

Session 116 - (2005-2006)

S*0001 (Rat #0159, Act #0147 of 2005) General Bill, By Ryberg, Hutto, Lourie, Drummond, Land, Moore, Matthews, McGill, O'Dell, Reese, Hayes, Gregory, Jackson, Martin, Rankin, Short, Richardson, Ritchie, Cromer, J.V. Smith, Leatherman, Fair and Patterson

Summary: Child restraint requirements

AN ACT TO AMEND SECTION 56-5-6450, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CHILD PASSENGER RESTRAINT SYSTEM REQUIREMENTS, SO AS TO PROVIDE THAT A FINE FOR A VIOLATION OF THE LAW MUST NOT BE WAIVED AND TO PROVIDE THAT COURT COSTS, ASSESSMENTS, OR SURCHARGES MAY NOT BE ASSESSED AGAINST A PERSON WHO VIOLATES A PROVISION RELATING TO THE USE OF A CHILD PASSENGER RESTRAINT SYSTEM; TO AMEND SECTION 56-5-6525, RELATING TO LIMITS ON THE USE OF CHECKPOINTS OR ROADBLOCKS TO ENFORCE THE STATE'S MANDATORY USE OF SAFETY BELT PROVISIONS, SO AS TO PROVIDE THAT A PERSON MUST NOT BE ISSUED A CITATION AT ANY CHECKPOINT ESTABLISHED TO STOP ALL DRIVERS ON A ROAD FOR A PERIOD OF TIME FOR REMOVING THEIR SAFETY BELTS IN ORDER TO RETRIEVE DOCUMENTATION THAT MUST BE PRODUCED AT THE CHECKPOINT; TO AMEND SECTION 56-5-6530, AS AMENDED, RELATING TO EXCEPTIONS TO THE MANDATORY USE OF SAFETY BELTS AND CHILD RESTRAINT SYSTEM REQUIREMENTS, SO AS TO PROVIDE THAT A DRIVER OR OCCUPANT FREQUENTLY STOPPING OR LEAVING A MOTOR VEHICLE FOR PICK UP OR DELIVERY PURPOSES, OCCUPANTS OF THE BACK SEAT OF A MOTOR VEHICLE, AND CERTAIN CHILDREN UNDER SIX YEARS OF AGE ARE NOT EXEMPT FROM THE SAFETY BELT REQUIREMENT; TO AMEND SECTION 56-5-6540, AS AMENDED, RELATING TO PENALTIES FOR VIOLATIONS OF THE SAFETY BELT LAW AND CHILD RESTRAINT SYSTEM REQUIREMENTS, SO AS TO PROVIDE THAT A VIOLATION OF THE PROVISIONS RELATING TO SAFETY BELT USE MUST BE REPORTED TO THE OFFENDER'S MOTOR VEHICLE INSURER, TO PROVIDE THAT A VEHICLE, DRIVER, OR OCCUPANT IN A VEHICLE MUST NOT BE SEARCHED PURSUANT TO THIS PROVISION, TO PROVIDE THAT A LAW ENFORCEMENT OFFICER MUST NOT ISSUE A CITATION TO A DRIVER OR PASSENGER UNDER CERTAIN CIRCUMSTANCES, TO PROVIDE FOR THE PRIMARY ENFORCEMENT OF THE PROVISIONS THAT REQUIRE THE DRIVER AND PASSENGERS OF A MOTOR VEHICLE TO BE RESTRAINED BY A SAFETY BELT, TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION, AND TO PROVIDE FOR JUDICIAL REVIEW OF A DECISION RENDERED PURSUANT TO THIS SECTION; TO ADD SECTION 56-5-6560 SO AS TO PROVIDE THAT ANYTIME A MOTOR VEHICLE IS STOPPED BY A LAW ENFORCEMENT OFFICER WITHOUT A CITATION BEING ISSUED OR AN ARREST BEING MADE, THE OFFICER WHO INITIATED THE STOP MUST COMPLETE A DATA COLLECTION FORM THAT CONTAINS CERTAIN INFORMATION THAT MUST BE PLACED IN A DEPARTMENT OF PUBLIC SAFETY DATABASE, TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL HAVE THE AUTHORITY TO WITHHOLD CERTAIN FUNDS FROM A LAW ENFORCEMENT AGENCY THAT FAILS TO COMPLY WITH THIS SECTION, AND TO PROVIDE FOR THE REVIEW OF THE PROVISIONS CONTAINED IN THIS SECTION BY CERTAIN COMMITTEES OF THE GENERAL ASSEMBLY; TO ADD SECTION 56-5-6565 SO AS TO PROVIDE THAT THE DEPARTMENT OF PUBLIC SAFETY SHALL DEVELOP AND IMPLEMENT EDUCATION PROGRAMS DESIGNED TO CREATE AWARENESS OF THE STATE'S SAFETY BELT LAWS AND TO INCREASE SAFETY BELT USE; AND TO REPEAL SECTION 56-5-6430, RELATING TO EXEMPTING CERTAIN MOTOR VEHICLE PASSENGERS FROM WEARING A VEHICLE RESTRAINT DEVICE. - ratified title

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| 12/08/04 | Senate | Prefiled |
| 12/08/04 | Senate | Referred to Committee on Transportation |
| 01/11/05 | Senate | Introduced and read first time SJ-76 |
| 01/11/05 | Senate | Referred to Committee on Transportation SJ-76 |
| 01/19/05 | Senate | Committee report: Majority favorable with amend., minority unfavorable Transportation SJ-13 |
| 01/20/05 | | Scrivener's error corrected |
| 01/25/05 | Senate | Amended SJ-21 |
| 01/25/05 | Senate | Debate interrupted SJ-21 |
| 01/26/05 | | Scrivener's error corrected |
| 01/26/05 | Senate | Debate interrupted SJ-34 |
| 01/27/05 | Senate | Amended SJ-30 |
| 01/27/05 | Senate | Read second time SJ-30 |
| 02/01/05 | | Scrivener's error corrected |
| 02/01/05 | Senate | Debate interrupted SJ-18 |
| 02/02/05 | Senate | Read third time and sent to House SJ-30 |

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| 02/03/05 | House | Introduced and read first time HJ-20 |
| 02/03/05 | House | Referred to Committee on Education and Public Works HJ-20 |
| 02/23/05 | House | Committee report: Favorable with amendment Education and Public Works HJ-5 |
| 03/01/05 | House | Requests for debate-Rep(s). Thompson, Rice, Talley, JE Brown, Vick, Hosey, Merrill, Owens, GR Smith, Davenport, Moody-Lawrence, Kirsh, Bailey, R Brown, and Vaughn HJ-30 |
| 03/02/05 | House | Amended HJ-55 |
| 03/02/05 | House | Debate interrupted HJ-77 |
| 03/03/05 | House | Recommitted to Committee on Education and Public Works HJ-54 |
| 05/04/05 | House | Committee report: Favorable with amendment Education and Public Works HJ-175 |
| 05/12/05 | House | Debate adjourned until Tuesday, May 17, 2005 HJ-64 |
| 05/18/05 | House | Amended HJ-87 |
| 05/18/05 | House | Read second time HJ-117 |
| 05/18/05 | House | Roll call Yeas-81 Nays-34 HJ-118 |
| 05/19/05 | House | Read third time and returned to Senate with amendments HJ-58 |
| 05/20/05 | | Scrivener's error corrected |
| 05/26/05 | Senate | House amendment amended SJ-341 |
| 05/26/05 | Senate | Returned to House with amendments SJ-341 |
| 05/27/05 | | Scrivener's error corrected |
| 05/31/05 | House | Non-concurrence in Senate amendment HJ-74 |
| 05/31/05 | Senate | Senate insists upon amendment and conference committee appointed Ritchie, Lourie, and Ryberg SJ-10 |
| 05/31/05 | House | Conference committee appointed Reps. Townsend, Owens, and Govan HJ-102 |
| 05/31/05 | Senate | Conference report received and adopted SJ-12 |
| 06/01/05 | House | Conference report received and adopted HJ-5 |
| 06/01/05 | House | Ordered enrolled for ratification HJ-12 |
| 06/02/05 | | Ratified R 159 |
| 06/09/05 | | Became law without Governor's signature |
| 06/14/05 | | Copies available |
| 06/14/05 | | Effective date See Act for Effective Date |
| 06/16/05 | | Act No. 147 |