**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3461**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Umphlett, Limehouse, Gilliard, Mack, Sottile, Stringer and Wylie

Document Path: l:\council\bills\swb\5705cm09.docx

Companion/Similar bill(s): 192

Introduced in the House on February 5, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Driver's license

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/5/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-05-09.docx)‑7

2/5/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\02-05-09.docx)‑8

**VERSIONS OF THIS BILL**

[2/5/2009](file:///p:\pprever\2009-10\3461_20090205.docx)

**A** **BILL**

TO AMEND SECTION 56‑1‑440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES THAT ARE IMPOSED FOR THE OFFENSE OF DRIVING WITHOUT A LICENSE, SO AS TO INCREASE THE PENALTIES FOR THIS OFFENSE, TO ESTABLISH THE CRIMES OF OPERATING A MOTOR VEHICLE WITHOUT A DRIVER’S LICENSE WHEN DEATH OCCURS AND OPERATING A MOTOR VEHICLE WITHOUT A DRIVER’S LICENSE WHEN SERIOUS IMPAIRMENT OF A BODILY FUNCTION OF ANOTHER PERSON OCCURS, TO PROVIDE PENALTIES FOR BOTH OFFENSES, AND TO PROVIDE THAT A CONVICTION UNDER THIS SECTION DOES NOT BAR A CONVICTION FOR ANOTHER OFFENSE FOR THE SAME UNLAWFUL ACT; AND TO AMEND SECTION 56‑1‑480, RELATING TO AUTHORIZING OR KNOWINGLY PERMITTING A PERSON WHO IS NOT AUTHORIZED TO OPERATE A VEHICLE, SO AS TO PROVIDE PENALTIES FOR THIS OFFENSE, TO ESTABLISH THE CRIMES OF COMMITTING THIS OFFENSE WHEN THE PERSON WHO OPERATES THE VEHICLE ILLEGALLY CAUSES SERIOUS IMPAIRMENT OF A BODILY FUNCTION OF ANOTHER PERSON AND COMMITTING THIS OFFENSE WHEN THE PERSON WHO OPERATES THE VEHICLE ILLEGALLY CAUSES THE DEATH OF ANOTHER PERSON, TO PROVIDE PENALTIES FOR BOTH OFFENSES, AND TO PROVIDE THAT A CONVICTION UNDER THIS SECTION DOES NOT BAR A CONVICTION FOR ANOTHER OFFENSE FOR THE SAME UNLAWFUL ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56‑1‑440 of the 1976 Code is amended to read:

“Section 56‑1‑440. (A) A person who drives a motor vehicle on a public highway of this State without a driver’s license in violation of Section 56‑1‑20 is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not less than ~~fifty~~ three hundred dollars nor more than one ~~hundred~~ thousand dollars or imprisoned for not less than thirty days nor more than six months, or both, and, upon conviction of a second or subsequent offense, must be fined ~~five hundred~~ not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned for not less than forty‑five days and not more than one year, or both, and for a third ~~and~~ or subsequent offense ~~must be imprisoned for not less than forty‑five days nor more than six months~~ is guilty of a felony and, upon conviction, must be imprisoned for not less than six months nor more than two years. However, a charge of driving a motor vehicle without a driver’s license must be dismissed if the person provides proof of being a licensed driver at the time of the violation to the court on or before the date this matter is set to be disposed of by the court.

(B) A person who operates a motor vehicle in violation of this section and who, by operation of that motor vehicle, causes the death of another person is guilty of the felony of vehicular homicide and, upon conviction, must be imprisoned for not more than fifteen years or fined not less than two thousand five hundred dollars nor more than ten thousand dollars, or both.

(C) A person who operates a motor vehicle in violation of this section and who, by operation of that motor vehicle, causes the serious impairment of bodily function of another person is guilty of a felony and, upon conviction, must be imprisoned not more than five years or fined not less than one thousand dollars nor more than five thousand dollars, or both. As used in this section ‘serious impairment of a bodily function’ includes, but is not limited to, one or more of the following:

(1) loss of a limb or loss of use of a limb;

(2) loss of a foot, hand, finger, or thumb or loss of use of a foot, hand, finger, or thumb;

(3) loss of an eye or ear or loss of the use of an eye or ear;

(4) loss or substantial impairment of a bodily function;

(5) serious visible disfigurement;

(6) a comatose state that lasts for more than three days;

(7) measurable brain or mental impairment;

(8) a skull fracture or other serious bone fracture; or

(9) subdural hemorrhage or subdural hematoma.

(D) Conviction under this section does not bar a conviction for another offense that arises from the same unlawful act.”

SECTION 2. Section 56‑1‑480 of the 1976 Code is amended to read:

“Section 56‑1‑480. (A) ~~No~~ A person ~~shall~~ may not authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized to do so by this article or in violation of any of the provisions of this article.

(B) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than one thousand dollars, or imprisoned for not less than fifteen days nor more than six months, or both.

(C) If a person who is authorized or knowingly permitted to operate a motor vehicle in violation of subsection (A) causes the serious impairment of a bodily function of another person by operation of the motor vehicle, then the person who authorized or knowingly permitted the operation of the motor vehicle is guilty of a felony and, upon conviction, must be imprisoned not more than two years or fined not less than one thousand dollars nor more than five thousand dollars, or both. If a person who is authorized or knowingly permitted to operate a vehicle in violation of subsection (A) causes the death of another person by operation of the motor vehicle, then the person who authorized or knowingly permitted the operation of the vehicle is guilty of a felony and, upon conviction, must be imprisoned not more than five years, or fined not less than one thousand dollars or nor more than five thousand dollars, or both.

(D) A conviction under this section does not bar a conviction for another offense that arises from the same unlawful act.”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑