and immediately preceding the date of the last offense shall constitute prior offenses within the meaning of this section.

(E) Prosecution under this section does not prevent the charging and prosecution under any other section or chapter.

SECTION 14. Article 23, Chapter 5, Title 56 of the S.C. Code is amended by adding:

Section 56-5-2960. (A) As used in this section:

(1) "disabled" means a legal disability as is measured by functional disabilities; and includes disabilities caused by psychological, psychiatric, or stress-related trauma, and refers to any person seventeen years of age or older who is unable to make informed decisions with respect to his or her personal affairs to the extent that he or she lacks the capacity to provide for his or her physical health and safety or the physical health and safety of a minor child including, but not limited to, healthcare, food, shelter, clothing, or personal hygiene; and

(2) "totally and permanently disabled" means the inability to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than twelve months; and includes a finding of permanent total disability by the Social Security Administration that a person is disabled and qualifies for benefits or a finding by an administrative law judge.

(B)(1) If a defendant is convicted of a violation of Section 56-5-2945(B) and the violation caused the death of a parent or guardian of a minor child or dependent or resulted in a finding by the court that a parent or guardian of a minor child or dependent is disabled or totally and permanently disabled, then the sentencing court may order the defendant to pay restitution in the form of financial support for the child or dependent to each child or dependent of the victim for the duration of any probationary sentence and/or community supervision until the child

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or dependent reaches eighteen years of age, or nineteen years of age if the child or dependent is still enrolled in high school.

(2) In determining an amount that is reasonable and necessary for the financial support of the victim's child or dependent, the court shall consider all relevant factors, including the:

- (a) financial needs and resources of the child or dependent;
- (b) financial resources and needs of the surviving parent or guardian of the child or dependent;
- (c) standard of living to which the child or dependent is accustomed;
- (d) physical and emotional condition of the child or dependent and the child's or dependent's educational needs;
- (e) child's or dependent's physical and legal custody arrangements; and
- (f) reasonable childcare expenses of the surviving parent or guardian.

(C)(1) If the surviving parent or guardian of the child or dependent brings a civil action against the defendant before the sentencing court orders restitution to financially support the child or dependent and the surviving parent or guardian obtains a judgment and full satisfaction of damages in the civil suit, restitution shall not be ordered under this section.

(2) If the court orders the defendant to pay restitution to financially support the child or dependent under this section and the surviving parent or guardian subsequently brings a civil action and obtains a judgment, the restitution order shall be offset by the amount of the judgment awarded and paid by the defendant or the defendant's insurance for lost wages or permanent impairment of the power to work and earn money in the civil action.

SECTION 15. Section 56-5-2990(C) of the S.C. Code is amended to read:

(C) The Office of Substance Use 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 one thousand dollars for education services, two four thousand dollars for treatment services, and two thousand five hundred five thousand dollars in total for all services. No person may be denied services due to an inability to pay. The cost for the Alcohol and Drug Safety Action Program is subject to the annual percentage increases not to exceed increases in the Consumer Price Index as reported by the

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Department of Labor Statistics, Consumer Price Index for South Carolina after year 2026. 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 Office of Substance Use 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.

SECTION 16. Section 56-1-286(L) of the S.C. Code is amended to read:

(L)(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; and, either:

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

(c) obtain a temporary alcohol license with an ignition interlock 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. Twenty-five dollars of the fee 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 pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter.

(2) 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,

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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); ~~and/or~~

~~(b) the person must enroll in the Ignition Device Program pursuant to Section 56-5-2941~~ the suspension is overturned, the person's driver's license, permit, or nonresident operating privilege must be reinstated.

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

SECTION 17. Section 56-1-400(H) of the S.C. Code is amended to read:

~~(H) Nothing in this section shall be construed to require a person to obtain an ignition interlock device unless one or more of the offenses that resulted in the suspension were alcohol-related.~~

SECTION 18. Section 1-7-406 of the S.C. Code is amended to read:

Section 1-7-406. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have ~~one three~~ assistant solicitor solicitors and one investigator who shall be full-time employees. Such assistant ~~solicitor~~ solicitors and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The circuit solicitor shall designate assistant prosecutors to prosecute the offenses of driving under the influence and driving with an unlawful alcohol concentration in the various courts. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds.

SECTION 19. Section 17-22-50 of the S.C. Code is amended to read:

Section 17-22-50. (A) A person must not be considered for intervention if:

(1) he previously has been accepted into an intervention program;

or

(2) the person is charged with:

(a) blackmail;

(b) driving under the influence or driving with an unlawful alcohol concentration more than first offense or if driving with a current Class A, B, or C commercial driver's license;

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(c) a traffic-related offense which is punishable only by fine or loss of points;

(d) a fish, game, wildlife, or commercial fishery-related offense which is punishable by a loss of eighteen points as provided in Section 50-9-1120;

(e) a crime of violence as defined in Section 16-1-60; or

(f) an offense contained in Chapter 25 of Title 16 if the offender has been convicted previously of a violation of that chapter or a similar offense in another jurisdiction.

(B) However, this section does not apply if the solicitor determines the elements of the crime do not fit the charge.

SECTION 20. Chapter 22, Title 17 of the S.C. Code is amended by adding:

Section 17-22-58. In addition to any other intervention program requirement, a condition of admission to the pretrial intervention program of a person charged with driving under the influence first offense or driving with an unlawful alcohol concentration first offense, must participate and complete a DUI victim impact panel, as defined in Section 56-5-2930(H), have a breath alcohol ignition interlock device installed for six months, monitored by the ignition interlock program of the Department of Probation, Parole and Pardon Services, and participate and complete the South Carolina Alcohol and Drug Safety Action Program "ADSAP".

SECTION 21. Section 17-22-130 of the S.C. Code is amended to read:

Section 17-22-130. Notwithstanding the provisions of Section 17-1-40, in all cases where an offender is accepted for intervention a report must be made and retained on file in the solicitor's office, regardless of whether or not the offender successfully completes the intervention program. All reports must be retained on file in the solicitor's office for a period of two years after successful completion, two years after rejection, or two years after unsuccessful completion of the program. After the retention of these reports for two years, they may be destroyed. The circuit solicitor shall furnish to the South Carolina Law Enforcement Division personal identification information and criminal offense on each person who applies for intervention, is subsequently accepted or rejected and successfully or unsuccessfully completes the program. The division shall maintain this database and shall not destroy any information contained therein. This information may only be used by the division and the State Coordinator's Office in those cases where a circuit solicitor, magistrate, municipal judge, or municipal prosecutor inquires as to whether a person has previously been accepted in an intervention

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program. However, that information may be confidentially released to the State Coordinator's Office to assist in compiling annual reports. The identification information on any defendant must not be under any circumstances released as public knowledge.

SECTION 22. Section 22-3-545 of the S.C. Code is amended to read:

Section 22-3-545. (A) Notwithstanding the provisions of Sections 22-3-540 and 22-3-550, a criminal case, the penalty for which the crime in the case does not exceed five thousand five hundred dollars or one year imprisonment, or both, either as originally charged or as charged pursuant to the terms of a plea agreement, may be transferred from general sessions court if the provisions of this section are followed.

(B)(1) The solicitor, upon ten days' written notice to the defendant, may petition a circuit court judge in the circuit to transfer one or more cases from the general sessions court docket to a docket of a magistrates or municipal court in the circuit for disposition. The solicitor's notice must fully apprise the defendant of his right to have his case heard in general sessions court. The notice must include the difference in jury size in magistrates or municipal court and in general sessions court. The case may be transferred from the general sessions court unless the defendant objects after notification by the solicitor pursuant to the provisions of this item. The objection may be made orally or in writing at any time prior to the trial of the case or prior to the entry of a guilty plea. The objection may be made to the chief judge for administrative purposes in the judicial circuit where the charges are pending, the trial judge, or the solicitor. Before impaneling the jury or accepting the guilty plea of the defendant, the trial judge must receive an affirmative waiver by the defendant, if present, of his right to have the case tried in general sessions court. The defendant must be informed that, if tried in general sessions court, the case would be tried in front of twelve jurors who must reach a unanimous verdict before a finding of guilty of the offense can be rendered in his case, and that if tried in magistrates or municipal court, the case would be tried in front of six jurors who must reach a unanimous verdict before a finding of guilty of the offense can be reached in his case. The defendant may waive any and all of the rights provided in this subsection, in writing, prior to the impaneling of the jury or the acceptance of the defendant's guilty plea.

(2) A case transferred to a magistrates or municipal court not disposed of in one hundred eighty days from the date of transfer automatically reverts to the docket of the general sessions court, except for violations of Section 56-5-2930 and Section 56-5-2933.

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(C) All cases transferred to the magistrates or municipal court must be prosecuted by the solicitor's office. The chief magistrate of the county or the chief municipal judge of the municipality, upon petition of the solicitor, shall set the terms of court and order the magistrates and municipal judges to hold terms of court on specific times and dates for the disposition of these cases.

(D) Provision for an adequate record must be made by the solicitor's office.

(E) Notwithstanding another provision of law, all fines and assessments imposed by a magistrate or municipal judge presiding pursuant to this section must be distributed as if the fine and assessment were imposed by a circuit court pursuant to Sections 14-1-205 and 14-1-206. This section must not result in increased compensation to a magistrate presiding over a trial or hearing pursuant to this section or in other additional or increased costs to the county.

SECTION 23. Beginning on July 31, 2027, the Office of Court Administration shall submit an annual report to the House and Senate Judiciary Committees and to the Judicial Merit Selection Commission on the number of driving under the influence violations charged pursuant to Section 56-5-2930, the number of driving with an unlawful alcohol concentration violations charged pursuant to Section 56-5-2933, and the number of felony driving under the influence violations charged pursuant to Section 56-5-2945, for the preceding fiscal year. The report must include the disposition, the circuit in which the disposition occurred, and the name of the judge presiding over the case.

SECTION 24. Section 16-1-60 of the S.C. Code is amended to read:

Section 16-1-60. (A) For purposes of definition under South Carolina law, a violent crime includes the offenses of: murder (Section 16-3-10); attempted murder (Section 16-3-29); assault and battery by mob, first degree, resulting in death (Section 16-3-210(B)), criminal sexual conduct in the first and second degree (Sections 16-3-652 and 16-3-653); criminal sexual conduct with minors, first, second, and third degree (Section 16-3-655); assault with intent to commit criminal sexual conduct, first and second degree (Section 16-3-656); assault and battery with intent to kill (Section 16-3-620); assault and battery of a high and aggravated nature (Section 16-3-600(B)); kidnapping (Section 16-3-910); trafficking in persons (Section 16-3-2020); voluntary manslaughter (Section 16-3-50); armed robbery (Section 16-11-330(A)); attempted armed robbery (Section 16-11-330(B)); carjacking (Section 16-3-1075); drug trafficking as defined in Section 44-53-370(e) or trafficking cocaine base as defined in Section 44-53-375(C);

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manufacturing or trafficking methamphetamine as defined in Section 44-53-375; arson in the first degree (Section 16-11-110(A)); arson in the second degree (Section 16-11-110(B)); burglary in the first degree (Section 16-11-311); burglary in the second degree (Section 16-11-312(B)); engaging a child for a sexual performance (Section 16-3-810); homicide by child abuse (Section 16-3-85(A)(1)); aiding and abetting homicide by child abuse (Section 16-3-85(A)(2)); inflicting great bodily injury upon a child (Section 16-3-95(A)); allowing great bodily injury to be inflicted upon a child (Section 16-3-95(B)); domestic violence of a high and aggravated nature (Section 16-25-65); domestic violence in the first degree (Section 16-25-20(B)); abuse or neglect of a vulnerable adult resulting in death (Section 43-35-85(F)); abuse or neglect of a vulnerable adult resulting in great bodily injury (Section 43-35-85(E)); taking of a hostage by an inmate (Section 24-13-450); detonating a destructive device upon the capitol grounds resulting in death with malice (Section 10-11-325(B)(1)); spousal sexual battery (Section 16-3-615); producing, directing, or promoting sexual performance by a child (Section 16-3-820); sexual exploitation of a minor first degree (Section 16-15-395); sexual exploitation of a minor second degree (Section 16-15-405); promoting prostitution of a minor (Section 16-15-415); participating in prostitution of a minor (Section 16-15-425); aggravated voyeurism (Section 16-17-470(C)); detonating a destructive device resulting in death with malice (Section 16-23-720(A)(1)); detonating a destructive device resulting in death without malice (Section 16-23-720(A)(2)); boating under the influence resulting in death (Section 50-21-113(A)(2)); vessel operator's failure to render assistance resulting in death (Section 50-21-130(A)(3)); damaging an airport facility or removing equipment resulting in death (Section 55-1-30(3)); failure to stop when signaled by a law enforcement vehicle resulting in death (Section 56-5-750(C)(2)); interference with traffic-control devices, railroad signs, or signals resulting in death (Section 56-5-1030(B)(3)); hit and run resulting in death (Section 56-5-1210(A)(3)); felony driving under the influence or felony driving with an unlawful alcohol concentration resulting in death (Section 56-5-2945(A)(B)(2)); putting destructive or injurious materials on a highway resulting in death (Section 57-7-20(D)); obstruction of a railroad resulting in death (Section 58-17-4090); accessory before the fact to commit any of the above offenses (Section 16-1-40); and attempt to commit any of the above offenses (Section 16-1-80). Only those offenses specifically enumerated in this section are considered violent offenses.

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(B) At the time of sentencing for a conviction of Section 50-21-113(A)(2) or Section 56-5-2945(B)(2), the judge may suspend the designation of violent offense and must include findings on the record documenting the departure from Section 16-1-60(A) for this conviction. The Department of Corrections may allow the person to participate in work programs, education, and rehabilitation that he would not otherwise be eligible for due to the conviction for Section 50-21-113(A)(2) or Section 56-5-2945(B)(2). However, the person shall not accumulate credit for time for his participation. The judge may not order a departure if the person has additional convictions before the judge that are violent offenses. For a person serving an active sentence as of the effective date of this subsection, the person may petition the circuit court where the conviction occurred to remove the designation of violent offense from his record, provided the victim's family consents and the only violent offense on his record is Section 50-21-113(A)(2) or Section 56-5-2945(B)(2). The person must petition the court prior to his release.

SECTION 25. Section 22-2-190 of the S.C. Code is amended to read:

Section 22-2-190. The following jury areas for magistrates courts in the various counties of the State are established:

(1) Abbeville County

- (a)(1) Abbeville
- (2) Calhoun Falls
- (3) Lowndesville
- (4) Antreville
- (5) Due West
- (6) Donalds

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-01-13, and on copies filed with the Abbeville County magistrates offices, and available on the Abbeville County website.

(c) Notwithstanding the provisions of subitem (a), for the Abbeville County Magistrates Centralized Court:

One jury area countywide.

(2) Aiken County

- (a)(1) North Augusta
- (2) Langley
- (3) Aiken
- (4) New Ellenton
- (5) Wagner/Monetta

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(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-03-13, and on copies filed with the Aiken County magistrates offices, and available on the Aiken County website.

(c) Each magistrate's office must be maintained at a place designated by the Aiken County Legislative Delegation.

(d) Notwithstanding the provisions of subitem (a), for the Aiken County Magistrates Centralized Court:

One jury area countywide.

(3) Allendale County

One jury area countywide.

(4) Anderson County

One jury area countywide.

(5) Bamberg County

One jury area countywide.

(6) Barnwell County

(a) The boundaries for the magistrates jury areas in Barnwell are defined by the boundaries of the Barnwell school districts.

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-11-13, and on copies filed with the Barnwell County magistrates offices, and available on the Barnwell County website.

(c) Notwithstanding the provisions of subitem (a), for the Barnwell County Magistrates Centralized Court:

One jury area countywide.

(7) Beaufort County

(a)(1) Sheldon

(2) Bluffton

(3) Daufuskie

(4) Hilton Head

(5) Beaufort

(6) St. Helena

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-13-13, and on copies filed with the Beaufort County magistrates offices, and available on the Beaufort County website.

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(c) Notwithstanding the provisions of subitem (a), for the Beaufort County Magistrates Centralized Court:

One jury area countywide.

(8) Berkeley County

- (a)(1) Goose Creek
- (2) Jamestown
- (3) St. Stephen
- (4) Moncks Corner
- (5) Summerville

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-15-13, and on copies filed with the Berkeley County magistrates offices, and available on the Berkeley County website.

(c) Notwithstanding the provisions of subitem (a), for the Berkeley County Magistrates Centralized Court:

One jury area countywide.

(9) Calhoun County

One jury area countywide.

(10) Charleston County

- (a)(1) Jury Area No. 1: St. Paul's/Edisto
- (2) Jury Area No. 2: West Ashley
- (3) Jury Area No. 3: Charleston
- (4) Jury Area No. 4: North Charleston
- (5) Jury Area No. 5: Mount Pleasant
- (6) Jury Area No. 6: St. Andrews
- (7) Jury Area No. 7: McClellanville

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-19-13, and on copies filed with the Charleston County magistrates offices, and available on the Charleston County website.

(c) Notwithstanding any other provision of law, magistrates in Charleston County shall reside in the following jury areas:

(1) Three magistrates shall reside in Jury Area No. 1, one of whom shall reside on Edisto Island.

(2) Three magistrates shall reside in Jury Area No. 2, one of whom shall reside on each of the following islands: Johns Island, James Island and Wadmalaw Island.

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- (3) Two magistrates shall reside in Jury Area No. 3.
- (4) Three magistrates shall reside in Jury Area No. 4.
- (5) One magistrate shall reside in Jury Area No. 5.
- (6) One magistrate shall reside in Jury Area No. 6.
- (7) One magistrate shall reside in Jury Area No. 7.

(d) The magistrate system in Charleston County must be so organized in order to provide for centralized magistrates courts for the purpose of facilitating and expediting civil and criminal matters as hereinafter provided:

(1) The centralized magistrates courts have concurrent jurisdiction for civil and criminal matters with the existing magistrates of Charleston County. Plaintiffs in civil matters have the right to commence a case in either a central magistrates court or in a magistrates court within a defined jury area. The defendant in a magisterial civil matter may remove the case either from a central magistrates court to the defined jury area in which the defendant resides or the defendant may remove the case from the defined jury area in which he resides to a central magistrates court. This removal must be by notification to the court of origin and no cause for removal must be shown.

(2) The centralized magistrates courts have jurisdiction over any type or form of civil or criminal matter, including any procedural or substantive matter or preliminary hearing or examination or bond or bail hearing or any other criminal proceeding.

(3) The fees and charges for the central magistrates courts are the same as those prevailing in all magistrates courts whether central or in a defined jury area.

(4) Upon the effective date of this paragraph a central magistrates court must be established in the City of Charleston.

(5) Six months after the effective date of this paragraph a central magistrates court must be established in the City of North Charleston. However, if the central magistrates court in the City of North Charleston is not funded and established as required by this subsubitem, then the central magistrates court in the City of Charleston established pursuant to subsubitem (4) must cease to exist until the time the central magistrates court in the City of North Charleston is so funded and established.

(6) A third central magistrates court must be established at the time and in the location which a majority of the members of the General Assembly residing in Charleston County determines. In addition to those magistrates assigned to the seven jury areas, there must be appointed one magistrate from the county at large without regard to residence in a

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particular jury area who must serve as the magistrate of the central magistrates court in the City of Charleston. Six months after the effective date of this paragraph a second magistrate must be appointed from the county at large without regard to residence in a particular jury area who must serve as the magistrate of the central magistrates court in the City of North Charleston. A third magistrate also must be appointed at the time as provided in this subsubitem from the county at large without regard to residence in a particular jury area who, when appointed, must serve as the magistrate of the central magistrates court established pursuant to this subsubitem.

(e) Notwithstanding the provisions of subitem (a), for the Charleston County Magistrates Centralized Court:

One jury area countywide.

(11) Cherokee County

One jury area countywide.

(12) Chester County

(a)(1) Baton Rouge

(2) Chester

(3) Fort Lawn

(4) Great Falls

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-23-13, and on copies filed with the Chester County magistrates offices, and available on the Chester County website.

(c) Notwithstanding the provisions of subitem (a), the Chester County Magistrates Centralized Court:

One jury area countywide.

(13) Chesterfield County

One jury area countywide.

(14) Clarendon County

One jury area countywide.

(15) Colleton County

One jury area countywide.

(16) Darlington County

(a)(1) Society Hill

(2) Darlington

(3) Lamar

(4) Lydia

(5) Hartsville.

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(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-31-13, and on copies filed with the Darlington County magistrates offices, and available on the Darlington County website.

(c) Notwithstanding the provisions of subitem (a), the Darlington County Magistrates Centralized Court:

One jury area countywide.

(17) Dillon County

- (a)(1) Hamer
- (2) Dillon
- (3) Lake View
- (4) Latta

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-33-13, and on copies filed with the Dillon County magistrates offices, and available on the Dillon County website.

(c) Notwithstanding the provisions of subitem (a), the Dillon County Magistrates Centralized Court

One jury area countywide.

(18) Dorchester County

- (a)(1) St. George
- (2) Summerville

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-35-13, and on copies filed with the Dorchester County magistrates offices, and available on the Dorchester County website.

~~—(c) Criminal cases and traffic offenses shall be tried in the jury area where the offense was committed, notwithstanding the creation of any uniform court for the trial of certain offenses.~~

(c) Notwithstanding the provisions of subitem (a), the Dorchester County Magistrates Centralized Court

One jury area countywide.

(19) Edgefield County

One jury area countywide.

(20) Fairfield County

One jury area countywide.

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(21) Florence County

- (a)(1) Florence
- (2) Timmonsville
- (3) Evergreen
- (4) Olanta
- (5) Coward
- (6) Pamplico
- (7) Lake City
- (8) Hannah
- (9) Johnsonville

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-41-13, and on copies filed with the Florence County magistrates offices, and available on the Florence County website.

(c) Notwithstanding the provisions of subitem (a), the Florence County Magistrates Centralized Court:

One jury area countywide.

(22) Georgetown County

- (a)(1) Andrews
- (2) Georgetown
- (3) Pleasant Hill
- (4) Pawleys Island
- (5) Murrells Inlet

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-43-13, and on copies filed with the Georgetown County magistrates offices, and available on the Georgetown County website.

(c) Notwithstanding the provisions of subitem (a), the Georgetown County Magistrates Centralized Court:

One jury area countywide.

(23) Greenville County

- (a)(1) Tigerville
- (2) Greenville
- (3) Taylors
- (4) Simpsonville

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research

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and Statistics of the South Carolina Budget and Control Board designated as document M-45-13, and on copies filed with the Greenville County magistrates offices, and available on the Greenville County website.

(c) Notwithstanding the provisions of subitem (a), the Greenville County Magistrates Centralized Court:

One jury area countywide.

(24) Greenwood County

One jury area countywide.

(25) Hampton County

(a)(1) North

(2) South

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-49-13, and on copies filed with the Hampton County magistrates offices, and available on the Hampton County website.

(c) Notwithstanding the provisions of subitem (a), the Hampton County Magistrates Centralized Court:

One jury area countywide.

(26) Horry County

(a)(1) Aynor

(2) Conway

(3) Myrtle Beach

(4) Little River

(5) Simpson Creek

(6) Bayboro

(7) Green Sea

(8) Floyd

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-51-13, and on copies filed with the Horry County magistrates offices, and available on the Horry County website.

(c) Notwithstanding the provisions of subitem (a), the Horry County Magistrates Centralized Court

One jury area countywide.

(27) Jasper County

One jury area countywide.

(28) Kershaw County

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One jury area countywide.

(29) Lancaster County

One jury area countywide.

(30) Laurens County

One jury area countywide.

(31) Lee County

(a)(1) No. 1-Lucknow

(2) No. 2-Stokes Bridge

(3) No. 3-Cypress

(4) No. 4-Bishopville

(5) No. 5-Ionia

(6) No. 6-Spring Hill

(7) No. 7-Ashwood

(8) No. 8-St. Charles

(9) No. 9-Lynchburg

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-61-13, and on copies filed with the Lee County magistrates offices, and available on the Lee County website.

(c) Notwithstanding the provisions of subitem (a), the Lee County Magistrates Centralized Court:

One jury area countywide.

(32) Lexington County

(a)(1) Irmo/Chapin

(2) Lexington

(3) Cayce/West Columbia

(4) South Congaree

(5) Bateburg/Leesville

(6) Swansea

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-63-13, and on copies filed with the Lexington County magistrates offices, and available on the Lexington County website.

(c) Notwithstanding the provisions of subitem (a), the Lexington County Magistrates Centralized Court:

One jury area countywide.

(33) Marion County

(a)(1) Marion

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- (2) Mullins
- (3) Nichols
- (4) Legette
- (5) Britton's Neck

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-67-13, and on copies filed with the Marion County magistrates offices, and available on the Marion County website.

(c) Notwithstanding the provisions of subitem (a), the Marion County Magistrates Centralized Court:

One jury area countywide.

- (34) Marlboro County
 - (a)(1) Bennettsville
 - (2) McColl
 - (3) Clio
 - (4) Brownsville

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-69-13, and on copies filed with the Marlboro County magistrates offices, and available on the Marlboro County website.

(c) Notwithstanding the provisions of subitem (a), the Marlboro County Magistrates Centralized Court:

One jury area countywide.

- (35) McCormick County
 - One jury area countywide.
- (36) Newberry County
 - One jury area countywide.
- (37) Oconee County
 - One jury area countywide.
- (38) Orangeburg County
 - (a)(1) West
 - (2) Central
 - (3) East

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-75-13, and on copies filed with the

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Orangeburg County magistrates offices, and available on the Orangeburg County website.

(c) Notwithstanding the provisions of subitem (a), the Orangeburg County Magistrates Centralized Court:

One jury area countywide.

(39) Pickens County

One jury area countywide.

(40) Richland County

(a)(1) Blythewood

(2) Columbia

(3) Dentsville

(4) Dutch Fork

(5) Eastover

(6) Hopkins

(7) Lykesland

(8) Olympia

(9) Pontiac

(10) Upper Township

(11) Waverly

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Revenue and Fiscal Affairs Office designated as document M-79-12, and on copies filed with the Richland County Department of Planning and Development Services, and available on the Richland County website.

(c) Notwithstanding the provisions of subitem (a), for the Richland County Magistrates Centralized Court:

One jury area countywide.

(41) Saluda County

One jury area countywide.

(42) Spartanburg County

One jury area countywide.

(43) Sumter County

One jury area countywide.

(44) Union County

(a)(1) Jonesville

(2) Pinckney

(3) Bogansville

(4) Union

(5) Santuc

(6) Cross Keys

(7) Goshen Hill

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(8) Fishdam

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-87-13, and on copies filed with the Union County magistrates offices, and available on the Union County website.

(c) Notwithstanding the provisions of subitem (a), the Union County Magistrates Centralized Court:

One jury area countywide.

(45) Williamsburg County

(a)(1) Kingstree

(2) Hemingway

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Office of Research and Statistics of the South Carolina Budget and Control Board designated as document M-89-13, and on copies filed with the Williamsburg County magistrates offices, and available on the Williamsburg County website.

(c) Notwithstanding the provisions of subitem (a), the Williamsburg County Magistrates Centralized Court:

One jury area countywide.

(46) York County

(a)(1) Clover

(2) Fort Mill

(3) Rock Hill

(4) Western York County

(5) York

(b) The lines defining the magistrates jury areas provided in subitem (a) are as shown on the official map on file with the Revenue and Fiscal Affairs Office designated as document M-91-12, and on copies filed with the York County Management Information Systems Department, and available on the York County website.

(c) Notwithstanding the provisions of subitem (a), for the York County Centralized DUI Court:

One jury area countywide.

SECTION 26. The Department of Insurance shall conduct a study on the feasibility of the creation of a product that would introduce an “impaired driver accountability bond” to the insurance market. This bond would be in addition to the required SR-22 insurance in Section 38-77-140 and would require all drivers who are convicted of a second or subsequent offense violation of Section 56-5-2930 or Section 56-5-2933

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to maintain the bond for a period of three years. The Department must issue a report of their findings to the Senate, the House of Representatives, and the Governor by December 31, 2026.

SECTION 27. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 28. 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.

SECTION 29. This act takes effect upon approval by the Governor, except for SECTIONS 6, 8, 9, 10, 11, 13, 16, and 17, which take effect on December 31, 2026.

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The question then was the adoption of the amendment.

The amendment was adopted.

On motion of Senator HUTTO, with unanimous consent, the Senate amended the House amendments and the Bill was returned to the House accordingly.

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Message from the House

Columbia, S.C., May 6, 2026

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3022 -- Reps. M.M. Smith, Guest, Kirby and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 43-21-130, RELATING TO THE LONG-TERM CARE COUNCIL, SO AS TO CORRECT REFERENCES TO CERTAIN AGENCIES WITH MEMBERSHIP ON THE COUNCIL; BY AMENDING SECTION 43-21-140, RELATING TO THE PURPOSE AND DUTIES OF COUNCIL, SO AS TO PROVIDE FOR THE SHARING OF DATA WITH MEMBER AGENCIES; AND FOR OTHER PURPOSES.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

Motion Adopted

On motion of Senator MASSEY, the Senate agreed to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

CARRIED OVER

H. 3022 -- Reps. M.M. Smith, Guest, Kirby and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 43-21-130, RELATING TO THE LONG-TERM CARE COUNCIL, SO AS TO CORRECT REFERENCES TO CERTAIN AGENCIES WITH MEMBERSHIP ON THE COUNCIL; BY AMENDING SECTION 43-21-140, RELATING TO THE PURPOSE AND DUTIES OF COUNCIL, SO AS TO PROVIDE FOR THE SHARING OF DATA WITH MEMBER AGENCIES; AND FOR OTHER PURPOSES.

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

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:

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H. 5060 -- Rep. Stavrinakis: A BILL TO AMEND ACT 369 OF 1959, AS AMENDED, RELATING TO THE ST. JOHN'S FIRE DISTRICT, SO AS TO INCREASE THE MEMBERSHIP OF THE COMMISSION AND TO REVISE THE PROCUREMENT REQUIREMENTS OF THE DISTRICT AND TO REPEAL SECTION 2 OF ACT 727 OF 1978.

On motion of Senator MATTHEWS.

**THIRD READING BILL
SENT TO THE HOUSE**

S. 1162 -- Senator Gambrell: A BILL TO AMEND ACT 509 OF 1982, AS AMENDED, RELATING TO THE ELECTION OF TRUSTEES OF ANDERSON COUNTY SCHOOL DISTRICT 2, SO AS TO PROVIDE THAT SIX MEMBERS OF THE SEVEN-MEMBER GOVERNING BODY MUST BE ELECTED FROM SINGLE-MEMBER DISTRICTS.

On motion of Senator GAMBRELL.

AMENDED, SECOND READING BILL

H. 5573 -- Reps. Long, Chumley, Edgerton, Magnuson, Lawson and Moss: A BILL TO AMEND ACT 813 OF 1946, AS AMENDED, RELATING TO THE CREATION OF THE SPARTANBURG MEMORIAL AUDITORIUM COMMISSION SO AS TO CHANGE THE COMPOSITION OF THE COMMISSION.

The Senate proceeded to consideration of the Bill.

Senators MARTIN, KIMBRELL, BRIGHT, CORBIN, and PEELER proposed the following amendment (SR-5573.CEM0003S), which was adopted:

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

SECTION 1. The Spartanburg Auditorium Memorial Commission shall not have the authority to approve of, without first seeking the approval from the Spartanburg County Legislative Delegation, any art exhibit, production, show, or other form of entertainment that is found to contain scenes the average person, applying contemporary state community standards would find that the production, taken as a whole, appeals to the prurient interest, whether the production depicts or describes, in a patently offensive way, sexual conduct, and whether the production, taken as a whole, lacks serious literary, artistic, political, or scientific value.

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

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Renumber sections to conform.

Amend title to conform.

Senator MARTIN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

| | | |
|----------|-------------|-----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Leber | Martin |
| Massey | Matthews | Ott |
| Peeler | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |
| Walker | Williams | Young |
| Zell | | |

Total--43

NAYS

Total--0

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

HOUSE BILLS RETURNED

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

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H. 5179 -- Reprs. Erickson, McGinnis, Garvin, Grant, Yow, C. Mitchell, Wooten and King: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 59-101-440 SO AS TO CREATE THE SCHOOL MAPPING DATA PROGRAM WITHIN THE STATE LAW ENFORCEMENT DIVISION FOR THE PURPOSE OF FACILITATING EFFICIENT EMERGENCY RESPONSES IN PUBLIC INSTITUTIONS OF HIGHER LEARNING BY PUBLIC SAFETY AGENCIES, TO DEFINE NECESSARY TERMS, TO PROVIDE REQUIREMENTS FOR THE PROGRAM AND ITS IMPLEMENTATION BY THE DIVISION, AND TO PROVIDE RELATED REQUIREMENTS OF INSTITUTIONS OF HIGHER LEARNING AND LAW ENFORCEMENT AGENCIES.

H. 4270 -- Reprs. Schuessler, B.J. Cox, McGinnis, Yow, Jones, Vaughan, Kirby, Dillard, Wetmore, Bauer, Collins, Wickensimer, Brewer, Gilliard, Bernstein, Bannister, Willis, J.L. Johnson, Guest, King, Chapman, Herbkersman, Bradley, Brittain, Burns, Martin, Calhoun, Lowe, C. Mitchell, Oremus, Atkinson, Sessions, Haddon, Waters, Rivers, Scott and Govan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 60-2-60 SO AS TO PROVIDE FOR THE REMOVAL OF CERTAIN PUBLIC RECORDS.

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

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

S. 355 -- Senators Bennett, Climer, Leber, Turner, Davis, Johnson, Adams, Fernandez, Tedder, Sutton, Ott and Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-6-1140, RELATING TO TASTINGS AND RETAIL SALES ON LICENSED PREMISES, SO AS TO MODIFY THE TIME DURING WHICH TASTINGS AND RETAIL SALES CAN OCCUR; AND BY AMENDING SECTION 61-6-1150, RELATING TO TASTINGS AND RETAIL SALES, SO AS TO MODIFY THE AMOUNT OF LIQUOR THAT CAN BE SOLD TO A CONSUMER DURING ONE BUSINESS DAY.

S. 1001 -- Senators Hembree, Rankin, Tedder and Kimbrell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 61-2-400 SO AS TO DEFINE "ALCOHOLIC

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BEVERAGES”, “ALCOHOLIC LIQUORS BY THE DRINK”, “CATERER”, “PRIVATE EVENT”, AND “COMMERCIAL KITCHEN”; BY ADDING SECTION 61-2-410 SO AS TO AUTHORIZE THE DEPARTMENT OF REVENUE TO ISSUE A RETAIL ALCOHOLIC BEVERAGE CATERER LICENSE AND PROVIDE FOR THE LICENSING REQUIREMENTS; AND WHICH LICENSE WOULD ALLOW THE LICENSEE TO SERVE ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION, PURCHASE BEER AND WINE DIRECTLY FROM A WHOLESALER, AND PURCHASE ALCOHOLIC LIQUOR DIRECTLY FROM A LIQUOR STORE; AND WHICH LICENSE WOULD ALLOW THE TRANSFER OF THE ALCOHOLIC BEVERAGES FROM THE WHOLESALER TO THE CATERER AND FROM THE CATERER TO THE LOCATION OF THE PRIVATE EVENT, AND WOULD ALLOW A WHOLESALE AND RETAIL LIQUOR STORE WITH A WHOLESALER’S PERMIT TO TAKE LIQUOR AND OFFER A REFUND OR CREDIT; AND TO PROVIDE FOR OTHER REQUIREMENTS; BY ADDING SECTION 61-2-420 SO AS TO ALLOW THE HOLDER OF A VALID RETAIL ALCOHOLIC BEVERAGE CATERER LICENSE OR BUSINESS LIQUOR-BY-THE-DRINK LICENSE TO CONTRACT WITH AN EVENT HOST TO PROVIDE FOR ON-PREMISES CONSUMPTION, AND THE EVENT HOST IS ALLOWED TO CHARGE AN ENTRY FEE TO COVER THE COSTS OF THE EVENT; BY AMENDING SECTION 61-4-160, RELATING TO DISCOUNT PRICING FOR ON-PREMISES CONSUMPTION, SO AS TO ALLOW A BIENNIAL PERMIT HOLDER FOR THE SALE OF BEER OR WINE FOR ON-PREMISES CONSUMPTION TO SPONSOR TWELVE FUNCTIONS PER YEAR WHERE BEVERAGES ARE FREE DURING A FUND-RAISING ACTIVITY, PRIVATE FUNCTION ON PREMISES FOR WHICH A BIENNIAL PERMIT HAS BEEN ISSUED, OR TO A CUSTOMER ATTENDING A FUNCTION SPONSORED BY A PERSON WHO HOLDS A BIENNIAL PERMIT; BY AMENDING SECTION 61-6-2000, RELATING TO TEMPORARY PERMITS FOR NONPROFIT ORGANIZATIONS; CRIMINAL BACKGROUND CHECKS, SO AS TO ALLOW ALCOHOLIC LIQUOR TEMPORARY PERMITS FOR SPECIAL EVENTS TO BE ISSUED TO A CATERER WITH A VALID CATERER LICENSE, A FOOD ESTABLISHMENT SERVICE, OR A NONPROFIT, AND THE PERMIT HOLDER MAY SELL TICKETS TO THE EVENT; AND TO ESTABLISH THAT THE DEPARTMENT

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SHALL REQUIRE THE APPLICANT TO COMPLETE THE NOTIFICATION PROVISION IN THE APPLICATION FORM, AND TO INCLUDE THAT THE APPLICANT SHALL NOTIFY THE DIVISION THAT ALCOHOLIC LIQUORS WILL BE SERVED AT LEAST TWENTY-FOUR HOURS PRIOR TO THE SPECIAL EVENT; AND BY AMENDING SECTION 61-4-550, RELATING TO SPECIAL PERMITS FOR USE AT FAIRS AND SPECIAL FUNCTIONS, SO AS TO MAKE CONFORMING CHANGES.

Recorded Vote

Senator FERNANDEZ 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. 3163 -- Reps. M.M. Smith, Lawson, Pope, Spann-Wilder, McCravy, Hartnett, Teeple, Kilmartin, Montgomery, Sanders, Bauer, Guffey, Taylor and W. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 42-11-30, RELATING TO OCCUPATIONAL DISEASES COMPENSABLE UNDER WORKERS' COMPENSATION AND CONDITIONS PRESUMED TO HAVE ARISEN OUT OF AND IN THE COURSE OF EMPLOYMENT FOR FIREFIGHTERS, SO AS TO INCLUDE STROKE, AND TO REVISE PRESUMPTION ENTITLEMENT CRITERIA TO INCLUDE CONDITIONS DEVELOPED WHILE ACTIVELY ON DUTY INSTEAD OF ACTIVELY ENGAGED IN FIREFIGHTING.

AMENDED, HOUSE BILL RETURNED

H. 3387 -- Reps. G.M. Smith, W. Newton, B. Newton, Robbins, C. Mitchell, Pope, Chapman, McCravy, Chumley, Taylor, Forrest, Long, Ligon, Guest, Crawford, Edgerton, M.M. Smith, B.L. Cox, Holman, Davis, Brewer, Murphy, Calhoon, Erickson, Bradley, Williams, Hixon, Burns, Hewitt, Gilreath, Cromer, Oremus and Hartz: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 3 TO CHAPTER 37, TITLE 27 SO AS TO ENTITLE THE ARTICLE "EJECTION OF UNLAWFUL OCCUPANTS OF A RESIDENTIAL DWELLING," TO DEFINE NECESSARY TERMS, TO PROVIDE AN ALTERNATIVE REMEDY TO REMOVE

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PERSONS UNLAWFULLY OCCUPYING A RESIDENTIAL DWELLING; TO REDESIGNATE CHAPTER 37, TITLE 27 AS "EJECTMENT PROCEEDINGS"; TO REDESIGNATE THE EXISTING SECTIONS OF CHAPTER 37, TITLE 27 AS ARTICLE 1, CHAPTER 37, TITLE 27 AND ENTITLE IT "EJECTMENT OF TENANTS"; AND BY ADDING SECTION 16-11-521 SO AS TO ESTABLISH THE OFFENSE OF CRIMINAL MISCHIEF.

The Senate proceeded to consideration of the Bill.

Senator MASSEY proposed the following amendment (SR-3387.CEM0003S), which was adopted:

Amend the bill, as and if amended, by deleting SECTIONS 1.A, 2.B, 2, and 3 from the bill.

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

SECTION X. Chapter 37, Title 27 of the S.C. Code is amended by adding:

Section 27-37-170.(A) A property owner or his authorized representative may request from the sheriff of the county in which the property is located the immediate removal of a person unlawfully occupying a residential dwelling pursuant to this section if the following conditions are met:

(1) the requesting person is the property owner or authorized agent of the property owner;

(2) the real property that is being occupied includes a residential dwelling;

(3) an unauthorized person has unlawfully entered, remains, or continues to reside on the owner's property;

(4) the real property was not open to members of the public at the time the unauthorized person entered;

(5) the property owner has directed the unauthorized person to leave the property

(6) the unauthorized person is not a current or former tenant pursuant to a written or oral agreement authorized by the property owner;

(7) the unauthorized person is not an immediate family member of the property owner; and

(8) there is no pending litigation related to the real property between the property owner and the person unlawfully occupying the property.

(B) To request the immediate removal of an unlawful occupant of a residential dwelling, the property owner or his authorized representative must submit a complaint to remove a person unlawfully occupying

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residential real property to the sheriff of the county in which the real property is located. In the submitted complaint, the owner or authorized agent of the owner of the real property must state the legal description of the property and declare under the penalty of perjury that:

(1) he is the owner of the real property or the authorized representative of the owner of the real property;

(2) he purchased the property and provides the date of purchase;

(3) the real property is a residential dwelling;

(4) an unauthorized person has unlawfully entered and is remaining or residing unlawfully on the real property;

(5) the real property was not open to members of the public at the time the unauthorized person entered;

(6) he has directed the unauthorized person to leave the real property, but the person has not done so;

(7) the person is not a current or former tenant pursuant to any valid lease authorized by the property owner, and any lease that may be produced by an occupant is fraudulent;

(8) the unauthorized person sought to be removed is not an owner or a co-owner of the property and has not been listed on the title to the property unless the person has engaged in title fraud;

(9) the unauthorized person is not an immediate family member of the property owner;

(10) there is no pending litigation related to the real property between the property owner and the person sought to be removed;

(11) the owner of the property understands that a person removed from the property pursuant to this procedure may bring a cause of action against the owner of the property for any false statements made in the complaint, or for wrongfully using the procedure, and that as a result of such action the owner of the property may be held liable for actual damages, penalties, costs, and reasonable attorney's fees;

(12) the owner of the property is requesting the sheriff to immediately remove the unauthorized person from the residential property;

(13) the owner of the property must attach a copy of a valid government-issued identification, or if a representative of the property owner, attach documents evidencing the representative's authority to act on the property owner's behalf; and

(14) the form must be signed by the owner of the property or the representative of the owner of the property, and it must include the following language: "I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND

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CORRECT. I UNDERSTAND THAT THE STATEMENTS MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY, PUNISHABLE AS PROVIDED IN SECTION 16-9-10 OF THE SOUTH CAROLINA CODE."

(C) Upon receipt of the complaint, the sheriff shall verify that the person submitting the complaint is the record owner of the real property or the authorized representative of the owner and appears otherwise entitled to relief under this section. If the complaint is verified, then the sheriff must, without delay, serve a notice to immediately vacate on all unlawful occupants and shall put the owner in possession of the real property. Service may be accomplished by hand delivery of the notice to an occupant or by posting the notice on the front door or entrance of the dwelling. The sheriff shall also attempt to verify the identities of all persons occupying the dwelling and note the identities on the return of service. If appropriate, the sheriff may arrest any person found in the dwelling for trespassing, outstanding warrants, or any other legal cause.

(D) The sheriff is entitled to a fee for service of the notice to immediately vacate as provided in Section 23-19-10. After the sheriff serves the notice to immediately vacate, the property owner or authorized representative may request that the sheriff stand by to keep the peace while the property owner or agent of the owner changes the locks and removes the personal property of the unlawful occupants from the premises to or near the property line. When such a request is made, the sheriff may charge a reasonable hourly rate, and the person requesting the sheriff to stand by and keep the peace is responsible for paying the reasonable hourly rate set by the sheriff. The sheriff is not liable to the unlawful occupant or any other party for loss, destruction, or damage of property. The property owner or his authorized representative is not liable to an unlawful occupant or any other party for the loss, destruction, or damage to the personal property unless the removal was wrongful.

(E) A person may bring a civil cause of action for wrongful removal against the person who requested the person's removal pursuant to this section. A person harmed by a wrongful removal pursuant to this section may be restored to possession of the real property and may recover actual costs and damages incurred, statutory damages equal to triple the fair market rent of the dwelling, court costs, and reasonable attorney's fees. The court shall advance the cause on the calendar.

(F) This section does not limit the rights of a property owner or limit the authority of a law enforcement officer to arrest an unlawful occupant for trespassing, vandalism, theft, or other crimes.

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SECTION X. Chapter 11, Title 16 of the S.C. Code is amended by adding:

Section 16-11-790. (A) A person who unlawfully detains, occupies, or trespasses upon a residential dwelling and who intentionally damages the dwelling causing one thousand dollars or more in damages is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years, or both.

(B) A person who lists or advertises residential real property for sale knowing that the purported seller has no legal title or authority to sell the property, or rents or leases the property to another person knowing that he has no lawful ownership in the property or leasehold interest in the property, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days, or both.

(C) A person who, with the intent to detain or remain upon real property, knowingly and willfully presents to another person a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights is guilty of a misdemeanor and, upon conviction, must be fined in the discretion of the court or imprisoned not more than one year, or both.

Renumber sections to conform.

Amend title to conform.

Motion Adopted

On motion of Senator MASSEY, under Rule 26B, the Senate agreed to take up further amendments on third reading.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question being the 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 | Blackmon | Bright |
| Campsen | Cash | Chaplin |
| Climer | Corbin | Cromer |

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| | | |
|----------|-------------|-----------|
| Davis | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Kimbrell | Leber |
| Martin | Massey | Matthews |
| Peeler | Reichenbach | Rice |
| Sabb | Stubbs | Tedder |
| Turner | Verdin | Walker |
| Williams | Young | Zell |

Total--42

NAYS

Total--0

There being no further amendments, the Bill, as amended, was read the third time, passed and ordered returned to the 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. 3731 -- Rep. Bernstein: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY REPEALING SECTION 2 OF ACT 201 OF 2024 SO AS TO REMOVE A SUNSET PROVISION CONCERNING THE AUTHORITY OF SPECIAL PURPOSE DISTRICTS TO OWN, DISPOSE, ACQUIRE, PURCHASE, HOLD, USE, LEASE, CONVEY, SELL, TRANSFER, OR OTHERWISE DISPOSE OF PROPERTY.

HOUSE BILLS RETURNED

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

H. 3874 -- Reps. J.E. Johnson and Schuessler: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 42-15-90, RELATING TO FEES OF ATTORNEYS AND PHYSICIANS AND HOSPITAL CHARGES APPROVED BY THE COMMISSION, SO AS TO ALLOW THE COMMISSION TO

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ESTABLISH MEDICAL FEE SCHEDULES AND RELATED SYSTEMS.

H. 4188 -- Reps. Pope, B. Newton, M.M. Smith, B.L. Cox, Brewer, Ford, Davis, Robbins, Yow and C. Mitchell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 17-5-590, RELATING TO DISPOSITION OF REMAINS OF UNIDENTIFIED DEAD BODIES BY CORONERS, SO AS TO INCLUDE UNCLAIMED REMAINS IN THE PURVIEW OF THE STATUTE, AND TO AUTHORIZE CORONERS TO RELEASE REMAINS TO FAMILY MEMBERS, RATHER THAN THE NEXT OF KIN, WHEN THE NEXT OF KIN IS CHARGED IN CONNECTION WITH THE DEATH OR OTHERWISE UNCOOPERATIVE IN CLAIMING REMAINS.

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 titles be changed to that of Acts and enrolled for Ratification:

H. 4292 -- Reps. Martin, Terribile, M.M. Smith, Robbins, B.L. Cox, Brewer, Holman, Duncan, Sanders, Bailey, Lawson, Pope, Ligon, Davis, W. Newton, Guffey, Gilreath, Long, Wooten, Teeple, Montgomery, C. Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "ROADWAY PROTECTION AND SAFETY ACT" BY ADDING SECTION 56-5-3910 SO AS TO PROVIDE DEFINITIONS, TO PROVIDE IT IS UNLAWFUL TO PARTICIPATE IN, ORGANIZE, OR BE A SPECTATOR, AIDER, OR ABETTOR OF A STREET TAKEOVER, AND TO PROVIDE PENALTIES.

H. 4805 -- Reps. W. Newton, C. Mitchell, B. Newton, Pope, White, Robbins and Hart: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 14-5-610, RELATING TO THE DIVISION OF THE STATE INTO SIXTEEN JUDICIAL CIRCUITS, THE NUMBER OF JUDGES TO BE ELECTED FROM EACH CIRCUIT, AND THE ELECTION OF AT-LARGE JUDGES WITHOUT REGARD TO COUNTY OR CIRCUIT OF RESIDENCE, SO AS TO CONVERT THREE AT-LARGE CIRCUIT COURT SEATS TO RESIDENT SEATS IN THE FIRST, THIRD, AND EIGHTH CIRCUITS; AND BY AMENDING SECTION 63-3-40, RELATING TO THE NUMBER OF FAMILY COURT JUDGES TO BE ELECTED

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FROM EACH CIRCUIT, SO AS TO CONVERT FOUR AT-LARGE FAMILY COURT SEATS TO RESIDENT SEATS IN THE FIFTH, TENTH, AND TWELFTH CIRCUITS.

HOUSE BILLS RETURNED

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

H. 4813 -- Reps. Pope, C. Mitchell, Robbins and Oremus: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTIONS 8-21-1010 AND 8-21-1060, BOTH RELATING TO FEES AND COSTS TO BE COLLECTED BY MAGISTRATES, BOTH SO AS TO INCREASE VARIOUS FEES AND COSTS; AND BY AMENDING SECTION 22-3-340, RELATING TO ASSESSMENTS ON FILINGS IN MAGISTRATES COURT, SO AS TO INCREASE THE ASSESSMENT ON SUMMONS AND COMPLAINT FILINGS AND ALL OTHER CIVIL FILINGS.

H. 5097 -- Reps. Haddon, Yow, Ligon, Holman, Rankin, Pedalino, Forrest, Hixon, Cromer, Gilreath and M.M. Smith: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-1-145 SO AS TO PROVIDE THAT CERTAIN ROADSIDE MARKETS OPERATED BY FARMERS ARE NOT CONSIDERED COMMERCIAL OPERATIONS FOR LOCAL ZONING PURPOSES AND ARE EXEMPT FROM CERTAIN LOCAL AND STATE REGULATORY REQUIREMENTS, AND TO DEFINE NECESSARY TERMS, AMONG OTHER THINGS.

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 titles be changed to that of Acts and enrolled for Ratification:

H. 5111 -- Reps. Forrest, Lastinger, Hartz, Gibson, McCravy, Reese and Duncan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 5-31-60 SO AS TO AUTHORIZE PROPERTY OWNERS TO DRILL, OPERATE, AND MAINTAIN PRIVATE WATER WELLS ON AGRICULTURAL OR RESIDENTIAL PROPERTY; TO PROHIBIT COUNTIES AND MUNICIPALITIES FROM MANDATING CONNECTION TO MUNICIPAL WATER SYSTEMS ABSENT A DOCUMENTED PUBLIC HEALTH THREAT; TO ESTABLISH PRIMA FACIE EVIDENCE OF COMPLIANCE; TO PREEMPT CONFLICTING

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LOCAL ORDINANCES; AND TO PROVIDE FOR ENFORCEMENT AND PENALTIES.

H. 5473 -- Reps. Lowe and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 15 TO CHAPTER 19, TITLE 50 SO AS TO PROHIBIT FISHING ON THE J. FOSTER JEFFORDS CAUSEWAY IN FLORENCE COUNTY.

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

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

S. 1151 -- Senator Garrett: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 49-11-500 SO AS TO ESTABLISH THE LAKE CONESTEE DAM AUTHORITY; BY ADDING SECTION 49-11-510 SO AS TO PROVIDE FOR THE MEMBERSHIP OF THE AUTHORITY; AND BY ADDING SECTION 49-11-520 SO AS TO PROVIDE FOR THE DUTIES OF THE AUTHORITY.

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. 4799 -- Reps. Lawson, B.L. Cox, C. Mitchell, Pope, Govan, Lastinger, Caskey, M.M. Smith, Williams, Gilliard and Waters: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-7-170, RELATING TO CERTIFICATE OF NEED EXEMPTIONS, SO AS TO PROVIDE THAT VETERANS HOMES OWNED OR OPERATED BY THE DEPARTMENT OF VETERANS' AFFAIRS DO NOT REQUIRE A CERTIFICATE OF NEED.

OBJECTION

S. 180 -- Senator Hutto: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 20-4-20, RELATING TO DEFINITIONS PERTAINING TO DOMESTIC ABUSE, SO AS TO INCLUDE PERSONS WHO ARE OR WERE DATING TO THE LIST OF PERSONS DEFINED AS "HOUSEHOLD MEMBER"; AND BY AMENDING SECTION 20-4-40, RELATING TO PETITIONS FOR AN ORDER OF PROTECTION, SO AS TO

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INCLUDE A PARENT, GUARDIAN, LEGAL COUNSEL, OR OTHER APPROPRIATE ADULT AS A PERSON WHO CAN PETITION ON BEHALF MINORS IN THE PERSON'S HOUSEHOLD.

Senator FERNANDEZ objected to consideration of the Bill.

AMENDED, CARRIED OVER

H. 3569 -- Reps. M.M. Smith, Pope, Davis, Cobb-Hunter, Wetmore, Henderson-Myers, Erickson, Rivers and Gilliard: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 27-40-350 SO AS TO PROVIDE THAT RESIDENTIAL TENANTS WHO ARE VICTIMS OF CERTAIN DOMESTIC VIOLENCE OFFENSES MAY TERMINATE A RENTAL AGREEMENT AND TO PROVIDE FOR NECESSARY REQUIREMENTS; AND BY AMENDING SECTION 27-40-210, RELATING TO DEFINITIONS, SO AS TO DEFINE TERMS.

The Senate proceeded to consideration of the Bill.

Senator YOUNG proposed the following amendment (SJ-3569.SW0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 27-40-350(A)(1) and inserting:

(1) terminate the protected tenant's future obligations under a rental agreement within sixty days of the date of ~~the~~ a documented qualifying incident; and

Amend the bill further, SECTION 1, by striking Section 27-40-350(B) and inserting:

(B) A protected tenant ~~shall~~ must provide the landlord with written notice of the intent to terminate the protected tenant's obligations under a rental agreement within sixty days after ~~the~~ a documented qualifying incident. The termination shall be effective on the date stated in the notice as long as it is at least thirty days after the landlord's receipt of the notice, unless the landlord consents in writing to a later date. The notice to the landlord must be accompanied by documentation of the qualifying incident such as a restraining order, an order of protection, or evidence of a conviction for domestic violence or abuse. The ~~provided the~~ protected tenant ~~relinquishes~~ must relinquish all legal rights of possession to the premises. ~~The protected tenant, but~~ is still responsible for paying rent and other amounts owed, other than any fees imposed for early termination of the rental agreement.

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Amend the bill further, SECTION 1, by striking Section 27-40-350(D)(1) and inserting:

(1) may not require or force the protected tenant to vacate the residence before the expiration of the sixty days after the date of the qualifying incident authorized by this section, but may enter into an agreement with the protected tenant to terminate the protected tenant's obligations under a rental agreement earlier than what is required pursuant to this section; and

Renumber sections to conform.

Amend title to conform.

Senator YOUNG explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

AMENDED, READ THE SECOND TIME

H. 4305 -- Rep. Herbkersman: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 25 TO CHAPTER 71, TITLE 38 ENTITLED "WELLNESS REIMBURSEMENT PROGRAMS" SO AS TO DEFINE TERMS, PROHIBIT CERTAIN ACTS BY WELLNESS REIMBURSEMENT PROGRAMS, REQUIRE REGISTRATION INCLUDING AN APPLICATION AND FEES WITH THE SECRETARY OF STATE, EXEMPT BROKERS FROM REGISTERING, AND TO PROVIDE FINES FOR FAILING TO REGISTER WHEN REQUIRED.

The Senate proceeded to consideration of the Bill.

Senator DAVIS proposed the following amendment (SR-4305.KM0001S), which was withdrawn:

Amend the bill, as and if amended, SECTION 1, Section 38-105-30, by adding a subsection to read:

(D) Before an employer enrolls in a wellness reimbursement program, and annually thereafter at each renewal, the wellness reimbursement program administrator must provide to the employer, and the employer must provide to each participating employee, a plain language disclosure that:

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(1) states whether the wellness reimbursement program has received approval from the Internal Revenue Service or the United States Department of Labor, or whether the wellness reimbursement program relies on ERISA compliance;

(2) advises the employer and employee that federal tax guidance in this area continues to evolve and that tax treatment of certain wellness reimbursement payments may depend on the specific design and operation of the program;

(3) explains the indemnification obligation of the wellness reimbursement program administrator pursuant to subsection (C); and

(4) recommends that the employer consult with independent tax or legal counsel regarding the federal tax treatment of the wellness reimbursement program.

Renumber sections to conform.

Amend title to conform.

On motion of Senator DAVIS, the amendment was carried over and subsequently withdrawn.

Senator DAVIS proposed the following amendment (SR-4305.CEM0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 38-105-10(4)(b) and (c) and inserting:

(b) that has issued a contract to provide services and pay claims pertaining to reimbursements of qualified medical expenses relating to Section 213(d) of the Internal Revenue Code; ~~and~~

(c) that is intended, created, marketed, and sold as an ancillary product to an individual or group health insurance coverage or self-insured group health plan; and

(d) the reimbursement funds are not held by a third party administrator.-

“Wellness reimbursement program” does not include any underlying individual or group health insurance coverage or a self-insured group health plan.

Amend the bill further, SECTION 1, Section 38-105-30, by adding a subsection to read:

(D) Before an employer enrolls in a wellness reimbursement program, and annually thereafter at each renewal, the wellness reimbursement program administrator must provide to the employer, and the employer must provide to each participating employee, a plain language disclosure that:

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(1) states whether the wellness reimbursement program has received approval from the Internal Revenue Service or the United States Department of Labor, or whether the wellness reimbursement program relies on ERISA compliance;

(2) advises the employer and employee that federal tax guidance in this area continues to evolve and that tax treatment of certain wellness reimbursement payments may depend on the specific design and operation of the program;

(3) explains the indemnification obligation of the wellness reimbursement program administrator pursuant to subsection (C); and

(4) recommends that the employer consult with independent tax or legal counsel regarding the federal tax treatment of the wellness reimbursement program.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

| | | |
|----------|-------------|-----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Leber | Martin |
| Massey | Matthews | Ott |
| Peeler | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |
| Walker | Williams | Young |
| Zell | | |

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Total--43

NAYS

Total--0

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

RECOMMITTED

S. 983 -- Senators Elliott, Ott, Devine, Zell, Sutton, Turner and Allen: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 30-2-60 SO AS TO PROVIDE THAT EVICTION FILINGS AND RECORDS THAT INCLUDE PERSONAL INFORMATION OF A DEFENDANT ARE AUTOMATICALLY REMOVED FROM THE PUBLIC INDEX AFTER FIVE YEARS IF NO SUBSEQUENT EVICTIONS OR EJECTMENTS HAVE OCCURRED.

On motion of Senator ELLIOTT, the Bill was recommitted to the Committee on Judiciary.

CARRIED OVER

H. 4000 -- Reps. M.M. Smith, Stavrinakis, B.L. Cox, Davis, Wetmore, Bustos, Teeple, Holman, Spann-Wilder, Kirby, Robbins, Landing, Hartnett, Brewer, Gilliard, Gatch, J. Moore, T. Moore, Murphy, W. Newton, Duncan and Bauer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 61-2-100, RELATING TO THE PERSONS ENTITLED TO BE LICENSEES OR PERMITTEES, SO AS TO ADD PERFORMING ARTS AND CONVENTION COMPLEXES; BY AMENDING SECTION 61-4-515, RELATING TO THE PERMIT FOR PURCHASE AND SALE FOR ON-PREMISES CONSUMPTION, SO AS TO ADD PERFORMING ARTS AND CONVENTION COMPLEXES; AND BY AMENDING SECTION 61-6-2016, RELATING TO THE BIENNIAL LICENSE FOR PURCHASE AND SALE FOR ON-PREMISES CONSUMPTION, SO AS TO ADD PERFORMING ARTS AND CONVENTION COMPLEXES.

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

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CARRIED OVER

H. 4544 -- Reps. Jordan, W. Newton, M.M. Smith, B.L. Cox and Davis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 15-32-220, RELATING TO NONECONOMIC DAMAGES LIMIT AND EXCEPTIONS, SO AS TO PROVIDE GUIDELINES FOR INTENT TO HARM, FELONY CONVICTIONS, AND INFLUENCE OF ALCOHOL AND OTHER DRUGS; BY AMENDING SECTION 15-78-30, RELATING TO DEFINITIONS FOR PURPOSES OF THE TORT CLAIMS ACT, SO AS TO REVISE THE MEANING OF "OCCURRENCE"; BY AMENDING SECTION 15-78-120, RELATING TO LIMITATION ON LIABILITY, SO AS TO PROVIDE CIRCUMSTANCES UNDER WHICH THE LIMITATIONS MUST BE INCREASED OR DECREASED; AND BY AMENDING SECTION 33-56-180, RELATING TO LIMITED LIABILITY OF CHARITABLE ORGANIZATIONS, SO AS TO MAKE CONFORMING CHANGES.

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

CARRIED OVER

H. 4670 -- Reps. W. Newton, C. Mitchell and Henderson-Myers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-1-350 SO AS TO ESTABLISH REQUIREMENTS FOR DEMANDS FOR PERSONAL INJURY, BODILY INJURY, PROPERTY DAMAGE, OR WRONGFUL DEATH.

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

AMENDED, READ THE SECOND TIME

H. 5069 -- Reps. T. Moore, Bradley, Wooten, Brittain, Bernstein, Holman, Ford, Wetmore, Stavrinakis, B. Newton, Rivers, Anderson, Kirby, McDaniel, Caskey, Erickson, Reese, Chapman, Govan, Yow, Bustos, Martin, Sessions, Gatch, M.M. Smith, D. Mitchell, Guest, Neese, Pedalino, Bauer, W. Newton, Gilreath, Gilliam, Luck, Pope, Ligon, Cox, J.L. Johnson, Guffey, Bowers, Jordan, Collins, Duncan, Teeple, Lawson, Sanders, Montgomery, Ballentine, Brewer, Gagnon, Haddon, Hartnett, Hartz, Herbkersman, Hiott, Hixon, Jones, Lowe, Robbins, Cromer, Oremus, Davis, Gilliard, Gibson, McCravy and C. Mitchell: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 61 TO TITLE 48 SO AS TO ESTABLISH THE "SOUTH CAROLINA PROTECTED LANDS AND CONSERVATION COORDINATION ACT"; TO PROVIDE DEFINITIONS; TO

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RECOGNIZE CONSERVATION OF NATURAL RESOURCES AS AN IMPORTANT STATE INTEREST; TO ESTABLISH A STATEWIDE PROTECTED LAND BENCHMARK; AND TO PROVIDE FOR COORDINATION OF LAND PROTECTION PROJECTS AND ANNUAL REPORTING TO THE GENERAL ASSEMBLY.

The Senate proceeded to consideration of the Bill.

Senator CAMPSSEN proposed the following amendment (SR-5069.KM0002S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by deleting Section 48-61-100 from the bill.

Amend the bill further, SECTION 2, by deleting Section 48-61-130 from the bill.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 41; Nays 2

AYES

| | | |
|-----------|-----------|-------------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Campsen |
| Cash | Climer | Corbin |
| Cromer | Davis | Devine |
| Elliott | Gambrell | Garrett |
| Goldfinch | Graham | Grooms |
| Hembree | Hutto | Jackson |
| Johnson | Kennedy | Leber |
| Martin | Massey | Matthews |
| Ott | Peeler | Reichenbach |
| Rice | Sabb | Stubbs |
| Sutton | Tedder | Turner |
| Verdin | Walker | Williams |
| Young | Zell | |

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Total--41

NAYS

Bright

Fernandez

Total--2

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

READ THE SECOND TIME

H. 3049 -- Reps. W. Newton, Pope, Taylor, Long, Cobb-Hunter and Cromer: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "UNIFORM CIVIL REMEDIES FOR UNAUTHORIZED DISCLOSURE OF INTIMATE IMAGES ACT"; AND TO DEFINE NECESSARY TERMS, CREATE A CIVIL ACTION FOR AN INDIVIDUAL WHO SUFFERS HARM FROM A PERSON'S INTENTIONAL OR THREATENED DISCLOSURE OF PRIVATE, INTIMATE IMAGES WITHOUT CONSENT, AND PROVIDE EXCEPTIONS TO LIABILITY.

The Senate proceeded to consideration of the Bill.

Senator ADAMS explained the Bill.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

| | | |
|----------|-------------|-----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Leber | Martin |
| Massey | Matthews | Ott |
| Peeler | Reichenbach | Rice |

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| | | |
|--------|----------|--------|
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |
| Walker | Williams | Young |
| Zell | | |

Total--43

NAYS

Total--0

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

CARRIED OVER

H. 3335 -- Reps. Dillard, Spann-Wilder and Garvin: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 33-1-103, RELATING TO DESIGNATION OF REPRESENTATION IN MAGISTRATES COURT, SO AS TO INCLUDE HOUSING AUTHORITIES.

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

READ THE SECOND TIME

H. 3474 -- Rep. Stavrinakis: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 58-23-1610, RELATING TO DEFINITIONS APPLICABLE TO THE TRANSPORTATION NETWORK COMPANY ACT, SO AS TO REVISE THE DEFINITION OF "PERSONAL VEHICLE"; AND BY AMENDING SECTION 58-23-1610, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF "PREARRANGED RIDE."

The Senate proceeded to consideration of the Bill.

Senator RANKIN explained the Bill.

The question being the second reading of the Bill.

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

Ayes 42; Nays 0

AYES

| | | |
|-------|-----------|-------|
| Adams | Alexander | Allen |
|-------|-----------|-------|

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| | | |
|-------------|----------|-----------|
| Bennett | Blackmon | Bright |
| Campsen | Cash | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Martin | Massey |
| Matthews | Ott | Peeler |
| Reichenbach | Rice | Sabb |
| Stubbs | Sutton | Tedder |
| Turner | Verdin | Walker |
| Williams | Young | Zell |

Total--42

NAYS

Total--0

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

AMENDED, CARRIED OVER

H. 3558 -- Reps. Taylor, Pope, Hewitt, B. Newton, C. Mitchell, Yow, Oremus, Willis, Ligon and Guffey: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING ARTICLE 23 OF CHAPTER 1, TITLE 1, RELATING TO CALLS OR APPLICATIONS FOR CONSTITUTIONAL AMENDING CONVENTIONS MADE TO CONGRESS, SO AS TO RETITLE THE ARTICLE, AND TO ADD NEW SECTIONS TO DEFINE NECESSARY TERMS AND TO PROVIDE FOR THE QUALIFICATIONS, APPOINTMENT, OATH, AND DUTIES OF COMMISSIONERS APPOINTED TO REPRESENT THE STATE AT AN ARTICLE V CONVENTION, AMONG OTHER THINGS.

The Senate proceeded to consideration of the Bill.

Senators RICE and KIMBRELL proposed the following amendment (SJ-3558.PB0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 1-1-1510 and inserting:

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Section 1-1-1510. ~~(A) Joint Resolution 775 of 1976 is repealed.~~

~~—(B) The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.~~

~~—(C) The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.~~

Amend the bill further, SECTION 1, Section 1-1-1570, by adding a subsection to read:

(D) A commissioner or interim commissioner who is convicted of committing misconduct in office is guilty of a felony and, upon conviction, must be imprisoned for not more than five years.

Re-number sections to conform.

Amend title to conform.

Senator RICE explained the amendment.

The question being the second reading of the Bill.

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

CARRIED OVER

H. 4589 -- Rep. Gilliam: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 4-10-470, RELATING TO COUNTIES IN WHICH THE EDUCATION CAPITAL IMPROVEMENTS SALES AND USE TAX MAY BE IMPOSED, SO AS TO PROVIDE ADDITIONAL AUTHORIZATIONS.

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

OBJECTION

H. 4706 -- Reps. Rutherford, Neese, Chumley, Hartnett, Gilliard, Rivers and Williams: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 15-1-350 SO AS TO PROHIBIT CERTAIN RACING FACILITIES, UNDER CERTAIN CIRCUMSTANCES, FROM BEING SUBJECT TO NUISANCE AND TAKING CAUSES OF ACTION FROM A SURROUNDING LANDOWNER.

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Senator SUTTON objected to consideration of the Bill.

AMENDED, READ THE SECOND TIME

H. 4804 -- Reps. T. Moore, Pope, White, Cromer, Edgerton, Burns, Beach, Morgan, Terribile, Pace, Kilmartin, Gilreath, Magnuson, Frank, McCravy, Hartz, D. Mitchell, Haddon, Willis, Vaughan, Pedalino, Chumley, Govan, Wickensimer, Lastinger, C. Mitchell, Yow, Guffey, Bowers, Ligon, Chapman, B. Newton, W. Newton, Forrest, Oremus and Gibson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 16-15-395, RELATING TO FIRST DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCREASE THE MINIMUM PENALTY TO FIVE YEARS' IMPRISONMENT; BY AMENDING SECTION 16-15-405, RELATING TO SECOND DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO INCREASE THE MINIMUM PENALTY TO THREE YEARS' IMPRISONMENT; AND BY AMENDING SECTION 16-15-410, RELATING TO THIRD DEGREE SEXUAL EXPLOITATION OF A MINOR, SO AS TO ESTABLISH PENALTIES BASED ON THE NUMBER OF IMAGES POSSESSED, INCLUDING A PENALTY OF UP TO TEN YEARS IF THERE ARE ONE TO TWENTY-FIVE IMAGES, ONE TO TEN YEARS IF THERE ARE TWENTY-SIX TO TWO HUNDRED FIFTY IMAGES, AND A PENALTY OF TWO TO TEN YEARS IF THERE ARE MORE THAN TWO HUNDRED FIFTY IMAGES; AND TO ESTABLISH THAT A PERSON WHO IS REQUIRED TO REGISTER AS A SEX OFFENDER AND VIOLATES THE PROVISIONS OF THIS SECTION, UPON CONVICTION, MUST SERVE A MINIMUM OF FIVE YEARS

The Senate proceeded to consideration of the Bill.

Senator HUTTO proposed the following amendment (SMIN-4804.MW0001S), which was withdrawn:

Amend the bill, as and if amended, SECTION 2, by striking Section 16-15-405(D)(1) and inserting:

(D) (1) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not less than ~~two~~three years nor more than ten years. ~~No part of the minimum sentence may be suspended nor is the individual convicted eligible for parole until he has served the minimum sentence.~~

Amend the bill further, SECTION 2, by deleting Section 16-15-405(D)(3) from the bill.

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Amend the bill further, SECTION 3, by deleting Section 16-15-410(C)(3) from the bill.

Re-number sections to conform.

Amend title to conform.

On motion of Senator HUTTO, with unanimous consent, the amendment was withdrawn.

Senator HUTTO proposed the following amendment (SJ-4804.MB0002S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 16-15-405(D)(1) and (2) and inserting:

(D) ~~(1) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be imprisoned not less than two three years nor more than ten years. No part of the minimum sentence may be suspended nor is the individual convicted eligible for parole until he has served the minimum sentence.~~

(2) A person who violates the provisions of this section and previously has been convicted of an offense that required the person to register as a sex offender in accordance with Section 23-3-430, upon conviction, must be imprisoned for a minimum sentence of five years. For any violation of the provisions of this section and under this item, no part of the minimum sentence may be suspended nor is the person convicted eligible for parole until he has served the minimum sentence.

~~(3) For any violation of the provisions of this section, no part of the minimum sentence may be suspended nor is the person convicted eligible for parole until he has served the minimum sentence.~~

Amend the bill further, SECTION 2, Section 16-15-405, by striking the undesignated paragraph and inserting:

Amend the bill further, SECTION 3, by striking Section 16-15-410(C)(3) and inserting:

(3) For any violation of the provisions of this section subsection (C)(1)(b) or (c), no part of the minimum sentence may be suspended nor is the person convicted eligible for parole until he has served the minimum sentence.

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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The question being the second reading of the Bill.

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

Ayes 42; Nays 0

AYES

| | | |
|-------------|-----------|-----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Martin | Massey |
| Matthews | Ott | Peeler |
| Reichenbach | Rice | Sabb |
| Stubbs | Sutton | Tedder |
| Turner | Verdin | Walker |
| Williams | Young | Zell |

Total--42

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 5006 -- Reps. B. Newton, Long, Hewitt, M.M. Smith, Gatch, Schuessler, Stavrinakis, Hiott, Pope, Erickson, Hixon, Neese, Wooten, Ligon, Chapman, Forrest, Hartz, Guffey, Ford, Willis, Cox, Sanders, Vaughan, Oremus, Duncan, G.M. Smith, Bowers, Sessions, Bannister, Bailey, Brewer, Weeks, Landing, Moss, Bradley, Lawson, Rankin, Guest, Brittain, Lowe, T. Moore, Ballentine, Robbins, Martin, Caskey, Pedalino, Calhoon, Davis, W. Newton, C. Mitchell, Holman, Hardee, Taylor, Yow, Jordan, Haddon, Wickensimer, Bamberg, King, McDaniel, J.L. Johnson, Cromer, Gilreath and Anderson: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS SO AS TO ENACT THE

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“STATE OF SOUTH CAROLINA SMALL BUSINESS TAX CUT OF 2026”; BY AMENDING SECTION 12-37-220, RELATING TO PROPERTY TAX EXEMPTIONS, SO AS TO EXEMPT THE FIRST TEN THOUSAND DOLLARS OF NET DEPRECIATED VALUE OF BUSINESS PERSONAL PROPERTY OWNED BY A SMALL BUSINESS; BY AMENDING SECTION 12-37-900, RELATING TO PROPERTY TAX RETURNS, SO AS TO PROVIDE THAT A TAXPAYER IS NOT REQUIRED TO RETURN BUSINESS PERSONAL PROPERTY FOR TAXATION IF THE TAXPAYER HAS LESS THAN TEN THOUSAND DOLLARS OF NET DEPRECIATED VALUE OF BUSINESS PERSONAL PROPERTY; BY ADDING SECTION 12-37-980 SO AS TO REQUIRE THAT ALL BUSINESS PERSONAL PROPERTY REQUIRED TO BE RETURNED FOR TAXATION TO BE RETURNED TO THE DEPARTMENT OF REVENUE; BY AMENDING SECTION 12-20-50, RELATING TO THE LICENSE TAX ON CORPORATIONS, SO AS TO PROVIDE THAT, UNDER CERTAIN CIRCUMSTANCES, THE FEE DOES NOT APPLY TO ANY PORTION OF THE FIRST FIFTY MILLION DOLLARS OF CERTAIN CAPITAL STOCK AND PAID-IN OR CAPITAL SURPLUS; AND BY AMENDING SECTION 33-44-409, RELATING TO STANDARDS OF CONDUCT OF A CORPORATE OFFICER, SO AS TO PROVIDE AN EXCEPTION TO REFRAINING FROM COMPETING.

The Senate proceeded to consideration of the Bill.

Senator BENNETT proposed the following amendment (LC-5006.DG0005S), which was adopted:

Amend the bill, as and if amended, by deleting SECTION 5.B from the bill.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The amendment was adopted.

Senators HUTTO, PEELER, ALEXANDER, MASSEY, OTT, ADAMS, ALLEN, BENNETT, BLACKMON, BRIGHT, CAMPSER, CASH, CHAPLIN, CLIMER, CORBIN, CROMER, DAVIS, DEVINE, ELLIOTT, FERNANDEZ, GAMBRELL, GARRETT, GOLDFINCH,

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GRAHAM, GROOMS, HEMBREE, JACKSON, JOHNSON, KENNEDY, KIMBRELL, LEBER, MARTIN, MATTHEWS, RANKIN, REICHENBACH, RICE, SABB, STUBBS, SUTTON, TEDDER, TURNER, VERDIN, WALKER, WILLIAMS, YOUNG and ZELL proposed the following amendment (SR-5006.CEM0008S), which was adopted:

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

SECTION X.A. Article 3, Chapter 37, Title 12 of the S.C. Code is amended by adding:

Section 12-37-253. (A) Any eligible person may claim an exemption from county, municipal, school, and special assessment real property taxes equal to an amount of the fair market value on the person's dwelling place as set forth in subsection (C). A person may not claim this exemption and the exemption set forth in Section 12-37-250 and a person must be eligible for this exemption to claim the exemption set forth in Section 12-37-250. For purposes of eligibility, application, and reimbursement, this exemption must be administered in the same manner as the exemption allowed pursuant to Section 12-37-250, including the application of other laws affecting the exemption allowed pursuant to Section 12-37-250, mutatis mutandis. For a person eligible for this exemption pursuant to subsection (B)(1), the previous application for the exemption allowed pursuant to Section 12-37-250 must be considered the application for this exemption.

(B) A person becomes eligible for this additional exemption:

(1) if the person was eligible to claim the exemption pursuant to Section 12-37-250 in Property Tax Year 2025 and otherwise qualifies;

(2)(a) when the person meets the requirements of Section 12-37-250(A)(1)(i), (ii), or (iii); and

(b) when the person has been a resident of this State for at least five entire property tax years and filed an individual income tax return for at least five tax years in this State at any time before the application; or

(3)(a) when the person meets the requirements of Section 12-37-250(A)(1)(i), (ii), or (iii); and

(b) when the person has been a resident of this State for at least ten entire property tax years and filed an individual income tax return for at least ten tax years in this State at any time before the application.

(C) A person who qualifies for this exemption pursuant to item (B)(1) or (B)(3) qualifies for a one hundred fifty thousand dollar exemption. A person who qualifies for this exemption pursuant to item (B)(2) qualifies

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for a seventy-five thousand dollar exemption. The exemption amounts set forth in this subsection are not cumulative and may not be combined.

(D) By ordinance, a governing body of a county may increase the exemption allowed by this section, however, any taxes not collected as a result of the increase in the exemption are not eligible for reimbursement.

B. Section 11-11-150(A) of the S.C. Code is amended by adding:

(6) Section 12-37-270 for the homestead exemption allowed pursuant to Section 12-37-253;

C. Section 12-37-245 of the S.C. Code is repealed.

D. Chapter 45, Title 12 of the S.C. Code is amended by adding:

Section 12-45-72. In addition to the requirements provided in Section 12-60-2510, a property tax notice or assessment must include an itemized list of any homestead exemption received by the taxpayer and a notation of State Legislature Aiding in Saving Homes (SLASH), the amount in which the individual's property tax bill was reduced, and in the amount, if any, in which the State reimbursed the local taxing authorities on behalf of the individual.

E. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this SECTION is for any reason held to be unconstitutional or invalid, the General Assembly hereby declares that it would not have passed this SECTION, without the sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words declared to be unconstitutional, invalid, or otherwise ineffective.

F. This SECTION takes effect upon approval by the Governor and first applies to property tax years beginning after 2025.

Renumber sections to conform.

Amend title to conform.

Senator PEELER explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

Motion Adopted

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

There was no objection.

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

CARRIED OVER

H. 5113 -- Reps. Brewer, M.M. Smith, Guffey, B. Newton, Lawson, Sessions, Robbins, Gatch, Neese, Kirby, Waters, C. Mitchell, Yow, Atkinson, Forrest, Gagnon, Guest, Hayes, Herbkersman, Hiott, J.L. Johnson, Wooten, Chapman and Ligon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 6-29-735 SO AS TO PROHIBIT LOCAL GOVERNMENTS FROM PREVENTING THE CONTINUANCE OF LAWFUL NONCONFORMING USE OF PROPERTY WHEN A PREEXISTING MANUFACTURED HOME OR MOBILE HOME IS REPLACED WITH A NEW MANUFACTURED HOME OR MOBILE HOME, TO PROVIDE EXCEPTIONS, AND TO PROVIDE DEFINITIONS; AND BY AMENDING SECTION 23-43-85, RELATING TO STANDARDS FOR PLACEMENT OF MODULAR HOMES; DISPLAY MODELS, SO AS TO PROVIDE THAT THE SECTION APPLIES TO ON-FRAME MODULAR HOMES AND TO REMOVE A FIVE-YEAR RESTRICTION ON DISPLAY MODELS BEING USED FOR RESIDENTIAL USE.

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

CARRIED OVER

H. 5120 -- Reps. Cox, Garvin, Holman, T. Moore, Sessions, Wetmore, C. Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 63-19-2020, RELATING TO CONFIDENTIALITY OF JUVENILE RECORDS, SO AS TO CLARIFY WHEN NOTICE ABOUT THE DISPOSITION OF A CASE AGAINST A CHILD CHARGED WITH CERTAIN OFFENSES MUST BE PROVIDED TO A SCHOOL PRINCIPAL, AND TO CLARIFY WHEN JUVENILE FINGERPRINT RECORDS AND PHOTOGRAPHS ARE TAKEN, HOW THESE RECORDS ARE MAINTAINED, AND THE CIRCUMSTANCES UNDER WHICH THESE RECORDS MAY BE TRANSMITTED TO ANOTHER AGENCY OR PERSON; AND BY AMENDING SECTION 63-19-2030, RELATING TO JUVENILE LAW ENFORCEMENT RECORDS, SO AS TO CLARIFY WHEN INCIDENT REPORTS ABOUT A CHILD CHARGED WITH CERTAIN OFFENSES MUST BE PROVIDED TO A SCHOOL PRINCIPAL.

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

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OBJECTION

S. 920 -- Senators Leber and Blackmon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 25 TO CHAPTER 71, TITLE 38 SO AS TO PROVIDE CIRCUMSTANCES THAT MUST BE CONSIDERED WHEN A HEALTH INSURER USES ARTIFICIAL INTELLIGENCE TO MAKE DETERMINATIONS RELATING TO PRIOR AUTHORIZATIONS, TO PROVIDE CERTAIN DISCLOSURES TO ENROLLEES, AND TO PROVIDE DISCIPLINARY ACTIONS FOR VIOLATIONS.

Senator OTT objected to consideration of the Bill.

RECOMMITTED

S. 1167 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BOARD OF ACCOUNTANCY, RELATING TO BOARD OF ACCOUNTANCY, DESIGNATED AS REGULATION DOCUMENT NUMBER 5420, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator DAVIS, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

RECOMMITTED

S. 1168 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL PLUMBING CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 5416, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE SOUTH CAROLINA CODE OF LAWS.

On motion of Senator DAVIS, the Resolution was recommitted to the Committee on Labor, Commerce and Industry.

AMENDMENT PROPOSED, OBJECTION

H. 3570 -- Reps. Bannister, Spann-Wilder, W. Newton, C. Mitchell, Bowers and Calhoon: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 8-13-100, RELATING TO DEFINITIONS, SO AS TO AMEND "PUBLIC MEMBER" TO

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INCLUDE A PERSON NOMINATED AND APPOINTED TO A NONCOMPENSATED PART-TIME POSITION ON A BOARD, COMMISSION, OR COUNCIL; BY ADDING SECTION 8-13-1100 SO AS TO OUTLINE RESPONSIBILITIES FOR DISCLOSING ECONOMIC INTERESTS; BY AMENDING SECTION 8-13-1110, RELATING TO STATEMENTS OF ECONOMIC INTERESTS, SO AS TO ADDRESS AGENCY REQUIREMENTS FOR FILING DISCLOSURE FORMS; BY AMENDING SECTION 8-13-1170, SO AS TO PROVIDE THAT A PUBLIC MEMBER WHO FILES THE INITIAL STATEMENT OF ECONOMIC INTERESTS WITHIN TEN DAYS AFTER NOTICE FROM THE STATE ETHICS COMMISSION SHALL NOT BE IN VIOLATION OF CHAPTER 13, TITLE 8; AND BY AMENDING SECTION 8-13-1356, RELATING TO FILING DEADLINES FOR ECONOMIC INTERESTS STATEMENTS, SO AS TO PROVIDE WHEN CERTAIN CANDIDATES FOR ELECTIVE OFFICE MUST FILE A STATEMENT OF ECONOMIC INTERESTS.

The Senate proceeded to consideration of the Bill.

Motion Adopted

Senator BENNETT asked unanimous consent proceed to Amendment No. 4

There was no objection.

Senator BENNETT proposed the following amendment (SJ-3570.PB0006S), which was proposed:

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

SECTION X. Section 8-13-320(10)(g) of the S.C. Code is amended to read:

(g) All investigations, inquiries, hearings, and accompanying documents are confidential and only may be released pursuant to this section.

(i) After a dismissal following a finding of probable cause, except for dismissal pursuant to item (10)(b), or a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the notice of dismissal.

(ii) After a finding of probable cause, except for a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become public record: the complaint, the response by the respondent, and the notice of hearing. If a hearing is held on the matter,

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the final order and all exhibits introduced at the hearing shall become public record upon issuance of the final order by the commission. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. In the event a hearing is not held on a matter after a finding of probable cause, the final disposition of the matter becomes public record.

(iii) The commission shall redact the address, phone number, and email address of the complainant and respondent from the public record. The complainant shall not release the address, phone number, or email address of the respondent. The respondent shall not release the address, phone number, or email address of the complainant.

(iv) The respondent or his counsel, by written notice, may waive the confidentiality requirement. The commission shall not accept any partial waivers.

(v) The wilful release of confidential information is a misdemeanor, and a person releasing such confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.

SECTION X. Section 8-13-365 of the S.C. Code is amended to read:

Section 8-13-365. The commission shall establish a system of electronic filing for all disclosures and reports required pursuant to Chapter 13, Title 8 and Chapter 17, Title 2 except for forms and reports required pursuant to Article 9, Chapter 13, Title 8. These disclosures and reports must be filed using an Internet-based filing system as prescribed by the commission. The information contained in the reports and disclosure forms, with the exception of specific addresses of individuals making campaign contributions, social security numbers, campaign bank account numbers, and tax ID numbers, must be publicly accessible, searchable, and transferable. The city and state of an individual making a campaign contribution must be publicly accessible, searchable, and transferable.

SECTION X. Section 8-13-540(C) of the S.C. Code is amended to read:

(C)(1) All investigations, inquiries, hearings and accompanying documents are confidential and only may be released pursuant to this section.

(2)(a) Upon a recommendation of probable cause by the commission for a violation, other than a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the following documents become

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public record: the complaint, the response by the respondent, and the commission's recommendation of probable cause.

(b) If the appropriate committee requests further investigation after receipt of the commission's report, documents only may be released if the commission's second report to the committee recommends a finding of probable cause.

(c) The commission and appropriate legislative ethics committee shall redact the address, phone number, and email address of the complainant and respondent from the public record. The complainant shall not release the address, phone number, or email address of the respondent. The respondent shall not release the address, phone number, or email address of the complainant.

SECTION X. Section 8-13-1366 of the S.C. Code is amended to read:

Section 8-13-1366. Certified campaign reports must be made available for public inspection at the office of the State Ethics Commission, the Senate Ethics Committee, the House of Representatives Ethics Committee, and the county clerk of court within two business days of receipt. The commission, ethics committees, and county clerks of court shall redact the specific address of an individual making a campaign contribution, except the individual's city and state. The commission, ethics committees, and county clerks of court shall not require any information or identification as a condition of viewing a report or reports. The commission, ethics committees, and the county clerks of court must ensure that the reports are available for copying or purchase at a reasonable cost.

SECTION X. Section 8-13-1302(A) of the S.C. Code is amended to read:

(A) A candidate, committee, or ballot measure committee must maintain and preserve an account of:

(1) the total amount of contributions accepted by the candidate, committee, or ballot measure committee;

(2) the name and address of each person making a contribution and the amount and date of receipt of each contribution;

(3) the total amount of expenditures made by or on behalf of the candidate, committee, or ballot measure committee;

(4) the name and address of each person to whom an expenditure is made including the date, amount, purpose, and beneficiary of the expenditure;

(5) all receipted bills, canceled checks, or other proof of payment for each expenditure; and

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(6) the occupation and employer of each person making a contribution.

SECTION X. Section 8-13-1308(F) of the S.C. Code is amended to read:

(F) Certified campaign reports detailing campaign contributions and expenditures must contain:

(1) the total of contributions accepted by the candidate or committee;

(2) the name, ~~and address,~~ occupation, and employer of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;

(3) the total expenditures made by or on behalf of the candidate or committee;

(4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

SECTION X. Section 8-13-1309(E) of the S.C. Code is amended to read:

(E) Certified campaign reports detailing campaign contributions and expenditures must contain:

(1) the total amount of contributions accepted by the ballot measure committee;

(2) the name, ~~and address,~~ occupation, and employer of each person making a contribution of more than one hundred dollars and the amount and date of receipt of each contribution;

(3) the total amount of expenditures made by or on behalf of the ballot measure committee; and

(4) the name and address of each person to whom an expenditure is made from campaign funds, including the date, amount, purpose, and beneficiary of the expenditure.

SECTION X. Section 8-13-1314(A) of the S.C. Code is amended to read:

(A) Within an election cycle, a candidate or anyone acting on his behalf shall not solicit or accept, and a person shall not give or offer to give to a candidate or person acting on the candidate's behalf:

(1) a contribution which exceeds:

(a) three thousand five hundred dollars in the case of a candidate for statewide office; or

(b) three thousand five hundred dollars in the aggregate for statewide candidates elected jointly pursuant to Section 8, Article IV of the South Carolina Constitution, 1895; or

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(c) one thousand dollars in the case of a candidate for any other office;

(2) a cash contribution from an individual unless the cash contribution does not exceed twenty-five dollars and is accompanied by a record of the amount of the contribution and the name, ~~and address,~~ occupation, and employer of the contributor;

(3) a contribution from, whether directly or indirectly, a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election;

(4) contributions for two elective offices simultaneously, except as provided in Section 8-13-1318.

SECTION X. Section 8-13-1360(A) of the S.C. Code is amended to read:

(A) The State Ethics Commission shall develop a contribution and expenditure reporting form which must include:

(1) a designation as a pre-election or quarterly report and, if a pre-election report, the election date;

(2) the candidate's name and address or, in the case of a committee, the name and address of the committee;

(3) the balance of campaign accounts on hand at the beginning and at the close of the reporting period and the location of those campaign accounts;

(4) the total amount of all contributions received during the reporting period; the total amount of contributions of one hundred dollars or less in the aggregate from one source received during the reporting period; and the name, ~~and address,~~ occupation, and employer of each person contributing more than one hundred dollars in the aggregate during the reporting period, the date and amount of the contribution, and the year-to-date total for each contributor. Written promises or pledges to make a contribution must be reported separately in the same manner as other monetary contributions;

(5) the total amount of all loans received during the reporting period and the total amount of loans for the year to date. The report also must include the date and amount of each loan from one source during the reporting period, the name and address of each maker or guarantor of each loan, the year-to-date total of each maker or guarantor, and the terms of the loan, including the interest rate, repayment terms, loan payments, and existing balances on each loan;

(6) the date and amount of any in-kind contributions of more than one hundred dollars in the aggregate by one person during the reporting

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period, and the contributor's name, address, occupation, and employer, and year-to-date total;

(7) the total amount of all refunds, rebates, interest, and other receipts not previously identified during the reporting period, and their year-to-date total; the total amount of other receipts received of one hundred dollars or less in the aggregate from one source during the reporting period; the date and amount of each refund, rebate, interest, or other receipt not previously identified of more than one hundred dollars in the aggregate from one source, the name and address and the year-to-date total for each source;

(8) the aggregate total of all contributions, loans, and other receipts during the reporting period and the year-to-date total; the amount, date, and a brief description of each expenditure made during the reporting period, the name and address of the entity to which the expenditure was made, and the year-to-date total of expenditures to that entity. Credit card expenses and candidate reimbursements must be itemized so that the purpose and recipient of the expenditure are identified;

(9) the total amount of all loans made during the reporting period and the year-to-date total. The report also must include the date and amount of each loan to one entity during the reporting period, the name and address of each recipient of the loan, and the terms of the loan, including the interest rate, repayment terms, purpose of the loan, the year-to-date total, and existing balances.

Amend the bill further, by striking SECTION 6 and inserting:

SECTION 6. ~~This act takes~~The provisions of Section 8-13-320(10)(g) and Section 8-13-540(C) in this act take effect upon approval by the Governor. All other provisions of this act take effect six months after approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator BENNETT explained the amendment.

The question being adoption of the amendment.

Senator BRIGHT moved to lay the amendment on the table.

Senator CORBIN objected to further consideration of the Bill.

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

H. 4635 -- Rep. B. Newton: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 44-79-60, RELATING TO PHYSICAL FITNESS SERVICE CONTRACTS, SO AS TO ALLOW THE USE OF ELECTRONIC NOTIFICATION FOR AUTOMATIC RENEWAL OF CONTRACTS.

The Senate proceeded to consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (SR-4635.CEM0001S), which was tabled:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-79-60(4) and inserting:

(4) provide for an automatic renewal option, for a duration of no longer than one month, which to be enforceable must be disclosed in bold type of at least fourteen-point font on the front page of the contract and must be initialed by the customer. The customer will be given the ability to opt-in to the automatic renewal provision at the time the initial contract is executed by initialing an opt-in provision. This opt-in provision will clearly define the means of electronic communication. Near the expiration of the initial contract, the facility shall notify the customer electronically or in writing, based on the customer's choice, at the customer's last known address of the automatic renewal option which the customer selected at the time the initial contract was executed. Price may not increase or decrease in an automatically renewed contract without written notice to the customer of at least thirty but not more than sixty days prior to the effective date of the change in price;

Renumber sections to conform.

Amend title to conform.

Motion Adopted

Senator GARRETT made a motion to table the committee amendment.

There was no objection.

Senator VERDIN proposed the following amendment (SR-4635.CEM0003S), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 44-79-60(4) and inserting:

(4) provide for ~~an~~ a one month automatic renewal option, ~~for a duration of no longer than one month,~~ which to be enforceable must be

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disclosed in bold type of at least fourteen-point font on the front page of the contract and must be initialed by the customer. The customer ~~will be given the ability to opt in to~~ may accept the automatic renewal ~~provision~~ at the time the initial contract is executed by initialing an opt-in provision. Near the expiration of the initial contract, the facility shall notify the customer ~~electronically or in writing~~ at the customer's last known address or electronically, by means specified in the initial contract, of the automatic renewal option which the customer selected at the time the initial contract was executed. Price may not increase or decrease in an automatically renewed contract without written notice to the customer of at least thirty but not more than sixty days prior to the effective date of the change in price;

Renumber sections to conform.

Amend title to conform.

Senator GARRETT explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

Motion Adopted

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

There was no objection.

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3551 -- Reps. B. Newton, Gilliam, Pope, Taylor, Weeks, Bowers, Yow, M.M. Smith, Caskey, Kilmartin, Oremus, Ballentine, C. Mitchell, Hewitt, Hixon and Calhoun: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 9-1-10, RELATING TO DEFINITIONS APPLICABLE TO THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE EARNABLE COMPENSATION DOES NOT INCLUDE CERTAIN AMOUNTS PAID TO MANAGERS AND CLERKS OF ELECTIONS;

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AND BY AMENDING SECTION 12-6-1120, RELATING TO THE COMPUTATION OF SOUTH CAROLINA GROSS INCOME, SO AS TO EXCLUDE CERTAIN AMOUNTS PAID TO MANAGERS AND CLERKS OF ELECTIONS.

The Senate proceeded to consideration of the Bill.

The Committee on Finance proposed the following amendment (LC-3551.DG0001S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1.B and inserting:

B. This SECTION takes effect on June 30, ~~2025~~2026.

Amend the bill further, by striking SECTION 3 and inserting:

SECTION 3. Except as otherwise provided, this act takes effect upon approval by the Governor and applies to tax years beginning after ~~2024~~2025.

Renumber sections to conform.

Amend title to conform.

Senator GAMBRELL explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

| | | |
|----------|-------------|-----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Leber | Martin |
| Massey | Matthews | Ott |
| Peeler | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |

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Walker
Zell

Williams

Young

Total--43

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3841 -- Reps. Hewitt, B. Newton, Yow, Hardee, Bailey, M.M. Smith, Teeple, Kirby, Bustos, Landing, Brewer, Hartnett, Lawson, Davis, Murphy and Weeks: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-43-220, RELATING TO ASSESSMENT RATIOS, SO AS TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES, PROPERTY RECEIVING THE FOUR PERCENT ASSESSMENT RATIO SHALL CONTINUE AT FOUR PERCENT WHEN THE OWNER DIES; AND BY ADDING SECTION 12-37-460 SO AS TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES PROPERTY TAX EXEMPTIONS SHALL CONTINUE TO APPLY WHEN THE OWNER DIES.

The Senate proceeded to consideration of the Bill.

The Committee on Finance proposed the following amendment (LC-3841.DG0001S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 3 and inserting:

SECTION 3. This act takes effect upon approval by the Governor and applies to property tax years beginning after ~~2024~~2025.

Re-number sections to conform.

Amend title to conform.

Senator VERDIN explained the amendment.

The amendment was adopted.

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The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

| | | |
|----------|-------------|-----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Leber | Martin |
| Massey | Matthews | Ott |
| Peeler | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |
| Walker | Williams | Young |
| Zell | | |

Total--43

NAYS

Total--0

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

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 3863 -- Reps. Davis, M.M. Smith, Rivers, Henderson-Myers, Waters and Pope: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA STEM OPPORTUNITY ACT" BY ADDING ARTICLE 17 TO CHAPTER 1, TITLE 13, SO AS TO ESTABLISH THE SOUTH CAROLINA SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM) COALITION, THE SOUTH CAROLINA SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS (STEM)

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EDUCATION FUND WITHIN THE STATE TREASURY, AND THE SC STEM COALITION ADVISORY COUNCIL, AND TO PROVIDE THEIR RESPECTIVE PURPOSES AND FUNCTIONS.

The Senate proceeded to consideration of the Bill.

The Committee on Labor, Commerce and Industry proposed the following amendment (LC-3863.SA0001S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 13-1-2230(B)(1)(f) and inserting:

(f) ~~three~~ two members appointed by the Governor to represent STEM-related business and industry in this State who shall serve terms of four years and until their successors are appointed and qualify;

Amend the bill further, SECTION 2, by striking Section 13-1-2230(B)(2) and inserting:

(2) Initial appointments must be made before August 1, ~~2025~~2026, at which time the chair of the Department of Employment and Workforce Coordinating Council for Workforce Development or designee shall call the first meeting.

Amend the bill further, SECTION 2, Section 13-1-2240, by striking the first undesignated paragraph and inserting:

The coalition, subject to the availability of funds in the STEM Education Fund or other funds managed by Clemson University or the Clemson University Foundation for the specific purposes within the coalition's scope of work, shall:

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

| | | |
|---------|-----------|--------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Climer |
| Corbin | Cromer | Davis |

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| | | |
|----------|-------------|-----------|
| Devine | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Leber | Martin |
| Massey | Matthews | Ott |
| Peeler | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |
| Walker | Williams | Young |
| Zell | | |

Total--43

NAYS

Total--0

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

OBJECTION

H. 4476 -- Reps. Rutherford, Bamberg, J. Moore, Herbkersman and Rivers: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 80 TO TITLE 39 ENTITLED "SOUTH CAROLINA-BAHAMAS TRADE COMMISSION" SO AS TO ESTABLISH THE SOUTH CAROLINA-BAHAMAS TRADE COMMISSION AND PROVIDE FOR ITS MEMBERSHIP AND PURPOSE.

Senator HEMBREE objected to consideration of the Bill.

**COMMITTEE AMENDMENT ADOPTED
READ THE SECOND TIME**

H. 4477 -- Reps. Landing, Cobb-Hunter, Rivers, Williams, Luck, King, Gilliard, Waters, Henderson-Myers, Collins, Schuessler, Herbkersman, M.M. Smith, Govan and Hart: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "HEIRS' PROPERTY TAX RELIEF ACT" BY AMENDING SECTION 12-37-3150, RELATING TO DETERMINING WHEN AN ASSESSIBLE TRANSFER OF INTEREST OCCURS, SO AS TO

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EXCLUDE TRANSFERS MADE AMONG FAMILY MEMBERS TO CLEAR THE TITLE OF HEIRS' PROPERTY.

The Senate proceeded to consideration of the Bill.

The Committee on Finance proposed the following amendment (LC-4477.DG0002S), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

SECTION X. Section 12-37-3150(B) of the S.C. Code is amended by adding:

(16)(a) a transfer made to a qualified family member who has legal claim to heirs' property to clear the title of the heirs' property, whereby both the grantor and grantee owned an interest in the property prior to the transfer.

(b) For purposes of this item:

(i) "Heirs' property" means real property owned by one or more individuals as tenants in common, which was inherited from a relative and for which no formal probate or recorded conveyance transferred clear title to the current owners.

(ii) "Qualified family member" means a person related to the prior owner by blood, marriage, or adoption including, but not limited to, a spouse, child, grandchild, sibling, niece, nephew, aunt, uncle, cousin, or those identified as heir owners by a court of competent jurisdiction.

(c) A partition of heirs' property, whether voluntary or ordered by a court in a proceeding to clear title, does not disqualify the resulting parcels from this exclusion. Each partitioned parcel must be assessed at its proportional value.

(d) The transfer described in this item is not considered an assessable transfer of interest only if the qualified family members submit affidavits to the county assessor certifying under penalty of perjury that:

(i) the property qualifies as heirs' property;

(ii) the transfer is between qualified family members; and

(iii) the transfer is for the purpose of clearing title.

(e) Once title on the property is cleared, the property is no longer heirs' property and not eligible for the exclusion provided by this item.

Re-number sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

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The amendment was adopted.

The question being the second reading of the Bill.

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

Ayes 43; Nays 0

AYES

| | | |
|----------|-------------|-----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Leber | Martin |
| Massey | Matthews | Ott |
| Peeler | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |
| Walker | Williams | Young |
| Zell | | |

Total--43

NAYS

Total--0

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

AMENDED, READ THE SECOND TIME

H. 5093 -- Reps. Caskey, Bannister, Long, Lawson, C. Mitchell and Yow: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-90, RELATING TO THE DEFINITION OF GROSS PROCEEDS OF SALES, SO AS TO EXCLUDE AMOUNTS PAID BY STATE AND LOCAL GOVERNMENTS FOR THE EMERGENCY SERVICES IP NETWORK.

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The Senate proceeded to consideration of the Bill.

Senator TURNER proposed the following amendment (SR-5093.CEM0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 12-36-90, by adding a subsection to read:

(n) premiums, fees, or any other charges paid for insurance products purchased, whether in the same or a separate transaction, for a product purchased on which sales tax was collected.

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The amendment was adopted.

Senator TURNER proposed the following amendment (SR-5093.CEM0002S), which was adopted:

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

SECTION X. Section 12-21-2420 of the S.C. Code is amended by adding:

(18) on admissions charged by local chambers of commerce qualified under 501(c)(6) by the Internal Revenue Service, which are not organized for profit, and no part of whose earnings inure to the benefit of any private shareholder or individual.

Renumber sections to conform.

Amend title to conform.

Senator TURNER explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

Motion Adopted

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

There was no objection.

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

AMENDED, CARRIED OVER

H. 5122 -- Reps. B. Newton, Bannister, Herbkersman, Yow, C. Mitchell, Rose, Cobb-Hunter, Lawson, Brewer, Kirby, Ballentine, Rutherford, Hiott, Gagnon, Guest, M.M. Smith, Howard, Pope, Grant, Anderson, Schuessler, G.M. Smith, Caskey, Davis and Govan: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 31 TO CHAPTER 9, TITLE 58 SO AS TO PERMIT CERTAIN ITEMS SOLD TO OR USED BY INTERNET ACCESS SERVICE PROVIDERS AND COMMUNICATIONS SERVICE PROVIDERS TO BE EXEMPT FROM SALES TAX.

The Senate proceeded to consideration of the Bill.

Senator KIMBRELL proposed the following amendment (SR-5122.CEM0001S), which was adopted:

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

SECTION X. Section 12-36-2120(79) of the S.C. Code is amended to read:

(79)(H) For purposes of this item, “taxpayer” includes a person who bears a relationship to the taxpayer as described in Section 267(b) of the Internal Revenue Code.

Renumber sections to conform.

Amend title to conform.

Senator KIMBRELL explained the amendment.

The amendment was adopted.

Senators SUTTON and CAMPSSEN proposed the following amendment (SMIN-5122.LMS0001S), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 58-9-3100, by adding a subsection to read:

(C) Notwithstanding any other provision of this section, a data center may not claim or utilize the exemption or refund authorized pursuant to this section.

(1) For purposes of this subsection, “data center” “Data center” means a facility, campus of facilities, or array of electronically interconnected facilities under a single electric supply agreement in this

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State used by an entity or other business enterprise to operate, manage, or maintain a computer, group of computers, or other organized assembly of hardware and software for the primary purpose of storing, retrieving, or transmitting data, other than facilities owned or operated by a telecommunications company as defined in Section 58-9-2200 or facilities that primarily support telecommunications service or network operations, that has a peak demand of fifty megawatts or greater, and that becomes a customer of an electric service provider after December 31, 2026.

(3) For purposes of calculating peak demand under this definition, peak demand shall be determined according to the contract between the energy user and the electric service provider, and the possibility or occurrence of energy usage which temporarily exceeds ten megawatts shall not cause a commercial data center to fall under this definition where contractual peak demand is less than ten megawatts

Renumber sections to conform.

Amend title to conform.

Senator SUTTON explained the amendment.

The amendment was adopted.

The question being the second reading of the Bill.

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

CARRIED OVER

H. 5208 -- Reps. B. Newton and Moss: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 12-36-2120, RELATING TO EXEMPTIONS FROM SALES TAX, SO AS TO PROVIDE THAT CERTAIN UNPREPARED FOODS, THAT MAY BE PURCHASED WITH FOOD COUPONS WHICH ARE EXEMPT FROM TAXES, ARE NOT LIMITED TO CERTAIN FEDERAL REGULATIONS.

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

AMENDED, READ THE SECOND TIME

H. 5537 -- Rep. Hayes: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF ADMINISTRATION, THE STATE FISCAL ACCOUNTABILITY AUTHORITY, OR THE APPROPRIATE AGENCY, TO TRANSFER THE NATIONAL GUARD ARMORY IN

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DILLON COUNTY, SOUTH CAROLINA, TO THE CITY OF DILLON.

The Senate proceeded to consideration of the Bill.

Senator REICHENBACH proposed the following amendment (SR-5537.CEM0001S), which was adopted:

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

SECTION X. Notwithstanding Sections 1-11-58 and 25-1-1660 of the S.C. Code, the Department of Administration, the State Fiscal Accountability Authority, or the appropriate agency, is directed to transfer ownership of the National Guard Armory located at 620 John G. Rose Drive in Timmonsville, South Carolina, to the City of Timmonsville.

Renumber sections to conform.

Amend title to conform.

Senator REICHENBACH explained the amendment.

The amendment was adopted.

The question being the second reading of the Resolution.

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

Ayes 43; Nays 0

AYES

| | | |
|----------|-------------|-----------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Climer |
| Corbin | Cromer | Davis |
| Devine | Elliott | Fernandez |
| Gambrell | Garrett | Goldfinch |
| Graham | Grooms | Hembree |
| Hutto | Jackson | Johnson |
| Kennedy | Leber | Martin |
| Massey | Matthews | Ott |
| Peeler | Reichenbach | Rice |
| Sabb | Stubbs | Sutton |
| Tedder | Turner | Verdin |
| Walker | Williams | Young |

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Zell

Total--43

NAYS

Total--0

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

ADOPTED

H. 4446 -- Reps. Anderson and Hewitt: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF POWELL ROAD IN GEORGETOWN COUNTY FROM ITS INTERSECTION WITH SINGLETON ROAD TO HAROLD ROAD "DEPUTY SHERIFF LEROY GASQUE SR. MEMORIAL HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS CONTAINING THESE WORDS.

The Resolution was adopted, ordered returned to the House.

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

MOTION ADOPTED

At 4:27 P.M., on motion of Senator BENNETT, the Senate agreed to dispense with the balance of the Motion Period.

THE SENATE PROCEEDED TO THE SPECIAL ORDERS.

COMMITTEE AMENDMENT ADOPTED

READ THE SECOND TIME

H. 4163 -- Reps. Erickson, Bowers, Bradley, Crawford, Davis, Pedalino, Hartnett, Neese, M.M. Smith, Oremus, Lawson, Vaughan, Herbkersman, B.J. Cox, Collins, B.L. Cox, Forrest, Brewer, Burns, Gatch, Haddon, Hager, Hixon, Murphy, Taylor, Whitmire, Teeple, Guest, Alexander and Robbins: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SOUTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION ACT" BY

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ADDING CHAPTER 9 TO TITLE 59, SO AS TO PROVIDE FOR THE ESTABLISHMENT OF THE SOUTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION AND TO PROVIDE THE PURPOSE, FUNCTIONS, ORGANIZATION, AND GOVERNANCE OF THE ASSOCIATION; TO PROVIDE PUBLIC SCHOOLS, INCLUDING CHARTER SCHOOLS, MAY NOT JOIN OR AFFILIATE WITH ANY OTHER ENTITY WITHIN THE STATE FOR THE PURPOSE OF GOVERNING, SANCTIONING, OR OPERATING INTERSCHOLASTIC ATHLETIC PROGRAMS; AND TO PROVIDE PROVISIONS CONCERNING TRANSFER STUDENTS, HOME SCHOOL STUDENTS, PRIVATE SCHOOL STUDENTS, AND APPEALS, AMONG OTHER THINGS.

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

The Committee on Education proposed the following amendment (SEDU-4163.DB0002S), which was adopted:

Amend the bill, as and if amended, SECTION 2, by striking Section 59-9-110(1)(a), (b), (c), (d), (e), (f), and (g) and inserting:

(a) ~~one member from each classification selected by a vote of the respective schools, provided that the number of members selected from this item shall not number more than five, whose terms must be set by the body but may not exceed two years;~~one superintendent member or his designated district level administrator, one principal member who shall be a member of the South Carolina Association of School Administrators (SCASA) secondary affiliate and one athletic administrator who shall be a member of the South Carolina Athletic Administrators Association, from each classification selected by a vote of the respective schools;

(b) two members appointed by the Chair of the House Education and Public Works Committee, ~~who shall serve at the pleasure of the chair~~who are not employees of any high school league member school or its school district;

(c) two members appointed by the Chair of the Senate Education Committee, ~~who shall serve at the pleasure of the chair~~who are not employees of any high school league member school or its school district;

(d) ~~one member appointed by the State Superintendent of Education or his designee upon the recommendation of the South Carolina Association of School Administrators, or its successor, to serve at his pleasure and who shall chair the executive committee;~~

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~~(e) two members who are current athletic officials, one each appointed by the Speaker of the House and President of the Senate, for a term of two years~~one middle school representative, selected by a vote of the respective schools but must be a superintendent, principal or athletic director;

~~(f) one member appointed by the South Carolina Athletic Coaches Association or its successor organization, who shall serve a term of two years~~one representative from private member schools and one representative from charter member schools selected by a vote of the respective schools but must be a superintendent, principal or athletic director; and

~~(g) two members appointed by the Governor, one who must be a current principal upon the recommendation of the South Carolina Association of School Administrators or its successor organization and one upon the recommendation of the South Carolina Athletic Administrators Association or its successor organization, each of whom shall serve a term of two years~~the executive committee chairman shall be elected annually by the membership of the executive board. A chairman may not serve in this capacity more than two consecutive years.

~~(h) the elected members shall serve staggered terms with the odd-numbered classifications originally serving three-year terms and the even numbered classifications serving two-year terms. The remaining appointments shall serve three-year terms. A committee member shall not serve more than two consecutive three-year terms.~~

Amend the bill further, SECTION 2, by striking Section 59-9-110(2), (3), (4), (5), and (6) and inserting:

(2) A provision requiring that ~~the~~an interscholastic athletic association, body, or entity be subject to audits performed by the Legislative Audit Council. For the purpose of this item an interscholastic athletic association, body or entity is an "agency" for the purpose of Section 2-2-10(1).

(3) A provision requiring that the interscholastic athletic association, body, or entity shall submit its annual budget to the General Assembly and be subject to appearing before the House Ways and Means Committee and the Senate Finance Committee.

(4) A provision requiring that the interscholastic athletic association, body, or entity must be subject to legislative oversight as provided in Chapter 2, Title 2.

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(5) A provision requiring that the commissioner of the interscholastic athletic association, body, or entity shall file an annual Statement of Economic Interest with the South Carolina Ethics Commission.

(6) A provision requiring that any employment contract with the commissioner of the interscholastic athletic association, body, or entity may not:

(a) exceed three years; ~~or~~

(b) contain an automatic ~~rollover~~ renewal provision; ~~or~~

(c) be renewed yearly prior to the expiration of the current contract.

Amend the bill further, SECTION 2, by striking Section 59-9-110(7)(b) and inserting:

(b) considers factors such as seriousness, frequency, and other relevant factors when there is a violation of the constitution, bylaws, rules, or other governing provisions of the interscholastic athletic association, body, or entity.

Amend the bill further, SECTION 2, by striking Section 59-9-110(8)(a) and inserting:

(a) afford a private school or a charter school the same rights and privileges that are enjoyed by all other members of the interscholastic athletic association, body, or entity;

Amend the bill further, SECTION 2, by striking Section 59-9-110(8)(d) and (e) and inserting:

(d) require the establishment of reasonable standards for the admission of private schools and charter schools as members of the interscholastic athletic association, body, or entity; and

(e) require that when a private school or a charter school is denied membership in the interscholastic athletic association, body, or entity, the school must be provided the reason or reasons for the rejection of its application for membership in writing within five business days after the denial.

Amend the bill further, SECTION 2, by striking Section 59-9-110(9) and inserting:

(9) A provision that guarantees a South Carolina home school athletic team that is a member of a home school athletic association may not be denied access to preseason and regular season interscholastic athletics including, but not limited to, jamborees and invitational tournaments, based solely on its status as a home school athletic team; provided, however, all other rules or policies of the interscholastic athletic association, body, or entity must apply.

Amend the bill further, SECTION 2, by striking Section 59-9-110(12)(g)(ii) and inserting:

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(ii) class and enrollment requirements of the interscholastic athletic association, body or entity which administers the interscholastic sports;

Amend the bill further, SECTION 2, by striking Section 59-9-110(12)(h) and (i) and inserting:

(h) student and the student's parent or guardian agrees for the student to be subject to the code of conduct of the public school; ~~and~~

(i) student has not been expelled from the same public school during the same academic year; and

(j) the percentage of private school students on a public-school athletic team may not exceed ten percent.

Amend the bill further, SECTION 2, by striking Section 59-9-110(13) and inserting:

~~(13) A provision that allows the participation of private school students in interscholastic athletic programs supervised by the entity.~~

~~(14)~~(13) A provision that establishes uniform eligibility requirements for new students to participate in interscholastic athletics. These eligibility requirements may not be more restrictive in language or application than the rules or policies of the interscholastic athletic association, body, or entity that were in effect on January 1, 2020.

~~(15)~~(14) A provision that the interscholastic athletic association, body, or entity may not apply public school academic, athletic, or extracurricular policies or procedures to any private school that a student attends if the student also participates in a public high school league sport pursuant to the terms of this chapter, except for requirements related to maintaining a certain grade-point average and grade level for participating in and attending regularly scheduled practices of the sports team.

Amend the bill further, SECTION 2, by striking Section 59-9-110 and inserting:

~~(15)~~(14) A provision that the interscholastic athletic association, body, or entity may not apply public school academic, athletic, or extracurricular policies or procedures to any private school that a student attends if the student also participates in a public high school league sport pursuant to the terms of this chapter, except for requirements related to maintaining a certain grade-point average and grade level for participating in and attending regularly scheduled practices of the sports team.

~~(16)~~(15) A provision that the interscholastic athletic association, body, or entity shall establish a multiplier system for the purpose of classification that considers a school's geographic location, student

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population to include but not limited to out-of-attendance zone students, adequate number of roster players to safely field a team, and performance in each sport in which it participates. A school with a satellite or auxiliary campus must be counted as one school for the purpose of this item.

Amend the bill further, SECTION 2, by striking Section 59-9-120 and inserting:

Section 59-9-120. (A) Notwithstanding any athlete transfer rules and policies adopted by the interscholastic athletic association, body, or entity, a student who attends a school outside of his attendance zone may immediately participate in interscholastic competitions if the student is otherwise academically eligible and the following conditions are met:

(1) for students enrolled in middle school, the interscholastic athletic association shall allow a one-time transfer after eligibility is established in the seventh grade; and

(2) for students enrolled in high school, the interscholastic athletic association shall allow a one-time transfer after eligibility is established in the ninth grade.

(B) this section does not apply if the student transfers because of a bona fide residency change and a student may not participate in any interscholastic competitions or practices of a school until he is registered in the school.

Amend the bill further, SECTION 2, by striking Section 59-9-130(A) and inserting:

(A) The interscholastic athletic association, body, or entity shall establish an appeals process through which appeals of decisions by the interscholastic athletic association, body, or entity may be made to a disinterested third-party appellate panel. The panel must consist of seven members who serve four-year terms, with one person appointed by the delegation of each congressional district.

Amend the bill further, SECTION 2, by striking Section 59-9-130(B)(2) and (3) and inserting:

(2) Members of the appellate panel may not concurrently serve as officers of the interscholastic athletic association, body, or entity and may not have served as a member of the executive committee within the three-year period immediately preceding their appointment to the appellate panel.

(3) Principals and superintendents may appeal a ruling of the interscholastic athletic association, body, or entity to the panel. The appellate panel also must provide the final ruling in any appeal brought against a decision of the interscholastic athletic association, body, or entity.

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Amend the bill further, SECTION 2, by striking Section 59-9-130(C) and inserting:

(C) The interscholastic athletic association, body, or entity shall establish and ensure a procedure for emergency appeals to be held and decided upon in an expedited manner if the normal appellate process would prohibit the participation of a student, team, program, or school in an athletic event, to include competitions and practices.

Amend the bill further, SECTION 2, by deleting Section 59-9-140 from the bill.

Amend the bill further, by striking SECTION 3 and inserting:

SECTION X. Section 2-2-10(1) of the S.C. Code is amended to read:

(1) “Agency” means an authority, board, branch, commission, committee, department, division, or other instrumentality of the executive or judicial departments of state government, including administrative bodies. “Agency” includes a body corporate and politic established as an instrumentality of the State. “Agency” may include other such entities as prescribed by law. “Agency” does not include:

- (a) the legislative department of state government; or
- (b) a political subdivision.

SECTION X. Section 2-15-50 of the S.C. Code is amended to read:

Section 2-15-50. For the purpose of this chapter “state agencies” means all officers, departments, boards, commissions, institutions, universities, colleges, bodies politic and corporate of the State and any other person ~~or~~ any other administrative unit of state government or corporate outgrowth of state government or any interscholastic athletic association, body or entity as prescribed by law, expending or encumbering state funds by virtue of an appropriation from the General Assembly, or handling money on behalf of the State, or holding any trust funds from any source derived, but does not mean or include counties.

For the purposes of this chapter, “audit” means a full-scope examination of and investigation into all state agency matters necessary to make a determination of:

(a)(1) whether the entity is acquiring, protecting, and using its resources, such as personnel, property, and space, economically and efficiently;

(2) the causes of inefficiencies or uneconomical practices; and

(3) whether the entity has complied with laws and regulations concerning matters of economy and efficiency; and

(b)(1) the extent to which the desired results or benefits established by the General Assembly or other authorizing body are achieved;

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(2) the effectiveness of organizations, programs, activities, or functions and whether these organizations, programs, activities, or functions should be continued, revised, or eliminated; and

(3) whether the entity has complied with laws and regulations applicable to the program.

Re-number sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

Ayes 28; Nays 12

AYES

| | | |
|---------|-------------|----------|
| Adams | Alexander | Bennett |
| Bright | Campsen | Cash |
| Chaplin | Climer | Corbin |
| Cromer | Elliott | Gambrell |
| Garrett | Goldfinch | Grooms |
| Hembree | Jackson | Johnson |
| Kennedy | Martin | Peeler |
| Rankin | Reichenbach | Rice |
| Turner | Verdin | Williams |
| Young | | |

Total--28

NAYS

| | | |
|----------|----------|-----------|
| Allen | Blackmon | Fernandez |
| Graham | Hutto | Massey |
| Matthews | Ott | Sabb |
| Stubbs | Tedder | Zell |

Total--12

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

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RULE 32B

Senator MASSEY, Chairman of the Committee on Rules, under the provisions of Rule 32B and with a majority vote of the Committee on Rules, called H. 3021 from the Contested Calendar.

Poll of the Rules Committee for Rule 32B on H. 3021

Polled 14; Ayes 14; Nays 0; Not Voting 3

AYES

| | | |
|---------|-----------|----------|
| Massey | Cromer | Martin |
| Campsen | Corbin | Sabb |
| Hembree | Goldfinch | Johnson |
| Allen | Cash | Blackmon |
| Elliott | Walker | |

Total--14

NOT VOTING

| | | |
|--------|---------|-----|
| Grooms | Kennedy | Ott |
|--------|---------|-----|

Total--3

The motion under Rule 32B was adopted.

THE SENATE PROCEEDED TO A CALL OF THE CONTESTED STATEWIDE CALENDAR.

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

H. 3021 -- Reps. Bradley, G.M. Smith, Herbkersman, Lawson, B. Newton, Wooten, C. Mitchell, Pope, Guffey, Neese, Martin, Chapman, Pedalino, McCravy, Chumley, W. Newton, Taylor, Hewitt, Schuessler, Davis, M.M. Smith, Long, Sanders, Teeple, Gagnon, Hixon, Erickson, Hager, Ballentine, Calhoon, Holman, Moss, Burns, Gilreath, Gilliam, Rankin, Vaughan, B.L. Cox, Ligon, Oremus, Hartz, Guest, Crawford, Robbins, Forrest, Magnuson, Willis, Brewer, Gibson and Hiott: A BILL TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ENACTING THE "SMALL BUSINESS REGULATORY FREEDOM ACT" BY ADDING SECTION 1-23-285 SO AS TO PROVIDE THE SMALL BUSINESS REGULATORY REVIEW COMMITTEE SHALL CONDUCT AN INITIAL REVIEW OF REGULATIONS

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PENDING REAUTHORIZATION AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR RETAINING OR REMOVING REGULATIONS, TO PROVIDE IT IS THE DUTY OF THE COMMITTEE WHEN REVIEWING REGULATIONS TO REDUCE THE OVERALL REGULATORY BURDEN ON BUSINESSES BY REDUCING THE NUMBER OF REGULATORY REQUIREMENTS BY TWENTY-FIVE PERCENT, AND TO PROVIDE THE COMMITTEE MAY REQUEST ANY NECESSARY INFORMATION FROM STATE AGENCIES AND TO REQUIRE THE COMPLIANCE OF AGENCIES WITH THESE REQUESTS, AMONG OTHER THINGS; BY AMENDING SECTION 1-23-110, RELATING TO THE PROCESS FOR PROMULGATING REGULATIONS UNDER THE ADMINISTRATIVE PROCEDURES ACT SO AS TO PROVIDE AGENCIES MAY NOT PROMULGATE REGULATIONS ABSENT EXPRESS STATUTORY AUTHORITY AND CITATION TO THE SPECIFIC STATUTORY AUTHORITY, TO PROVIDE FOR EVERY REGULATION AN AGENCY PROPOSES, IT MUST IDENTIFY AND PROPOSE TWO OF ITS REGULATIONS TO REMOVE, TO PROVIDE PERSONS AGGRIEVED BY A REGULATION MAY CHALLENGE THE VALIDITY OF THE REGULATION IN A COURT OF COMPETENT JURISDICTION, AND TO PROVIDE COURTS MAY DECLARE REGULATIONS INVALID UPON FINDING AN ABSENCE OF EXPRESS STATUTORY AUTHORITY TO PROMULGATE; BY AMENDING SECTION 1-23-115, RELATING TO ASSESSMENT REPORTS FOR REGULATIONS SUBMITTED FOR PROMULGATION, SO AS TO PROVIDE ALL REGULATIONS SUBMITTED FOR PROMULGATION MUST INCLUDE ASSESSMENT REPORTS, TO ALLOW LONGER REVIEW PERIODS IN CERTAIN CIRCUMSTANCES, TO PROVIDE DISCOUNT RATES MUST BE JUSTIFIED IF APPLIED IN AN ANALYSIS REPORT, TO PROVIDE PROMULGATING AGENCIES MUST CONDUCT RETROSPECTIVE ASSESSMENT REPORTS IN CERTAIN CIRCUMSTANCES, TO PROVIDE ASSESSMENT CONTENTS MUST BE MADE PUBLICLY AVAILABLE IN A CERTAIN MANNER, TO PROVIDE CERTAIN STANDARDIZED ANALYTIC METHODS AND METRICS MUST BE APPLIED TO ALL REGULATIONS, TO REQUIRE RETROSPECTIVE ASSESSMENT REPORTS BE CONDUCTED WHEN REGULATIONS ARE REVIEWED FOR RENEWAL, AMONG OTHER THINGS; BY AMENDING SECTION 1-23-120, RELATING

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TO DOCUMENTS REQUIRED TO BE FILED TO INITIATE THE REVIEW PROCESS FOR A REGULATION, SO AS TO REQUIRE THE DOCUMENTS INCLUDE AN AUTOMATIC EXPIRATION DATE, AND TO PROVIDE FOR THE AUTOMATIC EXPIRATION AND PERIODIC REVIEW OF REGULATIONS; AND BY AMENDING SECTION 1-23-380, RELATING TO JUDICIAL REVIEW UPON EXHAUSTION OF ADMINISTRATIVE REMEDIES, SO AS TO PROVIDE REQUIREMENTS FOR JUDICIAL REVIEW OF AGENCY INTERPRETATIONS OF REGULATIONS.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (SJ-3021.PB0010S), which was adopted:

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

SECTION 1. This act may be cited as the “Small Business Regulatory Freedom Act”.

SECTION 2. Section 1-23-115(B) of the S.C. Code is amended to read:

(B)(1) A state agency must submit to the Office of Research and Statistics of Revenue and Fiscal Affairs Office, a preliminary assessment report on regulations which have a substantial economic impact. Upon receiving this report the office may require additional information from the promulgating agency, other state agencies, or other sources. A state agency shall cooperate and provide information to the office on requests made pursuant to this section. The office shall prepare and publish a final assessment report within sixty days after the public hearing held pursuant to Section 1-23-110. The office shall forward the final assessment report and a summary of the final report to the promulgating agency and the Code Commissioner.

(2) In addition to the requirements of item (1), if the final assessment report indicates that the regulation’s economic impact is estimated to equal or exceed ten million dollars over five years, then the Senate and the House of Representatives are required to approve the regulation by a joint resolution.

SECTION 3. Section 1-23-120(J) of the S.C. Code is amended to read:

(J) Each state agency, which promulgates regulations or to which the responsibility for administering regulations has been transferred, shall by July 1, ~~1997~~2027, and every five to eight years thereafter, based on a

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schedule established by the Legislative Audit Council, conduct a formal review of all regulations which it has promulgated or for which it has been transferred the responsibility of administering, except that those regulations described in subsection (H) are not subject to this review. Upon completion of the review, the agency shall submit to the Code Commissioner and the Director of the Legislative Audit Council a report which identifies those regulations:

(1) for which the agency intends to begin the process of repeal in accordance with this article;

(2) for which the agency intends to begin the process of amendment in accordance with this article; and

(3) which do not require repeal or amendment.

Nothing in this subsection may be construed to prevent an agency from repealing or amending a regulation in accordance with this article before or after it is identified in the report to the Code Commissioner and the Director of the Legislative Audit Council.

SECTION 4. Section 1-23-270(F) of the S.C. Code is amended to read:

(F)(1) Each state agency, which promulgates regulations or to which the responsibility for administering regulations has been transferred, shall by July 1, ~~1997~~2027, and every five to eight years thereafter, based on a schedule established by the Legislative Audit Council, conduct a formal review of all regulations which it has promulgated or for which it has been transferred the responsibility of administering, except that those regulations described in Section 1-23-120(H) are not subject to this review. Upon completion of the review, the agency shall submit to the Code Commissioner and the Director of the Legislative Audit Council a report which identifies those regulations:

(a) for which the agency intends to begin the process of repeal in accordance with this article;

(b) for which the agency intends to begin the process of amendment in accordance with this article; and

(c) which do not require repeal or amendment.

Nothing in this subsection may be construed to prevent an agency from repealing or amending a regulation in accordance with Article 1 before or after it is identified in the report to the Code Commissioner.

(2) Regulations ~~that take effect on or after the effective date of this article must be reviewed within five years of the publication of the final regulation in the State Register and every five to eight years after that,~~ based on a schedule established by the Legislative Audit Council, to

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ensure that they minimize economic impact on small businesses in a manner consistent with the stated objectives of applicable statutes.

(3) In reviewing regulations to minimize their economic impact on small businesses, the agency shall consider the:

- (a) continued need for the regulation;
- (b) nature of complaints or comments received concerning the regulation from the public;
- (c) complexity of the regulation;
- (d) extent to which the regulation overlaps, duplicates, or conflicts with other federal, state, and local governmental regulations; and
- (e) length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

SECTION 5. Section 1-23-380(5) of the S.C. Code is amended to read:

(5)(a) The court may not substitute its judgment for the judgment of the agency as to the weight of the evidence on questions of fact. The court may affirm the decision of the agency or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- ~~__ (a)(i)~~ in violation of constitutional or statutory provisions;
- ~~__ (b)(ii)~~ in excess of the statutory authority of the agency;
- ~~__ (c)(iii)~~ made upon unlawful procedure;
- ~~__ (d)(iv)~~ affected by other error of law;
- ~~__ (e)(v)~~ clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
- ~~__ (f)(vi)~~ arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(b) In interpreting a statute or regulation, the court shall not defer to the agency's interpretation of the statute or regulation and instead shall interpret the statute or regulation de novo. After applying all customary tools of interpretation, the court shall resolve any remaining ambiguity against increased agency authority.

SECTION 6. Section 1-23-610 of the S.C. Code is amended to read:

Section 1-23-610. (A)(1) For judicial review of a final decision of an administrative law judge, a notice of appeal by an aggrieved party must be served and filed with the court of appeals as provided in the South Carolina Appellate Court Rules in civil cases and served on the opposing party and the Administrative Law Court not more than thirty days after

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the party receives the final decision and order of the administrative law judge. Appeal in these matters is by right.

(2) Except as otherwise provided in this chapter, the serving and filing of the notice of appeal does not itself stay enforcement of the administrative law judge's decision. The serving and filing of a notice of appeal by a licensee for review of a fine or penalty or of its license stays only those provisions for which review is sought and matters not affected by the notice of appeal are not stayed. The serving or filing of a notice of appeal does not automatically stay the suspension or revocation of a permit or license authorizing the sale of beer, wine, or alcoholic liquor. Upon motion, the administrative law judge may grant, or the court of appeals may order, a stay upon appropriate terms.

(B) The review of the administrative law judge's order must be confined to the record. The court may not substitute its judgment for the judgment of the administrative law judge as to the weight of the evidence on questions of fact. The court of appeals may affirm the decision or remand the case for further proceedings; or, it may reverse or modify the decision if the substantive rights of the petitioner have been prejudiced because the finding, conclusion, or decision is:

~~(a)~~(1) in violation of constitutional or statutory provisions;

~~(b)~~(2) in excess of the statutory authority of the agency;

~~(c)~~(3) made upon unlawful procedure;

~~(d)~~(4) affected by other error of law;

~~(e)~~(5) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

~~(f)~~(6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(C) In interpreting a statute or regulation, the court shall not defer to the agency's interpretation of the statute or regulation and instead shall interpret the statute or regulation de novo. After applying all customary tools of interpretation, the court shall resolve any remaining ambiguity against increased agency authority.

SECTION 7. Chapter 23, Title 1 of the S.C. Code is amended by adding:

Article 4

Regulatory Review by Legislative Audit Council

Section 1-23-800. (A) Beginning July 1, 2027, the Legislative Audit Council shall schedule state agencies as defined in Section 2-15-50 so that all state agencies' regulations are formally reviewed at least once every five to eight years.

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(B) Based on the schedule it establishes, the Legislative Audit Council shall conduct a formal review of all regulations promulgated by state agencies as defined in Section 2-15-50. The review shall determine:

(1) if the regulations are within the scope of the statutory authority for their promulgation; and

(2) if the regulations continue to operate under their statutory authority or are obsolete.

(C) After receiving the reports required by Sections 1-23-120(J) and 1-23-270(F) and any reports and recommendations from the Small Business Regulatory Review Committee, the Legislative Audit Council may request from the agencies any other information needed to complete its formal reviews.

(D)(1) By January 1 each year, beginning January 1, 2028, the Legislative Audit Council shall deliver a report of its findings and recommendations from the agencies' formal reviews to the standing committees of the Senate and House of Representatives that have jurisdiction over each agency's statutory authority.

(2) In determining the order in which agencies' formal reviews are conducted, the Legislative Audit Council may consult with the President of the Senate, the Speaker of the House of Representatives, the Legislative Oversight Committees in the Senate and House of Representatives, and the chairmen of standing committees in the Senate and House of Representatives.

(E) Included in the Legislative Audit Council's formal review report, each agency shall submit a plan for each regulation it intends to amend or repeal and the timeline for taking action on the regulations.

Section 1-23-810. (A) If an agency fails to complete the formal review in accordance with the Legislative Audit Council's schedule, within thirty days of the missed deadline, the Legislative Audit Council must notify the agency of noncompliance.

(B) Within thirty days of receipt, the agency must submit a written certification of noncompliance to the President of the Senate and the Speaker of the House of Representatives. The certification must identify the specific regulations not yet reviewed, the reasons for noncompliance, and a remedial schedule for completing the review.

(C) Failure to complete the formal review within ninety days of the missed deadline for compliance results in the agency being prohibited to file any proposed new regulations except for emergency regulations or regulations to comply with federal law. The prohibition remains in effect until the formal review is completed.

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(D) Upon a finding of good cause shown by the agency, the General Assembly by concurrent resolution may waive the prohibition in subsection (C). Any waiver granted under this subsection must specify its duration and not exceed one hundred eighty days.

SECTION 8. Section 2-15-40 of the S.C. Code is amended to read:

Section 2-15-40. The Council shall be in charge of a ~~Director~~director who shall be elected by a majority vote of the Council and ~~he~~ shall hold office for a term of four years and until ~~his~~a successor shall have been elected and qualifies. The ~~Director~~director shall be chosen solely on the grounds of fitness to perform the duties assigned ~~to him~~ and shall possess the following minimum qualifications: (a) a Baccalaureate Degree from an accredited college or university; (b) at least five years of experience in public, industrial, or governmental accounting, or auditing with at least three years in a responsible managerial capacity. No member of the General Assembly nor anyone who shall have been a member for two years previously shall be appointed as ~~Director~~director. The ~~Director~~director shall act as ~~Secretary~~secretary for the Council and ~~he~~ shall have authority to employ, with the approval of the Council, such technical, clerical, and ~~stenographic assistance~~audit staff as may be necessary to carry out the duties of the office; provided, however, that at least one staff member shall be qualified to audit or to supervise the audit of State programs and activities in order to determine if funds have been used in a faithful, effective, economical and efficient manner.

SECTION 9. Section 2-15-60 of the S.C. Code is amended to read:

Section 2-15-60. It is the duty of the council:

(a) To respond to any request concerning a programmatic or fiscal matter or information related to the purposes set forth in Section 2-15-50 which may be referred to it by the General Assembly or any of its members or committees.

(b) To conduct audits, if authorized by the council, upon request of the General Assembly or either of its respective bodies, a standing committee, the Speaker of the House, the President of the Senate, or not less than five members of the General Assembly, and to submit a report containing its findings and recommendations to the requesting entity or persons and to any member of the General Assembly who may request a copy.

(c) To assist the General Assembly in the performance of its official functions by providing its members and committees with impartial and accurate information and reports concerning the efficiency, programmatic, or fiscal ~~problems~~matters presented to them as members of the General Assembly.

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(d) To establish a system of post audits for all fiscal matters and financial transactions for all state agencies of the state government.

(e) To establish a regular schedule to formally review all agency regulations every five to eight years as provided in Article 4, of Chapter 23 in Title 1. Nothing in this subsection limits, abridges, or otherwise affects the provisions of this section or this chapter.

SECTION 10. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the amendment.

The amendment was adopted.

Senator VERDIN proposed the following amendment (SR-3021.KM0001S), which was withdrawn:

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

SECTION X. Section 1-23-110(C)(1) of the S.C. Code is amended to read:

(C)(1) The agency shall consider fully all written and oral submissions respecting the proposed regulation. All of the written submissions, and transcripts or recordings of oral submissions, must be provided to the Small Business Regulatory Review Committee.

SECTION X. Chapter 23, Title 1 of the S.C. Code is amended by adding:

Section 1-23-125. An agency may not promulgate regulations pursuant to this chapter that are a verbatim recitation, in whole or in part, of a statute in the S.C. Code of Laws.

SECTION X. Section 1-23-280 (B) and (C) of the S.C. Code is amended to read:

(B) The committee shall consist of eleven members, at least one of which must be engaged in agribusiness, appointed as follows:

(1) five members to be appointed by the Governor;

(2) three members to be appointed by the President of the Senate;

and

(3) three members to be appointed by the Speaker of the House of Representatives.

(C) In addition, the Chairman of the Senate Labor, Commerce and Industry Committee of the South Carolina Senate, the Chairman of Senate Agriculture and Natural Resources Committee, the Chairman of

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the House of Representatives Agriculture, Natural Resources, and Environmental Affairs Committee, and the Chairman of the House of Representatives Labor, Commerce and Industry Committee of the South Carolina House of Representatives, or their designees, shall serve as nonvoting, ex officio members of the committee. During the committee review process, the director or his designee, of the promulgating agency shall be available at the request of the committee for comment on the proposed regulation.

SECTION X. Any current regulations in the South Carolina Code of State Regulations that are comprised of verbatim statutory text, in whole or in part, in violation of the provisions contained in Section 1-23-25, as added by this act, are repealed on the effective date of this act.

Re-number sections to conform.

Amend title to conform.

On motion of Senator VERDIN, with unanimous consent, the amendment was withdrawn.

Senator HUTTO proposed the following amendment (SMIN-3021.MW0006S), which was adopted:

Amend the bill, as and if amended, SECTION 5, by striking Section 1-23-380(5)(b) and inserting:

(b) In interpreting a statute or regulation, the court shall not defer to the agency's interpretation of the statute or regulation and instead shall interpret the statute or regulation de novo. After applying all customary tools of interpretation, the court shall resolve any remaining ambiguity against increased agency authority.

Amend the bill further, SECTION 6, by striking Section 1-23-610(C) and inserting:

(C) In interpreting a statute or regulation, the court shall not defer to the agency's interpretation of the statute or regulation and instead shall interpret the statute or regulation de novo. After applying all customary tools of interpretation, the court shall resolve any remaining ambiguity against increased agency authority.

Re-number sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

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Senator CAMPSSEN proposed the following amendment (SFGF-3021.BC0014S), which was adopted:

Amend the bill, as and if amended, SECTION 3, by striking Section 1-23-120(J) and inserting:

~~(J) Each state agency, which promulgates regulations or to which the responsibility for administering regulations has been transferred, shall by July 1, 1997/2027, and every five to eight years thereafter, based on a schedule established by the Legislative Audit Council, conduct a formal review of all regulations which it has promulgated or for which it has been transferred the responsibility of administering, except that those regulations described in subsection (H) are not subject to this review. Upon completion of the review, the agency shall submit to the Code Commissioner and the Director of the Legislative Audit Council a report which identifies those regulations:~~

~~— (1) for which the agency intends to begin the process of repeal in accordance with this article;~~

~~— (2) for which the agency intends to begin the process of amendment in accordance with this article; and~~

~~— (3) which do not require repeal or amendment.~~

~~— Nothing in this subsection may be construed to prevent an agency from repealing or amending a regulation in accordance with this article before or after it is identified in the report to the Code Commissioner and the Director of the Legislative Audit Council.~~

Amend the bill further, SECTION 4, by striking Section 1-23-270(F) and inserting:

~~(F)(1) Each state agency, which promulgates regulations or to which the responsibility for administering regulations has been transferred, shall by July 1, 1997/2027, and every five to eight years thereafter, based on a schedule established by the Legislative Audit Council, conduct a formal review of all regulations which it has promulgated or for which it has been transferred the responsibility of administering, except that those regulations described in Section 1-23-120(H) are not subject to this review. Upon completion of the review, the agency shall submit to the Code Commissioner and the Director of the Legislative Audit Council a report which identifies those regulations:~~

~~— (a) for which the agency intends to begin the process of repeal in accordance with this article;~~

~~— (b) for which the agency intends to begin the process of amendment in accordance with this article; and~~

~~— (c) which do not require repeal or amendment.~~

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~~Nothing in this subsection may be construed to prevent an agency from repealing or amending a regulation in accordance with Article 1 before or after it is identified in the report to the Code Commissioner.~~

~~(2) Regulations that take effect on or after the effective date of this article must be reviewed within five years of the publication of the final regulation in the State Register and every five to eight years after that, based on a schedule established by the Legislative Audit Council, to ensure that they minimize economic impact on small businesses in a manner consistent with the stated objectives of applicable statutes.~~

~~(3) In reviewing regulations to minimize their economic impact on small businesses, the agency shall consider the:~~

~~(a) continued need for the regulation;~~

~~(b) nature of complaints or comments received concerning the regulation from the public;~~

~~(c) complexity of the regulation;~~

~~(d) extent to which the regulation overlaps, duplicates, or conflicts with other federal, state, and local governmental regulations; and~~

~~(e) length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.~~

Amend the bill further, SECTION 7, by striking Section 1-23-800(A) and inserting:

(A) Beginning July 1, 2027, the Legislative Audit Council shall schedule state agencies as defined in Section 2-15-50 so that all state agencies' regulations are formally reviewed at least once every five to eight years, provided if an agency's regulations exceed one hundred pages in the Code of State Regulations, then the Legislative Audit Council may divide the agency's regulations into one or more subject matters for review every five to eight years. In determining the order in which agencies' formal reviews are conducted, the Legislative Audit Council may consult with the President of the Senate, the Speaker of the House of Representatives, the Legislative Oversight Committees in the Senate and House of Representatives, and the chairmen of standing committees in the Senate and House of Representatives.

Amend the bill further, SECTION 7, by striking Section 1-23-800(C), (D), and (E) and inserting:

~~(C) After receiving the reports required by Sections 1-23-120(J) and 1-23-270(F) and any reports and recommendations from the Small Business Regulatory Review Committee, the Legislative Audit Council~~

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may request from the agencies any other information needed to complete its formal reviews.

~~(D)(C)(1)~~ By January 1 each year, beginning January 1, 2028, the Legislative Audit Council shall deliver a report ~~of its findings and recommendations from the agencies' formal reviews~~ to the standing committees of the Senate and House of Representatives that have jurisdiction over each agency's statutory authority that must include:

(1) the scope of review;

(2) the regulations determined by the Legislative Audit Council to be obsolete or outside the scope of enabling statutory authority; and

(3) the regulations that the applicable agency intends to begin the process of repeal or amendment in accordance with Chapter 23 of Title 1.

~~—(2) In determining the order in which agencies' formal reviews are conducted, the Legislative Audit Council may consult with the President of the Senate, the Speaker of the House of Representatives, the Legislative Oversight Committees in the Senate and House of Representatives, and the chairmen of standing committees in the Senate and House of Representatives.~~

~~—(E) Included in the Legislative Audit Council's formal review report, each agency shall submit a plan for each regulation it intends to amend or repeal and the timeline for taking action on the regulations.~~

Amend the bill further, by deleting SECTION 8 from the bill.

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

SECTION X. Section 1-23-110(C) of the S.C. Code is amended to read:

(C)(1) The agency shall consider fully all written and oral submissions respecting the proposed regulation. All of the written submissions, and transcripts or recordings or oral submissions, must be provided to the Small Business Regulatory Review Committee.

(2) Following the public hearing and consideration of all submissions, an agency must not submit a regulation to the General Assembly for review if the regulation contains a substantive change in the content of regulation as proposed pursuant to subsection (A)(3) and the substantive change was not raised, considered, or discussed by public comment received pursuant to this section. The agency shall refile such a regulation for publication in the State Register as a proposed regulation pursuant to subsection (A)(3).

SECTION X. Section 1-23-280 (B), (C), and (D) of the S.C. Code is amended to read:

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(B) The committee shall consist of eleven members, appointed as follows:

- (1) five members to be appointed by the Governor;
- (2) three members to be appointed by the President of the Senate;

and

(3) three members to be appointed by the Speaker of the House of Representatives.

(C) In addition, the Chairman of the Senate Labor, Commerce and Industry Committee ~~of the South Carolina Senate~~, the Chairman of Senate Agriculture and Natural Resources Committee, the Chairman of the House of Representatives Agriculture, Natural Resources, and Environmental Affairs Committee, and the Chairman of the House of Representatives Labor, Commerce and Industry Committee ~~of the South Carolina House of Representatives~~, or their designees, shall serve as nonvoting, ex officio members of the committee. During the committee review process, the director or his designee, of the promulgating agency shall be available at the request of the committee for comment on the proposed regulation.

(D) Appointments to the committee must be representative of a variety of small businesses in this State, at least one of which must be engaged in agribusiness. All appointed members shall be either current or former owners or officers of a small business.

Renumber sections to conform.

Amend title to conform.

Senator CAMPSSEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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

Ayes 40; Nays 0

AYES

| | | |
|-----------|-----------|---------|
| Adams | Alexander | Allen |
| Bennett | Blackmon | Bright |
| Campsen | Cash | Chaplin |
| Climer | Corbin | Cromer |
| Elliott | Gambrell | Garrett |
| Goldfinch | Graham | Grooms |

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| | | |
|---------|----------|-------------|
| Hembree | Hutto | Jackson |
| Johnson | Kennedy | Martin |
| Massey | Matthews | Ott |
| Peeler | Rankin | Reichenbach |
| Rice | Sabb | Stubbs |
| Sutton | Tedder | Turner |
| Verdin | Williams | Young |
| Zell | | |

Total--40

NAYS

Total--0

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

LOCAL APPOINTMENTS

Confirmations

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Dorchester County Magistrate, with the term to commence April 30, 2023, and to expire April 30, 2027

Dorchester County:

William H. Waring, III, Esquire, 203 Bellerive Lane, Summerville, SC 29483 *VICE* Tara L. Frost

Reappointment, Greenville County Magistrate, with the term to commence April 30, 2026, and to expire April 30, 2030

Greenville County:

Hon. Dean E. Ford, 445 East Curtis Street, Simpsonville, SC 29681

Reappointment, York County Natural Gas Authority, with the term to commence March 1, 2026, and to expire March 1, 2029

Fort Mill:

Robert Marcus Howie, 112 Hallett Street, Fort Mill, SC 29715

Motion Adopted

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

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MOTION ADOPTED

On motion of Senators HUTTO and ALLEN, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Harry A. Chapman, Jr. of Greenville, S.C. Harry was a graduate of the University of South Carolina and its law school. He was a member of the South Carolina Bar, the South Carolina Trial Lawyers Association and the Greenville County Bar Association where he served as President. Harry practiced law for over fifty years. He served in the South Carolina House of Representatives for four years and in the South Carolina Senate for eighteen years. Harry received numerous awards over the years including the Order of the Palmetto. Harry was a member of the Board of Trustees for the University of South Carolina and the Medical University of South Carolina, served of the Board of Directors of the South Carolina Ports Authority and was a member of the Greenville Hospital System Board of Trustees. Harry was a loving husband, devoted father and doting grandfather who will be dearly missed.

and

MOTION ADOPTED

On motion of Senator BENNETT, with unanimous consent, the Senate stood adjourned out of respect to the memory of Major Ernest Moultrie of Summerville, S.C. Major Moultrie was a respected law enforcement officer and dedicated public servant who served the citizens of Dorchester County with honor and distinction. Major Moultrie leaves behind a legacy of integrity, service and commitment and will be dearly missed.

ADJOURNMENT

At 5:42 P.M., on motion of Senator MASSEY, the Senate adjourned to meet tomorrow at 11:00 A.M.

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