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Indicates New Matter

AS PASSED BY THE SENATE

March 29, 2012

**S. 710**

Introduced by Senators Knotts, O’Dell, Ford, Alexander, Bryant and Setzler

S. Printed 3/29/12--S. [SEC 3/30/12 3:23 PM]

Read the first time March 17, 2011.

**A** **BILL**

TO AMEND SECTION 56‑1‑140, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE AND CONTENTS OF A SOUTH CAROLINA DRIVER’S LICENSE, SO AS TO, UPON THE LICENSEE’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE DRIVER’S LICENSE; AND TO AMEND SECTION 56‑1‑3350, AS AMENDED, RELATING TO THE ISSUANCE OF SPECIAL IDENTIFICATION CARDS, SO AS TO, UPON THE CARD HOLDER’S REQUEST AND PROOF OF ELIGIBILITY, INCLUDE A VETERAN STATUS DESIGNATION ON THE SPECIAL IDENTIFICATION CARD.

Amend Title To Conform

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

SECTION 1. Section 56‑1‑140 of the 1976 Code, as last amended by Act 176 of 2005, is further amended to read:

“Section 56‑1‑140. (A) Upon ~~the~~ payment of a fee of twelve dollars and fifty cents for a license that is valid for five years, or twenty‑five dollars for a license that is valid for ten years, the Department of Motor Vehicles shall issue to every qualified applicant a driver’s license as applied for by law. The license must bear on it a distinguishing number assigned to the licensee, the full name, date of birth, ~~and~~ residence address, ~~and~~ a brief description and laminated colored photograph of the licensee, and a facsimile of the signature of the licensee, or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license is valid until it has been so signed by the licensee. The license authorizes the licensee to operate only those classifications of vehicles as indicated on the license.

(B) An applicant for a new, renewed, or replacement South Carolina driver’s license may apply to the Department of Motor Vehicles to obtain a veteran designation on the front of his driver’s license by providing:

(1) a United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable conditions’ and establishes the person’s qualifying military service in the United States Armed Forces; and

(2) payment of a one dollar fee that shall be retained by the department.

The Department of Motor Vehicles may determine the appropriate form of the veteran designation on the driver’s license authorized pursuant to this section.

(C) The fees collected pursuant to this section must be credited to the Department of Transportation State Non~~‑~~Federal Aid Highway Fund ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

~~Fees and Penalties~~ ~~General Fund~~ ~~Department of~~

~~Collected After~~ ~~of the State~~  ~~Transportation~~

~~State Non‑Federal Aid~~

~~Highway Fund~~

~~June 30, 2005~~ ~~60 percent~~ ~~40 percent~~

~~June 30, 2006~~ ~~20 percent~~ ~~80 percent~~

~~June 30, 2007~~ ~~0 percent~~ ~~100 percent~~.”

SECTION 2. Section 56‑1‑3350 of the 1976 Code, as last amended by Act 277 of 2010, is further amended to read:

“Section 56‑1‑3350. (A) Upon application by a person ten years of age or older, who is a resident of South Carolina, the department shall issue a special identification card as long as the:

(1) ~~the~~ application is made on a form approved and furnished by the department; and

(2) ~~the~~ applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth.

(B) An applicant for a new, renewed, or replacement South Carolina special identification card may apply to the department to obtain a veteran designation on the front of his identification card by providing:

(1) a United States Department of Defense discharge certificate, also known as a DD Form 214, that shows a characterization of service, or discharge status of ‘honorable’ or ‘general under honorable conditions’ and establishes the person’s qualifying military service in the United States Armed Forces; and

(2) payment of a one dollar fee that shall be retained by the department.

The department may determine the appropriate form of the veteran designation on the identification card authorized pursuant to this section.

(C) The fee for the issuance of the special identification card is five dollars, and the identification card expires five years from the date of issuance. The renewal fee is also five dollars. Issuance and renewal fees are waived for indigent persons who are mentally ill, mentally retarded, homeless, or who are on public assistance as the sole source of income. As used in this section ‘indigent’ means a person who is qualified for legal assistance ~~which~~ that is paid for with public funds. For purposes of this section, a homeless person is an individual who lacks a fixed and regular nighttime residence, or an individual who has a primary nighttime residence that is:

~~(a)~~(1) a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including congregated shelters and transitional housing;

~~(b)~~(2) an institution that provides a temporary residence for individuals intended to be institutionalized; or

~~(c)~~(3) a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.

(D) The term does not include ~~any~~ an individual imprisoned or otherwise detained pursuant to an act of Congress. Annually, the director of a facility ~~which~~ that provides care or shelter to homeless persons must certify this fact to the department. The department must maintain a list of facilities ~~which~~ that are approved by the department, and only letters from the directors of these approved facilities are considered to comply with the provisions of this section. To have the issuance or renewal fee waived for an identification card, a homeless person must present a letter to the department from the director of a facility that provides care or shelter to homeless persons certifying that the person named in the letter is homeless. The letter may not be older than thirty days.

(E) Special identification cards issued to persons under the age of twenty‑one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty‑one.

(F) The fees collected pursuant to this section must be credited to the Department of Transportation State Non~~‑~~Federal Aid Highway Fund ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

~~Fees and Penalties~~ ~~General Fund~~ ~~Department of~~

~~Collected After~~ ~~of the State~~  ~~Transportation~~

~~State Non‑Federal Aid~~

~~Highway Fund~~

~~June 30, 2005~~ ~~60 percent~~ ~~40 percent~~

~~June 30, 2006~~ ~~20 percent~~ ~~80 percent~~

~~June 30, 2007~~ ~~0 percent~~ ~~100 percent~~.”

SECTION 3. A. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Section 56-1-205. An applicant for the issuance or renewal of a driver’s license may request that a notation be placed on the license indicating that the applicant is hearing impaired.

The department shall place the notation on the driver’s license if requested by the applicant and if the applicant provides an original certificate from a licensed physician, as defined in Section 40‑47‑5, that the applicant has a permanent, uncorrectable hearing loss of forty decibels or more in one or both ears.

This section shall apply to a driver’s license issued after 2012.”

B. Article 7, Chapter 3, Title 56 of the 1976 Code is amended by adding:

“Section 56-3-1920. (A) An identification placard must be issued to a hearing impaired licensed driver upon application. The application is to be on a form prescribed by the department and may be made in person or by mail. The application must include an original certificate from a licensed physician, as defined in Section 40‑47‑5, that the applicant has a permanent, uncorrectable hearing loss of forty decibels or more in one or both ears. No licensed applicant may be denied a placard if the completed application includes an original certificate from a licensed physician. The placard shall expire on the licensee’s birth date of the fifth calendar year after the calendar year in which a hearing impaired driver is issued a license.

(B) The placard must be rectangular in shape, approximately the same size as an average motor vehicle sun visor, as determined by the department, to enable it to be attached to a sun visor in a motor vehicle. The department shall determine the shape, size preferred, and manner in which a hearing impaired motorcycle operator is to carry or display the placard. The placard must contain the heading `Hearing Impaired Driver’ in boldface type and the name, signature, and driver’s license number of the hearing impaired person along with an explanation of appropriate use if the hearing impaired driver is stopped by a law enforcement officer while driving.

(C) A fee not to exceed five dollars may be charged to each applicant issued a placard in accordance with this section. These fees may be retained by the department to offset the cost of providing these placards.”

SECTION 4 This act takes effect upon approval by the Governor.

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