Session 119 - (2011-2012)

H*5026 (Rat #0241, Act #0212 of 2012) General Bill, By J.E. Smith

Similar (H 3342)

Summary: Administrative Law Court

AN ACT TO AMEND SECTION 1-23-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS BEFORE THE ADMINISTRATIVE LAW COURT, SO AS TO DELETE AN OBSOLETE REFERENCE EXEMPTING APPEALS FROM THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE TO THE COURT; TO AMEND SECTION 56-1-286, AS AMENDED, RELATING TO THE SUSPENSION OR DENIAL OF THE DRIVER'S LICENSE, PERMIT, OR NONRESIDENT'S OPERATING PRIVILEGE OF A PERSON WHO DRIVES AN AUTOMOBILE WHILE HAVING AN ALCOHOL CONCENTRATION OF TWO-HUNDREDTHS OF ONE PERCENT, SO AS TO PROVIDE HE MAY SEEK A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS FOR A SUSPENSION UNDER THIS SECTION, TO MAKE CONFORMING CHANGES, TO PROVIDE THE DEPARTMENT AND ARRESTING OFFICER HAVE THE BURDEN OF PROOF IN THIS CONTESTED CASE, AND TO PROVIDE THE HEARING OFFICER SHALL RESCIND THE SUSPENSION IF NEITHER THE DEPARTMENT NOR ARRESTING OFFICER APPEAR AT THE HEARING, REGARDLESS OF WHETHER THE PERSON REQUESTING THE HEARING OR HIS ATTORNEY APPEARS AT THE HEARING; TO AMEND SECTION 56-5-2942, AS AMENDED, RELATING TO MANDATORY IMMOBILIZATION OF CERTAIN MOTOR VEHICLES, SO AS TO PROVIDE THE DEPARTMENT MAY ISSUE A DETERMINATION PERMITTING OR DENYING THE RELEASE OF THE VEHICLE TO ITS REGISTERED OWNER OR A MEMBER OF THE HOUSEHOLD OF THE REGISTERED OWNER BASED ON AN AFFIDAVIT FROM HIM CONTAINING CERTAIN INFORMATION, AND TO PROVIDE FOR AN APPEAL FROM A DEPARTMENT DETERMINATION TO THE OFFICE OF MOTOR VEHICLES FOR A CONTESTED HEARING PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT AND THE RULES AND PROCEDURES OF THE DEPARTMENT; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OR DENIAL OF THE DRIVER'S LICENSE, PERMIT, OR NONRESIDENT'S OPERATING PRIVILEGE OF A PERSON WHO REFUSES TO SUBMIT TO CERTAIN ALCOHOL CONCENTRATION TESTING, AMONG OTHER THINGS, SO AS TO PROVIDE A PERSON MAY SEEK A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS FOR A SUSPENSION UNDER THIS SECTION, TO MAKE CONFORMING CHANGES, AND TO PROVIDE THE DEPARTMENT AND ARRESTING OFFICER HAVE THE BURDEN OF PROOF IN THIS CONTESTED CASE, AND TO PROVIDE THE HEARING OFFICER SHALL RESCIND THE SUSPENSION IF NEITHER THE DEPARTMENT NOR ARRESTING OFFICER APPEAR AT THE HEARING, REGARDLESS OF WHETHER THE PERSON REQUESTING THE HEARING OR HIS ATTORNEY APPEARS AT THE HEARING; AND TO AMEND SECTION 56-5-2952, AS AMENDED, RELATING TO THE FILING FEE FOR A CONTESTED CASE HEARING, SO AS TO INCREASE THE FEE TO TWO HUNDRED DOLLARS OR AS OTHERWISE PROVIDED BY THE OFFICE OF MOTOR VEHICLES, AND TO PROVIDE FUNDS RECEIVED FROM THE FEE MUST BE RETAINED BY THE ADMINISTRATIVE LAW COURT AND MUST FIRST BE USED TO MEET THE EXPENSES OF THE OFFICE OF MOTOR VEHICLE HEARINGS IN A CERTAIN MANNER. - ratified title

03/15/12	**House**	**Introduced, read first time, placed on calendar without reference (House Journal-page 12)**
03/16/12		**Scrivener's error corrected**
03/21/12	**House**	**Debate adjourned until Thur., 03-22-12 (House Journal-page 80)**
03/22/12	**House**	**Read second time (House Journal-page 31)**
03/22/12	**House**	**Roll call Yeas-112 Nays-0 (House Journal-page 32)**
03/22/12	**House**	**Unanimous consent for third reading on next legislative day (House Journal-page 33)**
03/23/12	**House**	**Read third time and sent to Senate (House Journal-page 2)**
03/27/12	**Senate**	**Introduced and read first time (Senate Journal-page 16)**
03/27/12	**Senate**	**Referred to Committee on Judiciary (Senate Journal-page 16)**
04/02/12	**Senate**	**Referred to Subcommittee: Rankin (ch), Hutto, Bright, Davis**
05/02/12	**Senate**	**Committee report: Favorable Judiciary (Senate Journal-page 17)**
05/16/12	**Senate**	**Amended (Senate Journal-page 26)**
05/16/12	**Senate**	**Read second time (Senate Journal-page 26)**
05/16/12	**Senate**	**Roll call Ayes-39 Nays-1 (Senate Journal-page 26)**
05/17/12	**Senate**	**Read third time and returned to House with amendments (Senate Journal-page 10)**
05/23/12	**House**	**Debate adjourned until Thur., 05-24-12 (House Journal-page 34)**
05/24/12	**House**	**Concurred in Senate amendment and enrolled (House Journal-page 98)**
05/24/12	**House**	**Roll call Yeas-94 Nays-0 (House Journal-page 98)**

06/05/12	**Ratified R 241**
06/07/12	**Signed By Governor**
06/18/12	**Effective date 06/07/12**
06/19/12	**Act No. 212**