**South Carolina General Assembly**

119th Session, 2011-2012

**S. 210**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Lourie and Rankin

Document Path: l:\council\bills\swb\5020cm11.docx

Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Transportation**

Summary: Beginner driving permit

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Transportation**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 98](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 98](file:///h:\sj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\210_20101201.docx)

**A** **BILL**

TO AMEND SECTION 56‑1‑50, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO BEGINNER PERMITS, SO AS TO REQUIRE A PERSON WHO IS ISSUED A BEGINNER’S PERMIT WHILE UNDER SIXTEEN YEARS OF AGE TO HOLD THE PERMIT FOR AT LEAST THREE HUNDRED SIXTY‑FIVE DAYS BEFORE BEING ELIGIBLE FOR A SPECIAL RESTRICTED DRIVER’S LICENSE, AND TO PROVIDE THAT BEGINNER PERMITS ARE VALID FOR EIGHTEEN MONTHS; TO AMEND SECTIONS 56‑1‑40, 56‑1‑176, 56‑1‑187, 56‑1‑130, AS AMENDED, AND 56-1-185, ALL RELATING TO THE ISSUANCE OF VARIOUS FORMS OF DRIVER’S LICENSES, SO AS TO DELETE A REFERENCE TO A CONDITIONAL DRIVER’S LICENSE; AND TO REPEAL SECTION 56‑1‑175 RELATING TO THE ISSUANCE OF A CONDITIONAL DRIVER’S LICENSE.

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

SECTION 1. Section 56‑1‑50 of the 1976 Code, as last amended by Act 176 of 2005, is further amended by adding at the end:

“(H) A person who is issued a beginner’s permit while under sixteen years of age must hold the permit for at least three hundred sixty‑five days before being eligible for a special restricted driver’s license.”

SECTION 2. Section 56‑1‑50(A) of the 1976 Code is amended to read:

“(A) A person who is at least fifteen years of age may apply to the Department of Motor Vehicles for a beginner’s permit. After the applicant has passed successfully all parts of the examination other than the driving test, the department may issue to the applicant a beginner’s permit which entitles the applicant having the permit in his immediate possession to drive a motor vehicle under the conditions contained in this section on the public highways for not more than ~~twelve~~ eighteen months.”

SECTION 3. Section 56‑1‑40(1) of the 1976 Code is amended to read:

“(1) who is under seventeen years of age, except that the department may issue ~~a license to a sixteen‑year‑old who is licensed to drive pursuant to Section 56‑1‑175 after one year from the date of the issuance of the conditional license, if the driver has not been convicted of a traffic offense or has not been involved in an accident in which he was at fault during that period. However, the department may issue~~ a beginner’s permit as provided in Section 56‑1‑50 to a person who is at least fifteen years of age and meets the requirements of that section. The department also may issue a special restricted driver’s license to a person who is at least sixteen years of age and less than seventeen years of age as provided in Section 56‑1‑180 and meets the requirements of that section;”

SECTION 4. Section 56‑1‑176(A) of the 1976 Code is amended to read:

“(A) School attendance is a condition for the issuance of a ~~conditional driver’s license and a~~ special restricted driver’s license. The Department of Motor Vehicles may not issue ~~a conditional driver’s license or~~ a special restricted driver’s license to a person pursuant to Section ~~56‑1‑175 or Section~~ 56‑1‑180 unless the person:

(1) has a high school diploma or certificate, or a General Education Development Certificate; or

(2) is enrolled in a public or private school or is home schooled under the provisions contained in Section 59‑65‑40, 59‑65‑45, or 59‑65‑47, and:

(a) the person has conformed to the attendance laws, regulations, and policies of the school, school district, and the State Board of Education, as applicable; and

(b) the person is not suspended or expelled from school.”

SECTION 5. Section 56‑1‑187 of the 1976 Code as added by Act 336 of 2008, is further amended to read:

“Section 56‑1‑187. A parent or guardian who knowingly and wilfully permits his dependent to operate a motor vehicle in violation of a restriction imposed on a beginner’s permit pursuant to Section 56‑1‑50~~, a conditional driver’s license pursuant to Section 56‑1‑175,~~ or a special restricted driver’s license pursuant to Section 56‑1‑180, or knowingly permits his dependent to operate a motor vehicle without a valid beginner’s permit or driver’s license, must be assessed a civil fine in an amount up to five hundred dollars. Upon the magistrates or municipal court receiving notice of the dependent’s violation through transmittal to the court of the traffic ticket or through other means, the court shall determine the names of the parents or guardians from the records of the Department of Motor Vehicles. The court shall then notify the dependent’s parents or guardians by certified mail at the address shown on the traffic ticket, unless the department’s records show a different address, of the violation and the fact that they may be subject to a civil fine. Failure to receive the notice does not prohibit the imposition of the civil fine pursuant to this section. If, while operating the motor vehicle in violation of a restriction, the dependent causes great bodily injury or death, the parent or guardian must be assessed a civil fine in an amount up to one thousand dollars. The court may suspend the imposition of the fine, conditioned upon the parent or guardian completing, to the satisfaction of the court, public service with a nonprofit organization, community service, or parenting classes. This section does not apply to a motor vehicle operated on private property. A civil fine imposed pursuant to this section does not give rise to a private cause of action based solely upon the fact that the fine was imposed. The imposition of a civil fine is not admissible for the purpose of establishing the liability of a parent or guardian in a private cause of action to which the parents or guardians are a party.”

SECTION 6. Section 56‑1‑130(C) of the 1976 Code as last amended by Act 42 of 2009, is further amended to read:

“(C) A basic driver’s license authorizes the licensee to operate motor vehicles, automotive three‑wheel vehicles, motorcycle three‑wheel vehicles, excluding a motorcycle with a detachable side car, or combinations of vehicles which do not exceed twenty‑six thousand pounds gross vehicle weight rating; provided, that the driver has successfully demonstrated the ability to exercise ordinary and reasonable control in the operation of a motor vehicle in this category. A basic driver’s license also authorizes the licensee to operate farm trucks provided for in Sections 56‑3‑670, 56‑3‑680, and 56‑3‑690, which are used exclusively by the owner for agricultural, horticultural, and dairying operations or livestock and poultry raising. Notwithstanding another provision of law, the holder of a ~~conditional license, or~~ special restricted license operating a farm truck for the purposes provided in this subsection, may operate the farm truck without an accompanying adult after six o’clock a.m. and no later than nine o’clock p.m., but may not operate a farm truck on a freeway. A person operating a farm truck while holding a ~~conditional driver’s license or a~~ special restricted license may not use the farm truck for ordinary domestic purposes or general transportation.

A classified driver’s license shall authorize the licensee to operate a motorcycle, motorcycle three‑wheel vehicle, including a motorcycle with a detachable side car, or those vehicles in excess of twenty‑six thousand pounds gross vehicle weight rating which are indicated by endorsement on the license. The endorsement may include classifications such as: motorcycle, two‑axle truck, three‑ or more axle truck, combination of vehicles, motor busses, or oversize or overweight vehicles. The department shall determine from the driving demonstration the endorsements to be indicated on the license.”

SECTION 7. Section 56‑1‑185 of the 1976 Code is amended to read:

“Section 56‑1‑185. (A) A person while operating a motor vehicle under a ~~conditional or a~~ special restricted driver’s license who is convicted of a traffic offense or involved in an accident in which he was at fault shall have the removal of the restrictions postponed for twelve months and is not eligible to be issued a regular driver’s license until one year from the date of the last traffic offense or accident in which he was at fault or until he is seventeen years of age.

(B) A person while operating a motor vehicle under a beginner’s permit or ~~a conditional or~~ a special restricted driver’s license who is convicted of one or more point‑assessable traffic offenses totaling six or more points, as determined by the values contained in Section 56‑1‑720, shall have his license suspended by the Department of Motor Vehicles for six months. This suspension shall not preclude other penalties otherwise provided for the same violations.”

SECTION 8. Section 56‑1‑175 of the 1976 Code is repealed.

SECTION 9. This act takes effect upon approval by the Governor.

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