

## Session 116 - (2005-2006)

**H 4047 General Bill, By Harrison, Wilkins, McLeod, Ceips, M.A. Pitts, Brady, Clark, Owens, Rice, Haley, Cotty and D.C. Smith**

**Summary:** Alcohol restricted license

A BILL TO AMEND SECTION 56-5-2930, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, RELATING TO UNLAWFULLY OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF BOTH, SO AS TO PROVIDE THAT THE OFFENSES CONTAINED IN THIS PROVISION MUST BE REFERRED TO AS DRIVING WHILE IMPAIRED, DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION, DRIVING WITH AN UNLAWFUL AND HIGH ALCOHOL CONCENTRATION, AND DRIVING WITH AN UNLAWFUL AND GROSS ALCOHOL CONCENTRATION, AND TO PROVIDE PENALTIES FOR VIOLATING THE OFFENSES CONTAINED IN THIS PROVISION; TO AMEND SECTION 56-5-2934, AS AMENDED, RELATING TO THE RIGHT OF COMPULSORY PROCESS WHEN A PERSON IS CHARGED WITH AN ALCOHOL OR DRUG RELATED MOTOR VEHICLE OFFENSE, SO AS TO DELETE A REFERENCE TO SECTION 56-5-2933 AND THE PROVISION THAT REQUIRES AN ARRESTING OFFICER TO INFORM A DEFENDANT OF CERTAIN RIGHTS AND HEARINGS THAT HE IS ENTITLED TO RECEIVE; TO AMEND SECTION 56-5-2942, RELATING TO THE IMMOBILIZATION OF A PERSON'S VEHICLE AFTER HE HAS BEEN CONVICTED OF CERTAIN OFFENSES, SO AS TO DELETE REFERENCES TO SECTION 56-5-2933, TO REVISE THE PROCEDURE THAT MUST BE USED TO IDENTIFY THE VEHICLE THAT MUST BE IMMOBILIZED, TO REVISE THE FEE AND THE ENTITY THAT RECEIVES THE FEE TO REREGISTER AN IMMOBILIZED VEHICLE, AND TO PROVIDE THAT A CONVICTION FOR A VIOLATION OF SECTION 56-5-2933 IS CONSIDERED A PRIOR OFFENSE OF A VIOLATION OF SECTION 56-5-2930; TO AMEND SECTION 56-5-2945, AS AMENDED, RELATING TO THE OFFENSE OF CAUSING GREAT BODILY INJURY OR DEATH BY OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL, SO AS TO PROVIDE THAT A PERSON CONVICTED UNDER THIS PROVISION IS GUILTY OF THE OFFENSE OF FELONY DRIVING WHILE IMPAIRED; TO AMEND SECTION 56-5-2950, AS AMENDED, RELATING TO A DRIVER OF A MOTOR VEHICLE'S IMPLIED CONSENT TO TESTING FOR ALCOHOL OR DRUGS, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISIONS THAT PROHIBIT AN OFFICER FROM REQUIRING A PERSON WHO HAS AN ALCOHOL CONCENTRATION OF AT LEAST EIGHT ONE-HUNDREDTHS OF ONE PERCENT TO UNDERGO ADDITIONAL ALCOHOL CONCENTRATION TESTS AND REQUIRES THAT A SIMULATOR TEST MUST BE PERFORMED BEFORE A BREATH TEST IS ADMINISTERED, TO LOWER THE ALCOHOL CONCENTRATION LEVEL THAT REQUIRES A PERSON'S PRIVILEGE TO DRIVE TO BE SUSPENDED, TO DELETE A PROVISION THAT RELATES TO A VIOLATION OF SECTION 56-5-2933, AND TO SUBSTITUTE THE TERM "DRIVING WHILE IMPAIRED" FOR THE TERM "UNDER THE INFLUENCE OF"; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATED TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE FOR HIS REFUSAL TO SUBMIT TO TESTING FOR HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO MAKE TECHNICAL CHANGES, TO LOWER THE ALCOHOL CONCENTRATION LEVEL THAT RESULTS IN THE MANDATORY SUSPENSION OF A PERSON'S DRIVER'S LICENSE, TO SUBSTITUTE THE TERM "ALCOHOL LICENSE" FOR THE TERM "ALCOHOL RESTRICTED LICENSE", TO SUBSTITUTE THE TERM "RESTRICTED LICENSE" FOR THE TERM "SPECIAL RESTRICTED DRIVER'S LICENSE", TO DELETE REFERENCES TO SECTION 56-5-2933, AND TO DELETE THE PROVISION THAT REQUIRES A PERSON'S PRIVILEGE TO DRIVE TO BE SUSPENDED FOR SIXTY DAYS IF HE TAKES A BREATH TEST PURSUANT TO SECTION 56-5-2950 AND REGISTERS A CERTAIN ALCOHOL CONCENTRATION; TO AMEND SECTION 56-5-2953, AS AMENDED, RELATING TO THE VIDEOTAPING OF THE INCIDENT SITE AND THE BREATH TAKING SITE OF A PERSON CHARGED WITH OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER SUBSTANCE, SO AS TO PROVIDE THAT AN AUDIO TRACT MUST BE MADE DURING THE VIDEOTAPING PROCEDURE, TO REVISE THE PERIOD OF TIME THAT THE VIDEOTAPING PROCEDURE MUST COVER, TO MAKE TECHNICAL CHANGES, AND TO DELETE REFERENCES TO SECTION 56-5-2933; TO AMEND SECTION 56-5-2954, RELATING TO BREATH TESTING SITES, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 56-1-748, AS AMENDED, RELATING TO PERSONS WHO ARE INELIGIBLE TO BE ISSUED A RESTRICTED DRIVER'S LICENSE, SO AS TO PROVIDE THAT A PERSON WHO HAS BEEN ISSUED A RESTRICTED DRIVER'S LICENSE PURSUANT TO A VIOLATION OF SECTION 56-5-2951 IS SUBSEQUENTLY INELIGIBLE TO BE ISSUED ANOTHER RESTRICTED DRIVER'S LICENSE, AND TO SUBSTITUTE THE TERM "RESTRICTED DRIVER'S LICENSE" FOR THE TERM "SPECIAL RESTRICTED DRIVER'S LICENSE"; TO AMEND SECTION 56-1-286, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S PRIVILEGE TO DRIVE FOR OPERATING A VEHICLE WITH CERTAIN ALCOHOL CONCENTRATIONS, SO AS TO MAKE TECHNICAL CHANGES, AND TO SUBSTITUTE THE TERM "ALCOHOL RESTRICTED LICENSE" FOR THE TERM "ALCOHOL RESTRICTED DRIVER'S LICENSE" AND TO DELETE REFERENCES TO SECTION 56-5-2933, AND TO REPEAL SECTIONS 56-5-2933, 56-5-2935,

AND 56-5-2940, ALL RELATING TO DRIVING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE.

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| <b>05/05/05</b> | <b>House</b> | <b>Introduced and read first time HJ-3</b>                                |
| <b>05/05/05</b> | <b>House</b> | <b>Referred to Committee on Judiciary HJ-5</b>                            |
| <b>05/11/05</b> | <b>House</b> | <b>Member(s) request name added as sponsor: McLeod</b>                    |
| <b>05/17/05</b> | <b>House</b> | <b>Member(s) request name added as sponsor: Ceips, M.A.Pitts</b>          |
| <b>05/18/05</b> | <b>House</b> | <b>Member(s) request name added as sponsor: Brady</b>                     |
| <b>05/19/05</b> | <b>House</b> | <b>Member(s) request name added as sponsor: Clark, Owens, Rice, Haley</b> |
| <b>05/24/05</b> | <b>House</b> | <b>Member(s) request name added as sponsor: Cotty, D.C.Smith</b>          |