

## Session 116 - (2005-2006)

### **S 1155 General Bill, By Sheheen, Hutto, Land, Hawkins and Lourie**

#### ***Similar (H 4671)***

**Summary:** Administrative Law Court, Motor Vehicles Division

A BILL TO AMEND SECTION 1-23-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS THAT AN ADMINISTRATIVE LAW JUDGE SHALL PRESIDE OVER, SO AS TO DELETE THE PROVISION THAT EXCLUDES CERTAIN MOTOR VEHICLE RELATED HEARINGS AND PROCEEDINGS, TO PROVIDE THAT THE CLERK OF THE ADMINISTRATIVE LAW COURT MUST FILE A CERTIFIED COPY OF A FINAL ORDER WITH A CLERK OF THE CIRCUIT COURT UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THIS ORDER HAS THE SAME EFFECT AS A JUDGMENT OF THE COURT; TO AMEND SECTION 1-23-660, AS AMENDED, RELATING TO THE ADMINISTRATIVE LAW COURT DIVISION OF MOTOR VEHICLE HEARINGS, SO AS TO GIVE THE CHIEF JUDGE OF THE ADMINISTRATIVE LAW COURT THE AUTHORITY TO PROMULGATE RULES GOVERNING THE PRACTICE AND PROCEDURES BEFORE THE DIVISION WHICH ARE SUBJECT TO REVIEW BY THE SUPREME COURT; TO AMEND SECTION 56-1-10, AS AMENDED, RELATING TO DEFINITIONS OF TERMS CONTAINED IN THE PROVISIONS RELATING TO THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO PROVIDE DEFINITIONS FOR CERTAIN TERMS THAT RELATE TO THE DIVISION OF MOTOR VEHICLE HEARINGS; TO AMEND SECTION 56-1-370, RELATING TO THE REVIEW OF THE CANCELLATION, SUSPENSION, OR REVOCATION OF A DRIVER'S LICENSE, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT OF MOTOR VEHICLES TO CONDUCT THE REVIEW AND PROVIDE THAT THE DIVISION OF MOTOR VEHICLE HEARINGS SHALL CONDUCT THESE PROCEEDINGS; TO AMEND SECTION 56-1-410, RELATING TO THE JUDICIAL REVIEW OF A DEPARTMENT OF MOTOR VEHICLES ORDER THAT CANCELS, SUSPENDS, OR REVOKES A DRIVER'S LICENSE UNDER CERTAIN CIRCUMSTANCES, SO AS TO DELETE THE PROVISIONS THAT RELATE TO THE REVIEW OF A DECISION OF THE DEPARTMENT OF MOTOR VEHICLES AND TO PROVIDE FOR THE REVIEW OF A DECISION ISSUED BY A HEARING OFFICER OF THE DIVISION OF MOTOR VEHICLE HEARINGS; TO AMEND SECTION 56-1-1030, RELATING TO THE REVOCATION OF THE DRIVER'S LICENSE OF A HABITUAL OFFENDER, SO AS TO PROVIDE THAT A REVOCATION PROCEEDING MUST BE CONDUCTED BEFORE THE DIVISION OF MOTOR VEHICLE HEARINGS; TO AMEND SECTION 56-1-1090, RELATING TO THE ISSUANCE OF A LICENSE TO A HABITUAL OFFENDER, SO AS TO DELETE THE TERMS "DEPARTMENT OF MOTOR VEHICLES" AND "MAGISTRATE" AND SUBSTITUTE THEM FOR THE TERMS "HEARING OFFICER" AND "ADMINISTRATIVE LAW JUDGE", AND TO PROVIDE THAT A PETITION TO OBTAIN A DRIVER'S LICENSE PURSUANT TO THIS PROVISION MUST BE FILED WITH THE DIVISION OF MOTOR VEHICLE HEARINGS; TO AMEND SECTION 56-5-2951, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR HIS REFUSAL TO SUBMIT TO TESTING FOR CERTAIN LEVELS OF ALCOHOL CONCENTRATION, SO AS TO PROVIDE THAT ADMINISTRATIVE HEARINGS THAT ARE CONDUCTED PURSUANT TO THIS PROVISION MUST BE CONDUCTED BY A HEARING OFFICER OF THE DIVISION OF MOTOR VEHICLE HEARINGS AND REVIEWED BY THE ADMINISTRATIVE LAW COURT, AND TO PROVIDE THAT THE ARRESTING LAW ENFORCEMENT OFFICER OR DATA MASTER OPERATOR IS A PARTY OF RECORD IN ALL HEARINGS CONDUCTED PURSUANT TO THIS SECTION; TO AMEND SECTION 56-9-363, RELATING TO AN ADMINISTRATIVE HEARING TO CHALLENGE THE SUSPENSION OF A DRIVER'S LICENSE UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE THAT THE HEARING MUST BE CONDUCTED BEFORE THE DIVISION OF MOTOR VEHICLE HEARINGS WITH APPEALS FILED WITH THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 56-15-350, RELATING TO THE DENIAL, SUSPENSION, OR REVOCATION OF A DRIVER'S LICENSE BY THE DEPARTMENT OF MOTOR VEHICLES UNDER CERTAIN CIRCUMSTANCES, SO AS TO PROVIDE THAT A LICENSEE MAY HAVE THIS DECISION REVIEWED BY THE DIVISION OF MOTOR VEHICLE HEARINGS; AND TO REPEAL SECTION 56-5-2952, RELATING TO THE FILING FEE FOR AN ADMINISTRATIVE HEARING; AND TO REPEAL SECTION 56-9-320, RELATING TO JUDICIAL REVIEW OF ORDERS OR ACTS OF THE DEPARTMENT OF MOTOR VEHICLES.

**02/16/06 Senate Introduced and read first time SJ-11**

**02/16/06 Senate Referred to Committee on Judiciary SJ-11**

**02/16/06 Senate Referred to Subcommittee: Hawkins (ch), Cromer, Sheheen, Lourie**