**South Carolina General Assembly**

121st Session, 2015-2016

**S. 1237**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Leatherman

Document Path: l:\s-res\hkl\016dmv .kmm.hkl.docx

Introduced in the Senate on April 14, 2016

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

Summary: Fees collected by DMV

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/14/2016 Senate Introduced and read first time ([Senate Journal‑page 2](file:///h:\SJ%20Archive\2016\04-14-16.docx))

4/14/2016 Senate Referred to Committee on **Finance** ([Senate Journal‑page 2](file:///h:\SJ%20Archive\2016\04-14-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=1237&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[4/14/2016](file:///p:\pprever\2015-16\1237_20160414.docx)

**A** **BILL**

TO AMEND SECTIONS 12‑37‑2740(D), 38‑73‑470, 56‑1‑170(B)(3), 56‑1‑200, 56‑1‑286(K)(1), 56‑1‑390(2), 56‑1‑400(A), 56‑1‑460(A)(1)(E)(III), 56‑1‑550, 56‑1‑740(B)(3), 56‑1‑746(D)(3), 56‑1‑2080, 56‑3‑355, 56‑5‑750(G)(3), 56‑5‑2951(B)(1), 56‑5‑2951(H)(3), 56‑9‑330, 56‑10‑240(C), 56‑10‑245, 56‑10‑552, 56‑19‑420(C), 56‑19‑520(A)(4), ALL OF THE 1976 CODE, ALL RELATING TO FEES COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT ALL OR A PORTION OF THE FEES SHALL BE CREDITED TO THE STATE HIGHWAY ACCOUNT OF THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK.

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

SECTION 1. Section 12‑37‑2740(D) of the 1976 Code is amended to read:

“(D) Before the reinstatement of a driver’s license or vehicle registration suspended pursuant to this section, a fee of fifty dollars must be paid to the Department of Motor Vehicles. ~~The Department of Motor Vehicles may retain revenues generated by payment of the reinstatement fees pursuant to this section for use in defraying costs associated with suspension and reinstatement actions pursuant to this section.~~ An amount equal to the actual departmental direct costs related to suspension and reinstatement actions pursuant to this section must be placed by the Comptroller General into the state highway account of the South Carolina Transportation Infrastructure Bank. Fees collected in excess of actual departmental direct costs related to suspension and reinstatement actions pursuant to this section must be deposited to the credit of the general fund of the State at the end of each fiscal year.”

SECTION 2. Section 38‑73‑470 of the 1976 Code is amended to read:

“Section 38‑73‑470. Two dollars of the yearly premium for uninsured motorist coverage is directed to be paid to the South Carolina Department of Motor Vehicles to be allocated in the manner provided in Section 56‑10‑552 ~~placed on deposit with the State Treasurer in the ‘Uninsured Enforcement Fund’, payable~~ on a quarterly basis~~, to provide for the costs of enforcing and administering the provisions of Article 3, Chapter 10, Title 56. Of the two dollars collected, eighty cents must be distributed to the South Carolina Highway Patrol and one dollar twenty cents must be retained by the Department of Motor Vehicles~~. Interest earned by the “Uninsured Fund” must be retained by that fund. There is no requirement for an insurer or an agent to offer underinsured motorist coverage at limits less than the statutorily required bodily injury or property damage limits.”

SECTION 3. Section 56‑1‑170(B)(3) of the 1976 Code is amended to read:

“(3) The fee for each special restricted driver’s license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Of this fee, twenty dollars must be distributed to the general fund and eighty dollars must be placed by the Comptroller General into ~~a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles~~ the state highway account of the South Carolina Transportation Infrastructure Bank.”

SECTION 4. Section 56‑1‑200 of the 1976 Code is amended to read:

“Section 56‑1‑200. (A) If a driver’s license is lost or destroyed, the person to whom the license was issued, upon payment of a fee of ten dollars, may obtain a duplicate or substitution of it upon furnishing proof satisfactory to the Department of Motor Vehicles that the license has been lost or destroyed.

(B) Three dollars of the revenue from each fee collected pursuant to this section must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund based on the actual date of receipt by the Department of Motor Vehicles.

(C) The balance of the revenue from each fee must be ~~deposited into a special earmarked account by the State Treasurer for the use of the Department of Motor Vehicles~~ placed by the Comptroller General into the state highway account of the South Carolina Transportation Infrastructure Bank.”

SECTION 5. Section 56‑1‑286(K)(1) of the 1976 Code is amended to read:

“(1) obtain a temporary alcohol license by filing with the Department of Motor Vehicles a form for this purpose. A one hundred‑dollar fee must be assessed for obtaining a temporary alcohol license. Twenty‑five dollars of the fee collected by the Department of Motor Vehicles must be distributed to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy‑five dollars must be placed by the Comptroller General into ~~a special restricted account to be used by the Department of Motor Vehicles to defray the Department of Motor Vehicle’s expenses~~ the state highway account of the South Carolina Transportation Infrastructure Bank. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter; and”

SECTION 6. Section 56‑1‑390(2) of the 1976 Code is amended to read:

“(2) The fees collected by the Department of Motor Vehicles under this provision must be distributed as follows: seventy dollars must be placed by the Comptroller General into ~~a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles~~ the state highway account of the South Carolina Transportation Infrastructure Bank and one dollar must be credited to the ‘Keep South Carolina Beautiful Fund’ established pursuant to Section 56‑3‑3950. From the ‘Keep South Carolina Beautiful Fund’, the Department of Transportation shall expend funds necessary to employ, within the Department of Transportation, a person with training in horticulture to administer a program for beautifying the rights‑of‑way along state highways and roads. The remainder of 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 7. Section 56‑1‑400(A) of the 1976 Code is amended to read:

“Section 56‑1‑400. (A) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that the license be surrendered to the department. At the end of the suspension period, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system, the department shall issue a new license to the person. If the person has not held a license within the previous nine months, the department shall not issue or restore a license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and satisfied the department, after an investigation of the person’s driving ability, that it would be safe to grant the person the privilege of driving a motor vehicle on the public highways. The department, in the department’s discretion, where the suspension is for a violation under the point system, may waive the examination, application, and investigation. A record of the suspension must be endorsed on the license issued to the person, showing the grounds of the suspension. If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56‑5‑2941, the restriction on the license issued to the person must conspicuously identify the person as a person who only may drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Section 56‑1‑286, 56‑5‑2945, 56‑5‑2947 except if the conviction was for Section 56‑5‑750, 56‑5‑2951, or 56‑5‑2990. For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be placed into ~~a special restricted account~~ the state highway account of the South Carolina Transportation Infrastructure Bank by the Comptroller General ~~to be used by the Department of Motor Vehicles to defray the department’s expenses~~. Unless the person establishes that the person is entitled to the exemption set forth in subsection (B), no ignition interlock restricted license may be issued by the department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order. If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended indefinitely. If the person subsequently decides to have the ignition interlock device installed, the device must be installed for the length of time set forth in Section 56‑1‑286, 56‑5‑2945, 56‑5‑2947 except if the conviction was for Section 56‑5‑750, 56‑5‑2951, or 56‑5‑2990. This provision does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23, Chapter 5 of this title.”

SECTION 8. Section 56‑1‑460(A)(1)(e)(iii) of the 1976 Code is amended to read:

“(iii) The fee for a route restricted driver’s license issued pursuant to this item is one hundred dollars, but no additional fee is due when changes occur in the place and hours of employment, education, or residence. Of this fee, eighty dollars must be placed by the Comptroller General into ~~a special restricted account to be used by the Department of Motor Vehicles to defray the Department of Motor Vehicles’ expenses~~ the state highway account of the South Carolina Transportation Infrastructure Bank. The remainder of the fees collected pursuant to this item must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund.”

SECTION 9. Section 56‑1‑550 of the 1976 Code is amended to read:

“Section 56‑1‑550. The Department of Motor Vehicles may collect a fee not to exceed twenty dollars per document to expedite a request for copies of documents and records it maintains. This fee is in addition to the normal fees associated with the request. Expedited requests must be available within seventy‑two hours of receipt of the request and standard requests within thirty days. Nothing in this section may be construed as circumventing the requirements of Section 30‑4‑30 of the Freedom of Information Act. The funds collected pursuant to this section must be placed into ~~a special restricted account~~ the state highway account of the South Carolina Transportation Infrastructure Bank by the Comptroller General ~~to be used by the Department of Motor Vehicles to defray expenses~~.”

SECTION 10. Section 56‑1‑740(B)(3) of the 1976 Code is amended to read:

“(3) The fee for each special restricted driver’s license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Of this fee, eighty dollars must be placed by the Comptroller General into ~~a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the department~~ the state highway account of the South Carolina Transportation Infrastructure Bank. The remainder of 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 11. Section 56‑1‑746(D)(3) of the 1976 Code is amended to read:

“(3) The fee for a special restricted driver’s license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the state general fund and eighty dollars must be placed by the Comptroller General into ~~a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles~~ the state highway account of the South Carolina Transportation Infrastructure Bank.”

SECTION 12. Section 56‑1‑2080 of the 1976 Code is amended to read:

“Section 56‑1‑2080. (A)(1) A person may not be issued a commercial driver’s license unless that person is a resident of this State and has passed a knowledge and skills test for driving a commercial motor vehicle which complies with the minimum federal standards established by 49 C.F.R. Part 383, subparts F, G, and H and has satisfied all other requirements of the CMVSA as well as any other requirements imposed by state law or federal regulation. The tests must be prescribed and conducted by the department. The first commercial driver’s license skills test administered by the department to an individual is free of charge; thereafter, the Department of Motor Vehicles is authorized to charge a fee of twenty‑five dollars for each subsequent commercial driver’s license skills test administered to that individual. State agency and school district employees who are required to possess a commercial driver’s license in the course of their normal job duties are exempt from this requirement. This fee must be placed into ~~a special restricted account~~ the state highway account of the South Carolina Transportation Infrastructure Bank by the Comptroller General ~~to be used by the Department of Motor Vehicles to defray its expenses~~.”

SECTION 13. Section 56‑3‑355 of the 1976 Code is amended to read:

“Section 56‑3‑355. The Department of Motor Vehicles must suspend, revoke, or not issue a registration card and license plate to a person for a commercial motor vehicle greater than twenty‑six thousand pounds which operates with an apportioned license plate if the commercial motor carrier who is responsible for the safety of the vehicle has been prohibited from operating by a federal agency. The registrant must promptly surrender to the department any item suspended or revoked under this section. If the registrant unlawfully refuses to surrender the suspended or revoked items as required under this section, the department, through its designated agents or by request to a county or municipal law enforcement agency, shall take possession of the suspended or revoked license plate and registration card. A registration card or license plate may not be reissued for that vehicle until the motor carrier has been allowed to operate by a federal agency or the vehicle is properly transferred to a motor carrier that is not prohibited from operating by a federal agency. Before a suspended vehicle registration card can be reinstated, a fee of fifty dollars for each registration card suspension must be paid to the department. The fifty dollar fee must be placed in ~~a special restricted account~~ the state highway account of the South Carolina Transportation Infrastructure Bank by the Comptroller General ~~to be used by the department to offset the expenses of administering the Performance and Registration Information Systems Management Program~~.”

SECTION 14. Section 56‑3‑1335 of the 1976 Code is amended to read:

“Section 56‑3‑1335. The Department of Motor Vehicles shall suspend a motor vehicle’s current registration and shall not register or reregister a motor vehicle that was operated when its driver failed to pay a toll and whose owner has an outstanding judgment for failure to pay a toll pursuant to Section 57‑5‑1495(E) entered against him. The suspension or denial of registration or reregistration shall remain in effect until the judgment is satisfied, evidence of the satisfaction has been provided to the Department of Motor Vehicles, and a reinstatement fee of fifty dollars has been paid. The reinstatement fee collected must be placed by the Comptroller General into ~~a special restricted account to be used by the Department of Motor Vehicles to defray the costs associated with this section~~ the state highway account of the South Carolina Transportation Infrastructure Bank.”

SECTION 15. Section 56‑5‑750(G)(3) of the 1976 Code is amended to read:

“(3) The fee for each special restricted driver’s license is one hundred dollars, but no additional fee is due because of changes in the place and hours of employment, education, or residence. Of this fee twenty dollars must be distributed to the general fund and eighty dollars must be placed by the Comptroller General into ~~a special restricted account to be used by the Department of Motor Vehicles to defray the expenses of the Department of Motor Vehicles~~ the state highway account of the South Carolina Transportation Infrastructure Bank.”

SECTION 16. Section 56‑5‑2951(B)(1) of the 1976 Code is amended to read:

“(B) Within thirty days of the issuance of the notice of suspension, the person may:

(1) obtain a temporary alcohol license from the Department of Motor Vehicles. A one hundred‑dollar fee must be assessed for obtaining a temporary alcohol license. Twenty‑five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy‑five dollars must be placed by the Comptroller General into ~~a special restricted account to be used by the Department of Motor Vehicles to defray the Department of Motor Vehicles’ expenses~~ the state highway account of the South Carolina Transportation Infrastructure Bank. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F) or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer’s decision and the Department of Motor Vehicles sends notice to the person that the person is eligible to receive a restricted license pursuant to subsection (H); and”

SECTION 17. Section 56‑5‑2951(H)(3) of the 1976 Code is amended to read:

“(3) The fee for a restricted license is one hundred dollars, but no additional fee may be charged because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the state’s general fund, and eighty dollars must be placed by the Comptroller General into ~~a special restricted account to be used by the Department of Motor Vehicles to defray the Department of Motor Vehicles’ expenses~~ the state highway account of the South Carolina Transportation Infrastructure Bank.”

SECTION 18. A. Section 56‑9‑330 of the 1976 Code is amended to read:

“Section 56‑9‑330. (1) The Department of Motor Vehicles, upon request~~,~~ and the payment of a fee, shall furnish any person a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract must also fully designate the motor vehicles, if any, registered in the name of that person, and, if there is no record of any conviction of that person for violating any laws relating to the operation of a motor vehicle or of any injury or damage caused by that person, the department shall so certify. The department, upon request and the payment of a reasonable fee, shall furnish a monthly listing by magnetic or other electronic media of all driver’s license numbers that had driving violations posted on their records during the previous month. These abstracts are not admissible as evidence in any action for damages or criminal proceedings arising out of motor vehicle accidents.

(2) The department shall, upon request, and the payment of a fee furnish any person a copy of a vehicle accident report. Revenue generated by the fee imposed pursuant to this section must be placed by the Comptroller General into the state highway account of the South Carolina Transportation Infrastructure Bank.”

B. If the provisions regarding distribution of the fee authorized in this SECTION conflict with the provisions for distribution contained in Proviso 82.4 included in the Fiscal Year 2016‑2017 General Appropriations Act, the provisions contained in this Act shall control.

SECTION 19. Section 56‑10‑240(C) of the 1976 Code is amended to read:

“(C) If the vehicle owner unlawfully refuses to surrender the suspended items as required in this article, the department through its designated agents or by request to a county or municipal law enforcement agency shall take possession of the suspended license plates and registration certificates and may not reissue the registration until proper proof of liability insurance coverage is provided and until the owner has paid a reinstatement fee of two hundred dollars. A person who voluntarily surrenders his license plates and registration certificates before their suspension shall not be charged a reinstatement fee. Revenue generated by the fee imposed pursuant to this section must be placed by the Comptroller General into the state highway account of the South Carolina Transportation Infrastructure Bank.”

SECTION 20. Section 56‑10‑245 of the 1976 Code is amended to read:

“Section 56‑10‑245. Whenever a person furnishes proof of liability insurance, or surrenders or has his registration or license tags confiscated for failure to produce proof of insurance, after the Department of Motor Vehicles receives notice of the lapse or termination of the required liability insurance, the department shall compare the effective date of the lapse or termination with the date of the proof of insurance or the date of the confiscation or surrender. If the department determines there was a lapse in the required coverage the department shall assess, in addition to other fines or penalties imposed by the law, a per diem fine in the amount of five dollars. ~~The department shall collect and keep this fine to defer the costs of the financial responsibility program.~~ The fine provided for in this section and the two hundred dollar reinstatement fee pursuant to Section 56‑10‑240 of the 1976 Code must not be assessed if the person furnishes proof, as documented by his sworn statement, that the motor vehicle upon which the coverage has lapsed or been terminated has not been operated upon the roads, streets, or highways of this State during the lapse or termination, and the lapse or termination is due to military service or illness as documented by a signed physician’s statement. The total amount of the fine provided for in this section may not exceed two hundred dollars for a first offense. Revenue generated by the fine imposed pursuant to this section must be placed by the Comptroller General into the state highway account of the South Carolina Transportation Infrastructure Bank.”

SECTION 21. Section 56‑10‑552 of the 1976 Code is amended to read:

“Section 56‑10‑552. (A) ~~All funds collected as provided in~~ For each two dollars of the yearly premium for uninsured motorist coverage paid to the Department of Motor Vehicles pursuant to Section 38‑73‑470, ~~must be directed to the Director of the Department of Motor Vehicles~~ one dollar and twenty cents must be placed by the Comptroller General into the state highway account of the South Carolina Transportation Infrastructure Bank. The remaining eighty cents must be placed in ~~for the establishment and maintenance of~~ a special fund, to be known as the ‘Uninsured Enforcement Fund’, to be used by ~~the Department of Motor Vehicles and~~ the Department of Public Safety for the purpose of enforcement and administration of Article 3, Chapter 10, Title 56.

(B) Fifty percent of the reinstatement fee as provided by Section 56‑10‑510(1) must be transferred by the Department of Public Safety and recorded to the Uninsured Enforcement Fund to be used by the Department of Public Safety as provided by subsection (A) of this section. The remaining fifty percent of the reinstatement fee as provided by Section 56‑10‑510 must be retained in the Uninsured Motorist Fund to be used as provided in Sections 56‑10‑550, 38‑77‑151, and 38‑77‑154.”

SECTION 22. Section 56‑19‑420(C) of the 1976 Code is amended to read:

“(C) Notwithstanding any other provision of law, five dollars of the fee contained in this section must be placed in ~~a special earmarked account~~ the state highway account of the South Carolina Transportation Infrastructure Bank by the Comptroller General ~~and must be distributed to the Department of Motor Vehicles and used to defray its operational expenses excluding any expense relating to Project Phoenix~~.”

SECTION 23. Section 56‑19‑520(A)(4) of the 1976 Code is amended to read:

“(4) payment of a fee established by the department not to exceed fifty dollars for retirement of the title certificate and, notwithstanding any other provision of law, the fee collected by the department must be placed by the Comptroller General into the state highway account of the South Carolina Transportation Infrastructure Bank ~~a special restricted account to be used by the department to defray the expenses of the department in administering this article~~.”

SECTION 24. This act takes effect July 1, 2016.

‑‑‑‑XX‑‑‑‑