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**Tuesday, May 31, 2016**

**(Statewide Session)**

~~Indicates Matter Stricken~~

Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

The Psalmist declares:

“Commit your way to the Lord; trust in him and he will do this: He will make your righteousness shine like the dawn, the justice of your cause like the noonday sun.” (Psalm 37:5-6)

Please join me as we pray:

Holy God, as our final week of this session gets underway, there are still so many, many voices calling out to these leaders, seeking to gain their attention, wanting their support, desiring their endorsement of one cause or another. We understand that all of this is just a part of the process. Yet we pray most of all this day that each Senator will hear Your strong voice above all others, O God, that these leaders will trust Your Spirit’s guidance, and that they will continue to do what is genuinely best for the people of South Carolina. May it ever be so. In Your gentle and loving name we pray, Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**Presentation**

On motion of Senator FAIR, with unanimous consent, the Chaplain was recognized to present a Bible to the newest member of the Senate, Senator GAMBRELL.

**Doctor of the Day**

Senator LOURIE introduced Dr. Alejandro Jose Luis of Columbia, S.C., Doctor of the Day.

**Leave of Absence**

At 2:20 P.M., Senator BRYANT requested a leave of absence for Senator GAMBRELL until 3:00 P.M.

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**Leave of Absence**

At 4:35 P.M., Senator THURMOND requested a leave of absence until 2:00 P.M. tomorrow.

**Leave of Absence**

At 10:11 P.M., Senator GREGORY requested a leave of absence for Senator COURSON.

**Leave of Absence**

At 10:11 P.M., Senator CROMER requested a leave of absence for Senator HAYES.

**Leave of Absence**

At 10:20 P.M., Senator JACKSON requested a leave of absence for Senator LOURIE.

**Leave of Absence**

At 10:20 P.M., Senator JACKSON requested a leave of absence for Senator REESE.

**Leave of Absence**

At 12:11 A.M., Senator LARRY MARTIN requested a leave of absence for Senator FAIR.

**Expression of Personal Interest**

Senator SETZLER rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator DAVIS rose for an Expression of Personal Interest.

**RECALLED AND AMENDED**

**READ THE SECOND TIME**

H. 5367 -- Reps. Loftis, Bannister, Burns, Bedingfield, Hamilton, Robinson‑Simpson, Chumley, Dillard, Henderson, Nanney and G.R. Smith: A BILL TO AMEND ACT 745 OF 1967, AS AMENDED, RELATING TO RENEWABLE WATER RESOURCES (REWA), FORMERLY KNOWN AS THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY, SO AS TO ADD THE “NORTHERN GREENVILLE” AREA OF GREENVILLE COUNTY TO REWA’S SERVICE AREA, AND TO EXPRESS THE GENERAL ASSEMBLY’S INTENT TO DESIGNATE A MAP AS THE

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DOCUMENT OF RECORD ON WHICH REWA’S AMENDED BOUNDARY LINES ARE DELINEATED.

Senator FAIR asked unanimous consent to make a motion to recall the Bill from the Committee on Agriculture and Natural Resources.

The Bill was recalled from the Committee on Agriculture and Natural Resources and ordered placed on the Calendar for consideration tomorrow.

Senator FAIR asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the amendment.

Senator CORBIN proposed the following amendment (JUD5367.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 36, in Section 2.7, as contained in SECTION 1, and inserting therein the following:

/ the Renewable Water Resources. No residential or commercial entity in the ‘Northern Greenville’ extended territory is required to tap into the services provided by the Renewable Water Resources unless the residential or commercial entity voluntarily seeks such access or has no other DHEC-approved method for disposal.” /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

There being no further amendments, the Bill was read the second time.

**Motion under Rule 26B**

Senator FAIR asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

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**RECALLED**

H. 5244 -- Reps. Alexander and Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF PINE STREET (STATE ROAD S‑21‑1380) FROM ITS INTERSECTION WITH SOUTH CHURCH STREET TO ITS INTERSECTION WITH SOUTH JEFFORDS STREET IN THE CITY OF FLORENCE “EDWARD ‘ED’ ROBINSON WAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THIS DESIGNATION.

Senator WILLIAMS asked unanimous consent to make a motion to recall the Concurrent Resolution from the Committee on Transportation.

The Concurrent Resolution was recalled from the Committee on Transportation and ordered placed on the Calendar for consideration tomorrow.

**RECALLED AND READ THE SECOND TIME**

H. 3449 -- Rep. Bales: A BILL TO AMEND SECTION 50‑13‑675, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NONGAME FISHING DEVICES AND GEAR THAT ARE PERMITTED TO BE USED IN CERTAIN BODIES OF FRESHWATER, SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY ISSUE RECREATIONAL LICENSES FOR THE USE OF HOOP NETS ALONG THE WATEREE RIVER.

Senator JACKSON asked unanimous consent to make a motion to recall the Bill from the Committee on Fish, Game and Forestry.

The Bill was recalled from the Committee on Fish, Game and Forestry and ordered placed on the Calendar for consideration tomorrow.

Senator JACKSON asked unanimous consent to make a motion to take the Bill up for immediate consideration.

There was no objection.

The Senate proceeded to a consideration of the Bill. The question then was the second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Davis Fair

Gambrell Gregory Hembree

Hutto Jackson Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

McElveen Nicholson Peeler

Rankin Sabb Scott

Setzler Shealy Sheheen

Turner Verdin Williams

Young

**Total--37**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**Motion Adopted**

On motion of Senator LARRY MARTIN, with unanimous consent, Senators LARRY MARTIN, CAMPSEN and MALLOY were granted leave to attend a subcommittee meeting and were granted leave to vote from the balcony.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1355 -- Senator Setzler: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE MRS. MARGARET TWOMEY OF LEXINGTON COUNTY ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A

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JOYOUS BIRTHDAY CELEBRATION AND MANY YEARS OF CONTINUED HAPPINESS.

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The Senate Resolution was adopted.

S. 1356 -- Senator Courson: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE MS. NANCY CAVE, NORTH COAST OFFICE DIRECTOR OF THE COASTAL CONSERVATION LEAGUE, FOR HER FIFTEEN YEARS OF SERVICE THAT HAVE CONTRIBUTED TO IMPROVING WATER AND AIR QUALITY, WILDLIFE ABUNDANCE, AND THE QUALITY OF LIFE IN COMMUNITIES ALONG THE SOUTH CAROLINA COAST, AND TO WISH HER MUCH SUCCESS IN ALL HER FUTURE ENDEAVORS.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1357 -- Senator Hayes: A SENATE RESOLUTION TO CONGRATULATE AND HONOR DR. BRIAN HUGHES OF ROCK HILL, SOUTH CAROLINA, FOR HIS MANY ACCOMPLISHMENTS AND WISH HIM CONTINUED SUCCESS, HEALTH, AND HAPPINESS FOR MANY YEARS TO COME.

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The Senate Resolution was adopted.

S. 1358 -- Senator Jackson: A SENATE RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE SOUTH CAROLINA SENATE UPON THE PASSING OF REVEREND WILLIE J. GOODWIN JR. OF RICHLAND COUNTY AND TO EXTEND THEIR DEEPEST SYMPATHY TO HIS LARGE AND LOVING FAMILY AND HIS MANY FRIENDS.

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The Senate Resolution was adopted.

S. 1359 -- Senators Setzler, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gambrell, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M.B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO HONOR AND

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COMMEND SENATOR JOEL LOURIE FOR HIS MANY YEARS OF DEDICATED PUBLIC SERVICE TO RICHLAND AND KERSHAW COUNTIES AND THE STATE OF SOUTH CAROLINA AND TO CONGRATULATE HIM ON THE OCCASION OF HIS RETIREMENT FROM THE SOUTH CAROLINA GENERAL ASSEMBLY.

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The Senate Resolution was adopted.

S. 1360 -- Senators Leatherman, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Cromer, Davis, Fair, Gambrell, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M.B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO COMMEND THE HONORABLE PAUL REYNOLDS THURMOND FOR HIS COMMITTED SERVICE TO THE SOUTH CAROLINA SENATE AND THE CITIZENS OF DISTRICT 41 IN CHARLESTON AND DORCHESTER COUNTIES AND TO WISH HIM SUCCESS IN ALL HIS FUTURE ENDEAVORS UPON HIS RETIREMENT FROM THE SENATE.

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The Senate Resolution was adopted.

S. 1361 -- Senators Leatherman, Setzler, Peeler, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Coleman, Rankin, Hembree, Corbin, Courson, Cromer, Davis, Fair, Gambrell, Gregory, Grooms, Hayes, Hutto, Jackson, Johnson, Kimpson, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M.B. Matthews, McElveen, Nicholson, Reese, Sabb, Scott, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND COMMEND THE HONORABLE RAYMOND EDWIN CLEARY III FOR HIS TWELVE YEARS OF COMMITTED SERVICE AS A MEMBER OF THE SOUTH CAROLINA SENATE AND TO WISH HIM ALL THE BEST IN THE YEARS TO COME.

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The Senate Resolution was adopted.

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S. 1362 -- Senators Corbin, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Fair, Gambrell, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M.B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO RECOGNIZE AND HONOR COLONEL BOBBY M. DILL, USA, RETIRED OF GREENVILLE COUNTY FOR MANY YEARS OF DEDICATED SERVICE TO HIS NATION AND TO COMMEND HIM FOR HIS WORK TO PROMOTE PATRIOTISM AND CONSERVATISM IN HIS COMMUNITY.

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The Senate Resolution was adopted.

S. 1363 -- Senators Cromer, Alexander, Allen, Bennett, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Corbin, Courson, Davis, Fair, Gambrell, Gregory, Grooms, Hayes, Hembree, Hutto, Jackson, Johnson, Kimpson, Leatherman, Lourie, Malloy, L. Martin, S. Martin, Massey, J. Matthews, M.B. Matthews, McElveen, Nicholson, Peeler, Rankin, Reese, Sabb, Scott, Setzler, Shealy, Sheheen, Thurmond, Turner, Verdin, Williams and Young: A SENATE RESOLUTION TO COMMEND THE HONORABLE WALTON J. MCLEOD FOR HIS TWENTY YEARS OF COMMITTED SERVICE TO THE CITIZENS OF DISTRICT 40 IN NEWBERRY COUNTY AND TO WISH HIM CONTENTMENT AND SUCCESS IN ALL HIS FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1364 -- Senator M. B. Matthews: A SENATE RESOLUTION TO EXTEND TO THE NATIONAL FEDERATION OF DEMOCRATIC WOMEN A CORDIAL WELCOME TO THE PALMETTO STATE ON THE OCCASION OF THE ORGANIZATION'S FORTY-FIFTH ANNUAL CONVENTION, TO BE HELD IN CHARLESTON FROM JUNE 8 TO JUNE 12, 2016.

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The Senate Resolution was adopted.

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H. 5383 -- Rep. Williams: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF UNITED STATES HIGHWAY 76 IN FLORENCE COUNTY FROM ITS INTERSECTION WITH HIGHWAY 95 TO THE TIMMONSVILLE TOWN LIMIT "REVEREND DR. HENRY B. PEOPLES HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS HIGHWAY CONTAINING THIS DESIGNATION.

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 5438 -- Reps. Ridgeway, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE LAURENCE MANNING ACADEMY VARSITY BASEBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR AN OUTSTANDING SEASON AND TO CONGRATULATE THEM FOR WINNING THE 2016 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION CLASS AAA STATE CHAMPIONSHIP TITLE.

The Concurrent Resolution was adopted, ordered returned to the House.

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H. 5439 -- Reps. Ridgeway, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Fry, Funderburk, Gagnon, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Jordan, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A CONCURRENT RESOLUTION TO CELEBRATE THE LAURENCE MANNING ACADEMY GIRLS SOFTBALL TEAM, COACHES, AND SCHOOL OFFICIALS FOR THEIR STELLAR SEASON AND TO CONGRATULATE THEM ON CAPTURING THE 2016 SOUTH CAROLINA INDEPENDENT SCHOOL ASSOCIATION (SCISA) CLASS AAA STATE CHAMPIONSHIP.

The Concurrent Resolution was adopted, ordered returned to the House.

**REPORT OF STANDING COMMITTEE**

Senator CLEARY from the Committee on Invitations polled out H. 5020 favorable:

H. 5020 -- Rep. Pope: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 53‑3‑210 SO AS TO DECLARE THE THIRD SATURDAY OF MAY OF EACH YEAR AS “SOUTH CAROLINA DAY OF SERVICE” AND ENCOURAGE ALL SOUTH CAROLINIANS TO ROLL UP THEIR SLEEVES AND LEND A HAND TO MAKE A POSITIVE DIFFERENCE IN OUR GREAT STATE.

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**Poll of the Invitations Committee**

**Polled 10; Ayes 10; Nays 0; Abstain 0; Not Voting 1**

**AYES**

Cleary Alexander Verdin

Campsen Cromer Malloy

Johnson Kimpson McElveen

Campbell

**Total--10**

**NAYS**

**Total--0**

**NOT VOTING**

Reese

**Total--1**

Ordered for consideration tomorrow.

**Message from the House**

Columbia, S.C., May 31, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 973 -- Senators Cromer and Alexander: A BILL TO AMEND SECTION 38‑7‑20 OF THE 1976 CODE, RELATING TO THE IMPOSITION OF THE INSURANCE PREMIUM TAX, SO AS TO EXTEND THE DATE THAT CERTAIN REVENUE MUST BE SENT TO THE SOUTH CAROLINA FORESTRY COMMISSION TO 2027.

Very respectfully,

Speaker of the House

Received as information.

Placed on Calendar for consideration tomorrow.

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**Message from the House**

Columbia, S.C., May 26, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4548 -- Reps. Sandifer, Forrester, Toole, Bales, Chumley, Burns, Hardee, Allison, Tallon, Henderson, Clemmons, Sottile, Crosby, V.S. Moss, Jefferson, Yow, Duckworth, H.A. Crawford, Jordan, Fry, Herbkersman, Lowe, Goldfinch, Hixon, Norman, Hiott, Taylor, McCoy, D.C. Moss, Collins, Rutherford, Anderson, Kirby, Pitts, Corley, Ballentine, Hamilton, Finlay, Huggins, Ott, Govan, Riley, Willis, Thayer, Felder, Hicks, Simrill, G.A. Brown, Bedingfield, Stringer, Ryhal, King, Loftis, Hayes, Mack, Rivers, Ridgeway, Clary, Brannon, Atwater, Daning, Bannister, Anthony, McEachern, Mitchell, Erickson, Weeks, Knight, Cole, George, Horne, G.R. Smith, G.M. Smith, Williams, Limehouse, Pope, Gambrell, Alexander, Stavrinakis, Newton, White, Spires, R.L. Brown, Gilliard, Dillard and Gagnon: A BILL TO AMEND SECTION 37‑2‑307, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CLOSING FEES ASSESSED ON MOTOR VEHICLES SALES CONTRACTS, SO AS TO PROVIDE A MOTOR VEHICLE DEALER WHO MEETS CERTAIN STATUTORY REQUIREMENTS MAY CHARGE A CLOSING FEE, TO ESTABLISH DEFENSES FOR A MOTOR VEHICLE DEALER, AND TO AUTHORIZE THE DEPARTMENT OF CONSUMER AFFAIRS TO ADMINISTER AND ENFORCE MOTOR VEHICLE DEALER CLOSING FEES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3560 -- Reps. Limehouse, Sottile, McCoy and Spires: A BILL TO AMEND SECTION 59‑25‑460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REQUIRED NOTICE AND

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HEARINGS FOR DISMISSAL OF A TEACHER, SO AS TO PROVIDE THAT THE BOARD MAY DESIGNATE A HEARING OFFICER TO CONDUCT A DISMISSAL HEARING AND ISSUE A REPORT WITH RECOMMENDATIONS, TO PROVIDE RELATED REQUIREMENTS OF A HEARING OFFICER, TO PROVIDE A HEARING MUST BE PRIVATE UNLESS THE TEACHER REQUESTS IN WRITING THAT THE HEARING BE PUBLIC, TO PROVIDE THAT A NOTICE OF DISMISSAL MUST BE GIVEN BY THE SUPERINTENDENT OR HIS DESIGNEE INSTEAD OF THE SCHOOL BOARD, TO SPECIFY USE OF A COURT REPORTER TO RECORD THE PROCEEDINGS, AND TO PROVIDE AN APPEALS PROCESS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4939 -- Education and Public Works Committee: A BILL TO ESTABLISH A COMMITTEE COMPOSED OF SPECIFIED MEMBERS TO REVIEW ALL EXISTING STATE EDUCATION STATUTES AND REPORT TO THE GENERAL ASSEMBLY THOSE WHICH ARE OBSOLETE OR NO LONGER APPLICABLE; AND TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP THE SYSTEM FOR PROVIDING SERVICES AND TECHNICAL ASSISTANCE FOR SCHOOL DISTRICTS ON A REGIONAL BASIS TO INCLUDE ACADEMIC ASSISTANCE AND ASSISTANCE WITH FINANCES, AND TO PROVIDE THAT THE SUPERINTENDENT OF EDUCATION SHALL REPORT THE DESIGN OF THE SYSTEM TO THE GENERAL ASSEMBLY NO LATER THAN DECEMBER 31, 2016, AND EVERY YEAR THEREAFTER REPORT THE PROGRESS OF THE SYSTEM IN REGARD TO ASSISTANCE PROVIDED TO LOCAL SCHOOL DISTRICTS, AND ALSO TO REQUIRE THAT THE DEPARTMENT OF EDUCATION SHALL MONITOR THE OPERATIONS OF SCHOOL BOARDS IN UNDERPERFORMING

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DISTRICTS TO DETERMINE IF THEY ARE OPERATING EFFICIENTLY AND EFFECTIVELY AND TO PROVIDE THAT THE DEPARTMENT SHALL MONITOR THE PROFESSIONAL DEVELOPMENT OF TEACHERS, STAFF, AND ADMINISTRATORS IN DISTRICTS IT DETERMINES ARE UNDERPERFORMING TO ASCERTAIN WHAT IMPROVEMENTS AND CHANGES ARE NECESSARY.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4413 -- Reps. H.A. Crawford, Norrell, M.S. McLeod, Henegan, V.S. Moss, Hicks and King: A BILL TO AMEND SECTION 63‑7‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LOCATIONS AT WHICH A PERSON MAY LEAVE AN INFANT UNDER CERTAIN CIRCUMSTANCES WITHOUT CRIMINAL PENALTY, SO AS TO REQUIRE SAFE HAVENS TO POST A NOTICE STATING THAT THE LOCATION IS A SAFE HAVEN, TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PREPARE THE NOTICE FOR USE BY SAFE HAVENS, TO ALLOW THE PLACEMENT OF AN INFANT NOT MORE THAN ONE YEAR OLD AT A SAFE HAVEN, AND TO CHANGE THE DEFINITION OF “INFANT”.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

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H. 4938 -- Education and Public Works Committee: A JOINT RESOLUTION TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION, WITH THE ASSISTANCE OF OTHER ENTITIES, SHALL SURVEY STUDENTS ENROLLED IN THE STATE’S COLLEGES OF EDUCATION AND INCLUDE QUESTIONS INQUIRING AS TO WHETHER THE STUDENTS HAVE EVER CONSIDERED TEACHING IN A RURAL AND ECONOMICALLY CHALLENGED SCHOOL DISTRICT AND WHAT INCENTIVES, IF ANY, WOULD CAUSE THEM TO CONSIDER WORKING IN SUCH A DISTRICT.

and has ordered the Resolution enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 3653 -- Reps. Pope, Quinn, Huggins, Allison, Spires, Hardee, Gagnon, Yow, Stavrinakis, H.A. Crawford, Kirby, McEachern, Anthony, Corley, Bales, Kennedy, Erickson, Hosey, Whitmire, Crosby, Southard, Tallon, McCoy, Burns, Atwater, Ballentine, Bannister, Bedingfield, Bernstein, R.L. Brown, Chumley, Clary, Collins, Felder, Finlay, Forrester, Funderburk, Gambrell, Hamilton, Herbkersman, Hicks, Hiott, Hixon, Hodges, Loftis, Long, V.S. Moss, Norman, Norrell, Pitts, Ridgeway, Riley, Sandifer, Simrill, G.R. Smith, Taylor, Thayer, Toole, Weeks, Wells, Willis, Mitchell, W.J. McLeod and Rivers: A BILL TO AMEND SECTION 23‑1‑210, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TEMPORARY TRANSFER OF A LAW ENFORCEMENT OFFICER TO WORK IN A MULTIJURISDICTIONAL TASK FORCE, SO AS TO AUTHORIZE A LAW ENFORCEMENT AGENCY TO ENTER INTO MUTUAL AID AGREEMENTS OR MULTIJURISDICTIONAL TASK FORCE AGREEMENTS WITH OTHER LAW ENFORCEMENT PROVIDERS FOR ANY LENGTH OF TIME, TO PROVIDE THAT A SHERIFF MAY ENTER INTO AN AGREEMENT AS LONG AS THE AGREEMENT DOES NOT OBLIGATE HIS COUNTY’S GOVERNING BODY TO ANY ADDITIONAL

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RESOURCES BEYOND THOSE APPROVED WITHIN HIS ANNUAL BUDGET, TO PROVIDE THE CONDITIONS UPON WHICH AN AGREEMENT MAY BE TERMINATED, TO PROVIDE CERTAIN LIMITS PLACED UPON A LOCAL GOVERNING BODY WHEN IT ATTEMPTS TO PROHIBIT A LAW ENFORCEMENT AGENCY FROM TRANSFERRING OR ASSIGNING LAW ENFORCEMENT OFFICERS TO OTHER JURISDICTIONS, AND TO SPECIFY THE DIFFERENCES BETWEEN AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION AND UNDER THE LAW ENFORCEMENT ASSISTANCE SUPPORT ACT; AND TO REPEAL SECTION 23‑1‑215, AS AMENDED, RELATING TO AGREEMENTS THAT MAY BE ENTERED INTO BETWEEN MULTIPLE LAW ENFORCEMENT JURISDICTIONS FOR THE PURPOSE OF CRIMINAL INVESTIGATIONS.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

H. 4546 -- Reps. Putnam, Clyburn, Robinson‑Simpson, Thayer, Collins, Clary, Erickson, Long, Ryhal, Herbkersman, Newton, Jordan, Hicks, McCoy, M.S. McLeod, Douglas, Henegan, Allison, Quinn, Funderburk, Finlay, Jefferson, Willis and Bedingfield: A BILL TO AMEND SECTION 63‑7‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN THE CHILDREN’S CODE, SO AS TO ADD DEFINITIONS FOR “AGE‑APPROPRIATE ACTIVITY”, “CAREGIVER”, AND “STANDARD OF CARE OF A REASONABLE AND PRUDENT PARENT”; TO AMEND SECTION 63‑7‑1700, AS AMENDED, RELATING TO PERMANENCY PLANNING, SO AS TO PROVIDE FOR COURT CONSIDERATION OF LOCAL FOSTER CARE REVIEW BOARD RECOMMENDATIONS, TO REQUIRE THE COURT TO TAKE INTO CONSIDERATION RECOMMENDATIONS OF THE DEPARTMENT OF SOCIAL SERVICES, THE LOCAL FOSTER CARE REVIEW BOARD, AND

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THE GUARDIAN AD LITEM BEFORE APPROVING A PLACEMENT PLAN, AND TO REQUIRE THE COURT TO REVIEW THE DEPARTMENT’S EFFORTS TO ENSURE A FOSTER CHILD HAS THE OPPORTUNITY TO ENGAGE IN AGE‑APPROPRIATE ACTIVITIES; TO AMEND SECTION 63‑7‑2310, RELATING TO THE FOSTER CARE SYSTEM, SO AS TO REQUIRE THE DEPARTMENT TO MAKE EFFORTS TO NORMALIZE THE LIVES OF CHILDREN IN FOSTER CARE BY ENABLING PARTICIPATION IN AGE‑APPROPRIATE ACTIVITIES; TO AMEND SECTION 63‑11‑720, RELATING TO FUNCTIONS AND POWERS OF LOCAL FOSTER CARE REVIEW BOARDS, SO AS TO CHANGE THE FREQUENCY WITH WHICH THESE BOARDS MUST REVIEW CASES OF CHILDREN IN FOSTER CARE AND CERTAIN REPORTING REQUIREMENTS; TO AMEND SECTION 63‑11‑750, RELATING THE FOSTER CARE REVIEW BOARD’S RIGHT TO PARTICIPATE IN CHILD ABUSE AND NEGLECT JUDICIAL PROCEEDINGS, SO AS TO ALLOW THE BOARD TO INTRODUCE, EXAMINE, AND CROSS‑EXAMINE WITNESSES; AND FOR OTHER PURPOSES.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

**Message from the House**

Columbia, S.C., May 26, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it concurs in the amendments proposed by the Senate to:

S. 454 -- Senators Campsen and Turner: A BILL TO AMEND CHAPTER 9, TITLE 50 OF THE 1976 CODE, RELATING TO HUNTING AND FISHING LICENSES, TO PROVIDE THAT A PERSON MUST HAVE IMMEDIATE ACCESS AND AUTHORIZATION TO UTILIZE DEER QUOTA TAGS TO HUNT ON PROPERTY WITH A DEER QUOTA PROGRAM PERMIT, TO PROVIDE FOR THE DEER QUOTA PROGRAM AND REQUIREMENTS FOR APPLICATION THERETO, TO PROVIDE THAT A PERSON MUST POSSESS A SET OF INDIVIDUAL DEER TAGS FROM THE DEPARTMENT TO HUNT ON PROPERTY WITHOUT A DEER QUOTA PROGRAM PERMIT, TO SET THE

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DEER TAG FEES FOR IN AND OUT‑OF‑STATE RESIDENTS; TO AMEND SECTION 50‑9‑920(B)(6) OF THE 1976 CODE, RELATING TO REVENUES FROM THE SALE OF PRIVILEGES, LICENSES, PERMITS, AND TAGS, TO SUBSTITUTE DEER QUOTA PROGRAM PERMIT FOR ANTLERLESS DEER QUOTA PERMIT; TO AMEND SECTION 50‑9‑920(B)(7) OF THE 1976 CODE, TO REMOVE “ANTLERLESS” AND SUBSTITUTE “INDIVIDUAL”; TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF GAME, TO PROVIDE FOR THE BAG LIMITS FOR ANTLERED AND ANTLERLESS DEER, AND THE LIMIT FOR DEER ON PROPERTY ENROLLED IN THE DEER QUOTA PROGRAM, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO TAKE MORE THAN THE LEGAL LIMIT OF DEER, AND TO PROVIDE FOR THE PENALTIES FOR VIOLATIONS OF THE SECTION; TO AMEND CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO THE PROTECTION OF GAME, TO PROVIDE THAT THE DEPARTMENT SHALL ISSUE DEER TAGS AND TO PROVIDE FOR THE CIRCUMSTANCES SURROUNDING THE VALIDITY OF SUCH TAGS, TO PROVIDE THAT ALL DEER TAKEN MUST BE TAGGED, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO POSSESS, MOVE, OR TRANSPORT AN UNTAGGED DEER, TO POSSESS MORE THAN ONE SET OF DEER TAGS OR TAGS ISSUED IN ANOTHER’S NAME, AND TO ALTER A DEER TAG FOR FRAUDULENT OR UNLAWFUL PURPOSES, AND TO PROVIDE FOR THE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 50‑11‑390 OF THE 1976 CODE, RELATING TO DEPARTMENTAL AUTHORITY OVER GAME ZONES, TO AUTHORIZE THE DEPARTMENT TO PROMULGATE NECESSARY REGULATIONS RELATED TO THE TAKING OF DEER; AND TO REPEAL SECTION 50‑11‑335 OF THE 1976 CODE.

and has ordered the Bill enrolled for Ratification.

Very respectfully,

Speaker of the House

Received as information.

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**Message from the House**

Columbia, S.C., May 31, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

H. 3186 -- Reps. Finlay, Cole, Anderson, Bales, G.A. Brown, R.L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, G.R. Smith, G.M. Smith, McCoy, Clary, J.E. Smith, W.J. McLeod, Weeks, Whipper, Hicks, Atwater, Ballentine and Stavrinakis: A BILL TO AMEND SECTION 8‑13‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO ETHICS AND GOVERNMENT ACCOUNTABILITY, SO AS TO REVISE THE DEFINITION OF “BUSINESS WITH WHICH HE IS ASSOCIATED”; AND TO AMEND SECTION 8‑13‑1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REVISE THE FORM AND REQUIRED CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS.

Very respectfully,

Speaker of the House

Received as information.

Senator LARRY MARTIN moved to waive the provisions of Rule 32A requiring the Bill to be printed on the Calendar.

Senator LARRY MARTIN explained the Bill.

**NONCONCURRENCE**

H. 3186 -- Reps. Finlay, Cole, Anderson, Bales, G.A. Brown, R.L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, G.R. Smith, G.M. Smith, McCoy, Clary, J.E. Smith, W.J. McLeod, Weeks, Whipper, Hicks, Atwater, Ballentine and Stavrinakis: A BILL TO AMEND SECTION 8‑13‑100, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO ETHICS AND GOVERNMENT ACCOUNTABILITY, SO AS TO REVISE THE DEFINITION OF “BUSINESS WITH WHICH HE IS ASSOCIATED”; AND TO AMEND SECTION 8‑13‑1120, AS AMENDED, RELATING

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TO CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REVISE THE FORM AND REQUIRED CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS.

On motion of Senator MALLOY, with unanimous consent, the Senate nonconcurred in the amendments and a message was sent to the House.

**Message from the House**

Columbia, S.C., May 31, 2016

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has returned the following Bill to the Senate with amendments:

S. 913 -- Senators L. Martin, Davis, Hembree, Fair and Malloy: A BILL TO AMEND SECTION 30-4-50 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE FREEDOM OF INFORMATION ACT, TO INCLUDE LAW ENFORCEMENT VEHICLE MOUNTED VIDEO AND AUDIO RECORDINGS IN THE LIST OF SPECIFIC CATEGORIES OF INFORMATION THAT IS TO BE MADE AVAILABLE TO THE PUBLIC, AND TO PROVIDE THAT LAW ENFORCEMENT MAY APPLY FOR INJUNCTIVE RELIEF FROM THE CIRCUIT COURT IF THERE IS CLEAR AND CONVINCING EVIDENCE OF SPECIFIC HARM FROM THE RELEASE OF THE RECORDING.

Very respectfully,

Speaker of the House

Received as information.

**NONCONCURRENCE**

S. 913 -- Senators L. Martin, Davis, Hembree, Fair and Malloy: A BILL TO AMEND SECTION 30-4-50 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO THE FREEDOM OF INFORMATION ACT, TO INCLUDE LAW ENFORCEMENT VEHICLE MOUNTED VIDEO AND AUDIO RECORDINGS IN THE LIST OF SPECIFIC CATEGORIES OF INFORMATION THAT IS TO BE MADE AVAILABLE TO THE PUBLIC, AND TO PROVIDE THAT LAW ENFORCEMENT MAY APPLY FOR INJUNCTIVE RELIEF FROM THE CIRCUIT COURT IF THERE IS CLEAR AND CONVINCING EVIDENCE OF SPECIFIC HARM FROM THE RELEASE OF THE RECORDING.

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On motion of Senator LARRY MARTIN, with unanimous consent, the Senate nonconcurred in the amendments and a message was sent to the House.

**HOUSE CONCURRENCES**

S. 1345 -- Senator Alexander: A CONCURRENT RESOLUTION TO EXPRESS THE PROFOUND SORROW OF THE MEMBERS OF THE GENERAL ASSEMBLY UPON THE DEATH OF DR. LINDA VELDHEER, TO RECOGNIZE AND HONOR HER LIFE AND WORK, AND TO EXTEND THE DEEPEST SYMPATHY TO HER FAMILY AND MANY FRIENDS.

Returned with concurrence.

Received as information.

S. 1307 -- Senator Johnson: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF U.S. HIGHWAY 76 FROM THE TIMMONSVILLE CITY LIMIT TO ITS INTERSECTION WITH INTERSTATE 95 THE “REVEREND DR. HENRY B. PEOPLES HIGHWAY” AND ERECT APPROPRIATE MARKERS AND SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

Returned with concurrence.

Received as information.

S. 1309 -- Senator Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF HIGHWAY 76 FROM ITS INTERSECTION WITH S. CANAL ROAD TO ITS INTERSECTION WITH MAIN STREET IN MARION, SOUTH CAROLINA, “BISHOP R.F. DAVIS HIGHWAY” AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY THAT CONTAIN THIS DESIGNATION.

Returned with concurrence.

Received as information.

S. 1310 -- Senators Malloy and McElveen: A CONCURRENT RESOLUTION TO REQUEST THE DEPARTMENT OF TRANSPORTATION NAME THE INTERSECTION LOCATED AT THE JUNCTURE OF GREEN LANE AND SOUTH CAROLINA HIGHWAY 15 IN LEE COUNTY “ARTHUR BROWN

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CROSSROADS” AND TO ERECT APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION THAT CONTAIN THIS DESIGNATION.

Returned with concurrence.

Received as information.

**Expression of Personal Interest**

Senator McELVEEN rose for an Expression of Personal Interest.

**Expression of Personal Interest**

Senator MALLOY rose for an Expression of Personal Interest.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**Motion Adopted**

Senator HUTTO asked unanimous consent to recommit all Senate Bills on the Second Reading Calendar.

There was no objection.

**ORDERED ENROLLED FOR RATIFICATION**

The following Bill was read the third time and, having received three readings in both Houses, it was ordered that the title be changed to that of an Act and enrolled for Ratification:

H. 4124 -- Rep. Pitts: A BILL TO AMEND SECTION 44‑11‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO APPOINTMENT AND POWERS OF MARSHALS AT STATE MENTAL HEALTH FACILITIES, SO AS TO SUBSTITUTE DEPARTMENT OF MENTAL HEALTH FOR MENTAL HEALTH COMMISSION AND LAW ENFORCEMENT OFFICERS FOR MARSHALS, AND FOR OTHER PURPOSES.

**AMENDED, READ THE THIRD TIME**

**RETURNED TO THE HOUSE**

H. 5193 -- Rep. Huggins: A BILL TO AMEND SECTION 44‑130‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESCRIPTIONS AND STANDING ORDERS FOR OPIOID ANTIDOTES, SO AS TO AUTHORIZE THE PRESCRIPTION AND DISPENSING OF OPIOID ANTIDOTES PURSUANT TO A NONPATIENT‑SPECIFIC STANDING ORDER IN CERTAIN CIRCUMSTANCES.

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The Senate proceeded to the consideration of the Bill.

Senators DAVIS and HUTTO proposed the following amendment (BH\5193C003.BH.VR16), which was adopted:

Amend the bill, as and if amended, SECTION 1, Section 44‑130‑40, by adding an appropriately lettered subsection at the end to read:

/ ( ) The Veterans Equal Access Amendment to the Military Construction and Veterans Affairs Appropriations passed by the United States Congress provides that: ‘Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall authorize physicians and other health care providers employed by the Department of Veterans Affairs to provide recommendations and opinions to veterans who are residents of states with state marijuana programs regarding the participation of veterans in such state marijuana programs.’ The Department of Health and Environmental Control is directed to study: (1) the possibility that a person experiencing an opioid‑related overdose would be decreased if access to cannabis was legally permitted; and (2) the extent to which states have latitude by federal law for a Veterans Affairs’ physician licensed in the State of South Carolina to provide a written certification that a veteran would benefit from the use of marijuana for medicinal purposes rather than being prescribed opioids. DHEC shall provide the General Assembly a report on the findings by January 1, 2017. /

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Cromer Davis

Fair Gambrell Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

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*Matthews, John Matthews, Margie* McElveen

Nicholson Peeler Rankin

Sabb Scott Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

The Bill was read the third time, ordered returned to the House.

**HOUSE BILLS RETURNED**

The following Bills were read the third time and ordered returned to the House with amendments.

H. 4763 -- Reps. Pope, D.C. Moss, Yow, Hardee, Duckworth, Johnson, Goldfinch, Southard, Long, Felder, Taylor, George, Simrill, Jordan, Chumley, Clemmons, Sandifer, Wells, Whitmire, Funderburk and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑7‑180 SO AS TO CREATE THE INTERNET CRIMES AGAINST CHILDREN FUND TO INVESTIGATE, PROSECUTE, AND PREVENT INTERNET CRIMES AGAINST CHILDREN; AND TO AMEND SECTIONS 14‑1‑206, 14‑1‑207, AND 14‑1‑208, ALL AS AMENDED, ALL RELATING TO ADDITIONAL ASSESSMENTS IMPOSED BY CERTAIN COURTS, SO AS TO REVISE THE AMOUNT OF AN ASSESSMENT THAT A PERSON MUST PAY.

H. 4542 -- Reps. McKnight, Clyburn, Cobb‑Hunter, Hill, King, Whipper and Bowers: A BILL TO AMEND TITLE 44 OF THE 1976 CODE, RELATING TO HEALTH, BY ADDING CHAPTER 137, TO ENACT THE RIGHT TO TRY ACT, TO PROVIDE FOR AN ELIGIBLE PATIENT’S RIGHT TO TRY INVESTIGATIONAL DRUGS, BIOLOGICAL PRODUCTS, OR DEVICES TO COMBAT A TERMINAL ILLNESS; TO PROVIDE FOR AN ELIGIBLE PATIENT’S REQUEST TO USE AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; TO PROVIDE THAT AN ELIGIBLE PATIENT GIVE INFORMED CONSENT PRIOR TO USING AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT,

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OR DEVICE; TO PROVIDE PROTECTION FROM LIABILITY FOR DOCTORS PRESCRIBING AND MANUFACTURERS OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; TO PROVIDE THAT STATE EMPLOYEES MAY NOT BLOCK THE PROPER USE OF AN INVESTIGATIONAL DRUG, BIOLOGICAL PRODUCT, OR DEVICE; AND TO DEFINE NECESSARY TERMS.

**AMENDED**

**SECOND READING BILL**

H. 5279 -- Reps. Stavrinakis, McCoy, Merrill, Sottile, Daning, Gilliard, Limehouse, Crosby, Tinkler, Whipper and R.L. Brown: A BILL TO AMEND ACT 340 OF 1967, AS AMENDED, RELATING TO THE CHARLESTON COUNTY SCHOOL DISTRICT, SO AS TO REVISE PROCEDURES CONCERNING THE ANNUAL DISTRICT BUDGET BY PROVIDING THE SCHOOL BOARD SHALL OBTAIN CERTIFICATION OF PROPERTY TAX REVENUE EXPECTED FOR THE BUDGET FROM THE COUNTY AUDITOR BEFORE THE BOARD MAY GIVE THE BUDGET SECOND READING, TO PROVIDE THAT WITHIN SIXTY DAYS FOLLOWING ENACTMENT OF THE ANNUAL STATE BUDGET, THE BOARD SHALL REVIEW AND, IF NEEDED TO AVOID OPERATING WITH A DEFICIT, AMEND THE ANNUAL DISTRICT BUDGET TO REFLECT FUNDS ACTUALLY APPROPRIATED BY THE GENERAL ASSEMBLY, TO PROVIDE THAT BEFORE JANUARY FIRST ANNUALLY THE BOARD SHALL REVIEW THE STATUS OF ITS FISCAL YEAR REVENUES AND EXPENDITURES TO DETERMINE THE EXTENT TO WHICH, IF ANY, THE DISTRICT IS OPERATING WITH A DEFICIT, AND TO PROVIDE IF THE DISTRICT DETERMINES THAT IT IS OPERATING WITH A DEFICIT, IT MUST AMEND ITS BUDGET TO ELIMINATE THE DEFICIT WITHIN SIXTY DAYS.

The Senate proceeded to a consideration of the Bill.

Senators KIMPSON, M.B. MATTHEWS, and CAMPSEN proposed the following amendment (5279R001.EB.MEK), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered new SECTIONS to read:

/ SECTION \_\_. Prior to any vote by the Charleston School District on the closure of any school in the District, the Board of Trustees of the Charleston School District must hold a public hearing on the proposed

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school closure at the school under consideration for closure. At this public hearing the Board of Trustees must provide its reasons for proposing the school closure and must allow for public input into the proposed school closure.

SECTION \_\_. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective./

Renumber sections to conform.

Amend title to conform.

Senator KIMPSON explained the amendment.

Senator THURMOND spoke on the Bill.

The amendment was adopted.

The question then was second reading of the Bill.

The following Bill, having been read the second time, was ordered placed on the Third Reading Calendar.

**Recorded Vote**

Senator THURMOND desired to be recorded as voting against the second reading of the Bill.

**AMENDED, READ THE SECOND TIME**

H. 4090 -- Reps. Bedingfield, Sandifer, G.A. Brown, Ballentine and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40‑29‑25 SO AS TO PROVIDE ACTIONS THAT REQUIRE A CERTIFICATE OF AUTHORITY AS A PAWN BROKER; BY ADDING SECTION 40‑29‑55 SO AS TO PROVIDE FOR THE PERIODIC ADJUSTMENT OF CERTAIN MONETARY REQUIREMENTS IN A CERTAIN MANNER; BY ADDING SECTION 40‑29‑145 SO AS TO HOLD ORDERS ON PROPERTY IN THE POSSESSION OF A

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PAWNBROKER SUSPECTED TO HAVE BEEN MISAPPROPRIATED OR STOLEN; BY ADDING SECTION 40‑29‑155 SO AT TO PROVIDE A PERSON AGGRIEVED BY THE FINAL ADMINISTRATIVE ORDER OF THE DEPARTMENT OF CONSUMER AFFAIRS MAY REQUEST A CONTESTED CASE HEARING BEFORE THE ADMINISTRATIVE LAW COURT, AND TO PROVIDE THE DEPARTMENT MAY BRING AN ACTION TO ENFORCE ITS ORDER IF THE PERSON FAILS TO TIMELY REQUEST A CONTESTED CASE HEARING; TO AMEND SECTION 40‑39‑10, RELATING TO DEFINITIONS CONCERNING THE REGULATION OF PAWNBROKERS BY THE DEPARTMENT, SO AS TO REVISE THE DEFINITION OF “PLEDGED GOODS” SPECIFICALLY TO EXCLUDE CERTAIN VEHICLES; TO AMEND SECTION 40‑39‑20, RELATING TO REGULATIONS OF PAWN BROKERS, SO AS TO REVISE REQUIREMENTS CONCERNING BACKGROUND CHECKS AND TO PROHIBIT THE EMPLOYMENT OF A PERSON CONVICTED OF A FELONY TO ENGAGE IN THE WORK OF A PAWNBROKER, SUBJECT TO CERTAIN EXCEPTIONS; TO AMEND SECTION 40‑39‑30, RELATING TO THE REQUIREMENT OF A CERTIFICATE OF AUTHORITY FOR EACH BUSINESS LOCATION OF A PAWNBROKER, SO AS TO PROVIDE A PAWNBROKER MAY RETAIN NO PLEDGED GOODS IN A LOCATION OTHER THAN THE LOCATION DESIGNATED IN THE CERTIFICATE OF AUTHORITY WITHOUT FIRST FILING A NOTIFICATION WITH THE DEPARTMENT ON A FORM PRESCRIBED BY THE DEPARTMENT, AND TO PROVIDE A PAWNBROKER CONSPICUOUSLY SHALL POST THE HOURS OF OPERATION AND ANY CLOSURE AT EACH LOCATION; TO AMEND SECTION 40‑39‑40, RELATING TO THE PROHIBITION ON UNAUTHORIZED FEES, SO AS TO PROVIDE A PAWNBROKER THAT COLLECTS SUCH UNAUTHORIZED FEES MAY NOT COLLECT, RECEIVE, OR RETAIN ANY INTEREST OR CHARGES ON THE LOAN IN VIOLATION OF THIS CHAPTER AND HAS NO RIGHT TO POSSESS THE PLEDGED GOODS; TO AMEND SECTION 40‑39‑50, RELATING TO BONDS AND OTHER EVIDENCE OF FINANCIAL RESPONSIBILITY REQUIRED FOR A CERTIFICATE OF AUTHORITY, SO AS TO REVISE AND DELETE SOME EXISTING REQUIREMENTS AND TO PROVIDE WITHIN TWENTY‑ONE CALENDAR DAYS AFTER THE OCCURRENCE OF AN EVENT THAT MAY AFFECT PLEDGED GOODS, A

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PAWNBROKER SHALL FILE A WRITTEN NOTICE ON A FORM PRESCRIBED BY THE DEPARTMENT DESCRIBING THE EVENT AND ITS EXPECTED IMPACT UPON THE BUSINESS; TO AMEND SECTION 40‑39‑70, RELATING TO RECORD KEEPING REQUIREMENTS, SO AS TO INCLUDE SALES AMONG THE AFFECTED TRANSACTIONS, TO REQUIRE VERIFICATION OF THE IDENTITY OF A PLEDGOR OR SELLER IN A CERTAIN MANNER, AND TO PROVIDE A PAWN OR PURCHASE TRANSACTION MUST BE PERFORMED BY THE OWNER OF THE PROPERTY, OR HIS AUTHORIZED AGENT, WHOSE IDENTITY AND AGENCY RELATIONSHIP MUST BE VERIFIED BY THE PAWNBROKER; TO AMEND SECTION 40‑39‑80, RELATING TO THE ISSUANCE OF A MEMORANDUM OR NOTE AT THE TIME OF PAWNING OR PLEDGING, SO AS TO CHARACTERIZE THE MEMORANDUM OR NOTE AS A “PAWN TICKET” AND TO PROVIDE DETAILED, RELATED REQUIREMENTS; TO AMEND SECTION 40‑39‑100, RELATING TO PERMISSIBLE CHARGES ON LOANS BY PAWNBROKERS, SO AS TO REVISE THE MAXIMUM PERMISSIBLE AMOUNT; TO AMEND SECTION 40‑39‑120, RELATING TO THE RENEWAL OF A CERTIFICATE OF AUTHORITY, SO AS TO PROVIDE PENALTIES FOR FAILING TO TIMELY RENEW, AND TO PROVIDE REQUIREMENTS FOR A PAWN SHOP THAT MUST CLOSE BECAUSE OF A SURRENDER OR REVOCATION OF ITS CERTIFICATE OF AUTHORITY; TO AMEND SECTION 40‑39‑140, RELATING TO THE ACCEPTANCE OF PROPERTY OWNED BY A THIRD PARTY, SO AS TO PROVIDE CIRCUMSTANCES IN WHICH A PAWNBROKER MUST RETURN PLEDGED PROPERTY THAT HAD BEEN LEASED BY A SELLER OR PLEDGOR TO THE LESSOR OF THE PROPERTY, AND TO PROVIDE A PAWNBROKER IS NOT LIABLE TO THE PLEDGOR OR SELLER OF PROPERTY THAT IS RECOVERED BY A LESSOR FOR RETURNING THE PROPERTY TO A LESSOR; AND TO AMEND SECTION 40‑39‑150, RELATING TO FINES AND PENALTIES FOR VIOLATIONS, SO AS TO TRANSFER CERTAIN AUTHORITY CONCERNING THESE FINES AND PENALTIES FROM THE ADMINISTRATIVE LAW COURT TO THE DEPARTMENT.

The Senate proceeded to a consideration of the Bill.

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Senator ALEXANDER proposed the following amendment (4090R004.DR.TCA), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 in its entirety.

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the amendment.

The amendment was adopted.

Senator ALLEN proposed the following amendment (4090R005.EB.KBA), which was adopted:

Amend the bill, as and if amended, by striking Section 40‑39‑20(F) in its entirety.

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**Motion under Rule 26B**

Senator HUTTO asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4262 -- Reps. Erickson, M.S. McLeod, Collins and Long: A BILL TO AMEND SECTION 63‑13‑825, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TRAINING FOR FAMILY CHILDCARE HOME OPERATORS AND EMPLOYEES, SO AS TO REQUIRE ADDITIONAL TRAINING; TO AMEND SECTION 63‑13‑830, RELATING TO STATEMENTS OF REGISTRATION FOR FAMILY CHILDCARE HOMES, SO AS TO PROVIDE ADDITIONAL AUTHORITY OF THE DEPARTMENT OF SOCIAL SERVICES AND RIGHTS OF FAMILY CHILDCARE HOMES; AND TO AMEND SECTION 63‑13‑850, RELATING TO APPEALS OF DECISIONS TO WITHDRAW A STATEMENT OF REGISTRATION

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OF A FAMILY CHILDCARE HOME, SO AS TO ALSO ADDRESS APPEALS OF DECISIONS TO DENY AN APPLICATION FOR A STATEMENT OR RENEWAL OF REGISTRATION.

The Senate proceeded to a consideration of the Bill.

The Committee on Judiciary proposed the following amendment (JUD4262.002), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting language and inserting:

/ SECTION 1. Section 63-13-820(C) of the 1976 Code, is amended to read:

“(C) A person applying to become a registered operator of a family childcare home under this section ~~and~~, a person fifteen years of age or older living in the family childcare home, and any person fifteen years of age or older who moves into the family childcare home after the initial application for registration is approved shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint reviews required by this subsection are not required upon each renewal.”

SECTION 2. Section 63‑13‑825(A) of the 1976 Code, as added by Act 292 of 2010, is amended to read:

“(A) An operator of a family childcare home and any person employed by or who contracts with an operator of a family childcare home to provide direct childcare, annually shall complete and provide documentation to the Department of Social Services of a minimum of ~~two~~ ten hours of training approved by the department.”

SECTION 3. Section 63‑13‑830(E) of the 1976 Code is amended to read:

“(E)(1) The department may deny an application for a statement of registration, deny an application for a renewal of registration, work with a family childcare home operator to resolve a concern, or withdraw ~~the~~ a statement of registration if one or more of the following apply:

~~(1)~~(a) the health ~~and~~ or safety of ~~the children require withdrawal~~ any child in the facility is at risk;

~~(2)~~(b) the family childcare home operator, in the operation of a family childcare home facility, previously enrolled or currently has enrolled children beyond the limits defined in this chapter;

~~(3)~~(c) the operator fails to comply with the registration procedures provided in this chapter; or

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(d) the operator fails to comply with the training requirements provided in Section 63‑13‑825(A).

(2) If a family childcare home has had its application for a statement or renewal of registration denied by the department or its statement of registration withdrawn by the department pursuant to this subsection, the family childcare home may elect to meet the requirements for licensure by demonstrating compliance with Article 3 of this chapter and the suggested standards developed by the department pursuant to Section 63‑13‑180.

(3) The department shall consider previous applications, the circumstances of prior inspections, or withdrawals of registration, by the department or the applicant, as factors to be considered in the application process; however, a prior concern does not prohibit the department from granting the family childcare home a statement or renewal of registration if the department is satisfied the concern has been resolved.

(4) If the operator fails to comply with the training requirements provided in Section 63-13-825(A) prior to the expiration of the registration or fails to timely renew the registration, the department shall place the operator on a corrective action plan.”

SECTION 4. Section 63‑13‑850(A) of the 1976 Code is amended to read:

“(A) A registrant whose statement of registration has been withdrawn by the department or whose application for a statement or renewal of registration has been denied by the department must be given written notice of the withdrawal or denial by certified or registered mail. The notice must contain the reasons for the proposed action and must inform the registrant of the right to appeal the decision to the director or his designee in writing within thirty calendar days after the receipt of the notice. Upon receiving a written appeal the director or his designee shall give the registrant reasonable notice and an opportunity for a prompt hearing before the director or his designee. On the basis of the evidence adduced at the hearing, the director or his designee shall make the final decision of the department as to whether the department shall withdraw the statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration, as applicable. If no written appeal is made, the department shall withdraw a statement of registration ~~must be withdrawn~~ or deny the application for a statement or renewal of registration as of the termination of the thirty‑day period.”

SECTION 5. Section 63‑13‑825(A) of Article 7, Title 13 takes effect July 1, 2017. The remaining provisions of this act take effect upon approval by the Governor. /

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Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Sabb

Scott Setzler Shealy

Sheheen Thurmond Turner

Verdin Williams Young

**Total--45**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

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**COMMITTEE AMENDMENT ADOPTED**

**AMENDED, CARRIED OVER**

H. 4339 -- Reps. Kennedy, McCoy, Quinn, Atwater, Delleney and Weeks: A BILL TO AMEND SECTION 14‑7‑1610, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LEGISLATIVE FINDINGS CONCERNING THE STATE GRAND JURY SYSTEM, SO AS TO PROVIDE ADDITIONAL FINDINGS CONCERNING CERTAIN CRIMES INVOLVING INSURANCE FRAUD; TO AMEND SECTION 14‑7‑1630, AS AMENDED, RELATING TO THE SUBJECT MATTER JURISDICTION OF THE STATE GRAND JURY, SO AS TO INCLUDE CERTAIN CRIMES INVOLVING INSURANCE FRAUD; TO AMEND SECTION 38‑55‑170, RELATING TO CRIMES AND PENALTIES FOR PRESENTING FALSE CLAIMS FOR PAYMENT TO AN INSURER TRANSACTING IN THIS STATE, SO AS TO PROVIDE FOR THE SUSPENSION OF THE DRIVING PRIVILEGES OF A PERSON FOUND ON THE RECORD BY THE COURT OF HAVING CARELESSLY OR RECKLESSLY OPERATED A MOTOR VEHICLE IN THE COMMISSION OF SUCH A VIOLATION AND TO SUBJECT THE DRIVER’S MOTOR VEHICLE AND RELATED PROPERTY USED IN THE COMMISSION OF THE VIOLATION TO FORFEITURE; TO AMEND SECTION 38‑55‑540, RELATING TO CRIMES AND PENALTIES FOR MAKING FALSE STATEMENTS OF MISREPRESENTATION IN VIOLATION OF THE INSURANCE FRAUD AND REPORTING IMMUNITY ACT, SO AS TO REVISE CRITERIA FOR VARIOUS PENALTIES, AND TO PROVIDE FOR THE SUSPENSION OF THE DRIVING PRIVILEGES OF A PERSON FOUND ON THE RECORD BY THE COURT OF HAVING CARELESSLY OR RECKLESSLY OPERATED A MOTOR VEHICLE IN THE COMMISSION OF SUCH A VIOLATION AND SUBJECT THE DRIVER’S MOTOR VEHICLE AND RELATED PROPERTY USED IN THE COMMISSION OF THE VIOLATION TO FORFEITURE; AND TO AMEND SECTION 56‑1‑146, RELATING TO SURRENDER OF DRIVERS LICENSES BY PEOPLE CONVICTED OF CERTAIN CRIMES, SO AS TO INCLUDE THE CRIME OF INSURANCE FRAUD.

The Senate proceeded to a consideration of the Bill.

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The Committee on Judiciary proposed the following amendment (JUD4339.003), which was adopted:

Amend the bill, as and if amended, page 8 by striking lines 19-23 and inserting:

/ (B) Upon conviction of a violation of this section, any motor /

Amend the bill further, as and if amended, page 9 by striking lines 25-29 and inserting:

/ (C) Upon conviction of a violation of this section, any motor /

Amend the bill further, as and if amended, by striking SECTION 5 beginning on page 9, line 33.

Amend the bill further, as and if amended, page 8 by striking lines 30-34 and inserting:

/ “Section 38‑55‑540. (A) A person who knowingly makes a false statement or misrepresentation, and any other person knowingly, with an intent to injure, defraud, or deceive, or who knowingly assists, abets, solicits, or conspires with a person to make a false statement or misrepresentation, is guilty of a: /

Renumber sections to conform.

Amend title to conform.

Senator MASSEY explained the committee amendment.

The amendment was adopted.

Senator SHEHEEN proposed the following amendment (4339R002.EB.VAS), which was adopted:

Amend the bill, as and if amended, SECTION 1, by striking Section 14‑7‑1610(G)(2) and inserting:

/ (2) crimes involving insurance fraud schemes are often complex and often involve conspiracies of two or more people and large amounts of money; /

Amend the bill further, as and if amended, SECTION 2, by striking Section 14‑7‑1630(A)(14) and inserting:

/ (14) a crime involving insurance fraud including, but not limited to, a violation of the statutes under the South Carolina Omnibus Insurance Fraud and Reporting Immunity Act or a crime related to insurance fraud if the fraud involves two or more people and if the undeserved economic benefit that is received or attempted to be received from a violation or combination of violations is greater than two hundred thousand dollars.” /

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Amend the bill further, as and if amended, SECTION 3, by striking Section 38‑55‑170(C) and inserting:

/ (C) Upon conviction of a violation of this section, any motor vehicles, equipment, or other property, real or personal, owned by the convicted person and used in the furtherance of a violation of this section is subject to forfeiture.” /

Amend the bill further, as and if amended, SECTION 4, by striking Section 38‑55‑540(D) and inserting:

/ (D) Upon conviction of a violation of this section, any motor vehicles, equipment, or other property, real or personal owned by the convicted person and used in the furtherance of a violation of this section is subject to forfeiture.” /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

On motion of Senator MALLOY, the Bill was carried over.

**Motion under Rule 26B**

Senator MASSEY asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**AMENDED, READ THE SECOND TIME**

H. 4878 -- Reps. Tallon, Allison, Bales, Anthony, Burns, Kennedy, Quinn, Chumley, Clary, Gagnon, Hixon and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑85 SO AS TO PROVIDE THAT COMMUNICATIONS BETWEEN A CLIENT AND ANY MEMBER OF A PEER‑SUPPORT TEAM SHALL BE CONFIDENTIAL AND PRIVILEGED UNDER CERTAIN CIRCUMSTANCES.

The Senate proceeded to a consideration of the Bill.

Senator SHEHEEN proposed the following amendment (JUD4878.001), which was adopted:

Amend the bill, as and if amended, page 1, by striking lines 34-42 and inserting:

/ (B) Notwithstanding any other provision of law, except as provided in subsection (C), communications between a client and any member of a peer‑support team, including other clients involved in the

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same peer‑support process, shall be confidential and privileged as provided by Section 19-11-95(B). /

Renumber sections to conform.

Amend title to conform.

Senator SHEHEEN explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 44; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Malloy *Martin, Larry Martin, Shane*

Massey *Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

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**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 5078 -- Reps. White and Cobb‑Hunter: A BILL TO AMEND SECTION 4‑10‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VARIOUS LOCAL SALES AND USE TAXES, SO AS TO DEFINE “GENERAL ELECTION”; TO AMEND SECTIONS 4‑10‑330 AND 4‑10‑340, BOTH AS AMENDED, RELATING TO THE CAPITAL PROJECTS SALES TAX ACT, SO AS TO PROVIDE THAT THE TAX MUST TERMINATE ON APRIL THIRTIETH OF AN ODD‑ OR EVEN‑NUMBERED YEAR.

The Senate proceeded to a consideration of the Bill.

The Committee on Finance proposed the following amendment (BBM\5078C001.BBM.DG16), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Section 4-10-330(C) of the 1976 Code is amended to read:

“(C)(1) Upon receipt of the ordinance, the county election commission must conduct a referendum on the question of imposing the sales and use tax in the area of the county that is to be subject to the tax. The referendum for imposition or reimposition of the tax must be held at the time of the general election. Subject to item (2), two weeks before the referendum the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects. If the proposed question includes the use of sales taxes to defray debt service on bonds issued to pay the costs of any project, the notice must include a statement indicating that principal amount of the bonds proposed to be issued for the purpose and, if the issuance of the bonds is to be approved as part of the referendum, stating that the referendum includes the authorization of the issuance of bonds in that amount. This notice is in lieu of any other notice otherwise required by law.

(2) If the referendum on the question of imposing sales and use tax is conducted in an odd-numbered year, and it is the only matter being considered at the general election, then six weeks before the referendum, the election commission must publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and the cost of the projects.” /

Renumber sections to conform.

Amend title to conform.

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Senator HAYES explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 38; Nays 4**

**AYES**

Alexander Allen Bennett

Cleary Coleman Courson

Cromer Davis Fair

Gambrell Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Malloy *Martin, Larry*

Massey *Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--38**

**NAYS**

Bright Bryant Corbin

*Martin, Shane*

**Total--4**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

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**READ THE SECOND TIME**

H. 5245 -- Reps. Tallon, Bannister, J.E. Smith, Finlay, Anthony, Bernstein, Bales, Bingham, Clary, Cole, Delleney, Forrester, Henderson, Herbkersman, Pope, G.M. Smith and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑4‑945 SO AS TO PROVIDE THAT A MANUFACTURER, BREWER, IMPORTER, OR RETAILER MAY OFFER OR SPONSOR CERTAIN COUPONS AND REBATES TO A CONSUMER FOR THE PURCHASE OF BEER, TO PROVIDE THAT A WHOLESALER IS PROHIBITED FROM PARTICIPATING IN THE PROCUREMENT, REDEMPTION, OR OTHER COSTS ASSOCIATED FOR ANY COUPON OR REBATE FOR BEER, AND TO PROVIDE THAT A BEER MANUFACTURER OR WHOLESALER IS PROHIBITED FROM OFFERING PAPER INSTANT REDEEMABLE COUPONS AND SCANBACK COUPONS FOR BEER IN THIS STATE.

On motion of LARRY MARTIN, under Rule 47 the Senate agreed to consider the Bill which was received after May 1, 2016

There was no objection.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 41; Nays 4**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Gambrell Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John Matthews, Margie* McElveen

Nicholson Peeler Rankin

Reese Sabb Scott

Setzler Shealy Sheheen

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Thurmond Turner Verdin

Williams Young

**Total--41**

**NAYS**

Bright Bryant Corbin

Fair

**Total--4**

The Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 3952 -- Rep. Bannister: A BILL TO AMEND SECTION 44‑17‑410, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EMERGENCY ADMISSION OF A PERSON LIKELY TO CAUSE SERIOUS HARM TO HIMSELF OR OTHERS, SO AS TO ADD A PERSON WHO MAY BECOME GRAVELY DISABLED IF NOT IMMEDIATELY HOSPITALIZED; TO AMEND SECTION 44‑17‑430, AS AMENDED, RELATING TO THE EXAMINATION UNDER CUSTODY OF A PERSON REQUIRING IMMEDIATE HOSPITALIZATION WHEN EXAMINATION IS NOT OTHERWISE POSSIBLE, SO AS TO ADD A PERSON WHO MAY BECOME GRAVELY DISABLED IF NOT IMMEDIATELY HOSPITALIZED; AND TO AMEND SECTION 44‑17‑440, RELATING TO THE CUSTODY AND TRANSPORT OF A PERSON REQUIRING IMMEDIATE CARE, SO AS TO REQUIRE A STATE OR LOCAL LAW ENFORCEMENT OFFICER WITH CRISIS INTERVENTION TRAINING AND DRESSED IN CIVILIAN CLOTHES OR AN EMERGENCY MEDICAL TECHNICIAN TO TAKE INTO CUSTODY AND TRANSPORT THE PERSON TO THE HOSPITAL.

The Senate proceeded to a consideration of the Bill.

Senator CLEARY explained the Bill.

The question then was second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--45**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 3999 -- Reps. Henderson, G.M. Smith, Ridgeway and Atwater: A BILL TO AMEND SECTION 44‑66‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONS WHO MAY MAKE HEALTH CARE DECISIONS FOR PATIENTS WHO ARE UNABLE TO PROVIDE CONSENT, SO AS TO CHANGE THE PROCESS FOR CERTAIN RELATIVES AND OTHER INDIVIDUALS TO MAKE THESE HEALTH CARE DECISIONS, TO ADD ADDITIONAL CLASSES OF PERSONS WITH THE AUTHORITY TO MAKE THESE HEALTH CARE DECISIONS, TO REQUIRE A BIOETHICS COMMITTEE TO SELECT CERTAIN DECISION MAKERS, TO ENABLE CERTAIN DECISION MAKERS TO CONSULT WITH A

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SECOND PHYSICIAN BEFORE MAKING A HEALTH CARE DECISION, TO REQUIRE THAT DECISIONS TO WITHHOLD OR WITHDRAW LIFE‑PROLONGING MEASURES BE REVIEWED BY A BIOETHICS COMMITTEE, AND TO REQUIRE CERTAIN DOCUMENTATION RELATED TO SELECTION OF A DECISION MAKER.

The Senate proceeded to a consideration of the Bill.

Senator CLEARY explained the Bill.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Thurmond Turner

Verdin Williams Young

**Total--45**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

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**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4327 -- Rep. G.M. Smith: A BILL TO AMEND CHAPTER 71, TITLE 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HOSPICE PROGRAMS, SO AS TO ADD DEFINITIONS; TO ESTABLISH CERTAIN LICENSING REQUIREMENTS; TO PROVIDE FOR THE REGISTRATION OF MULTIPLE OFFICE LOCATIONS OF LICENSED HOSPICES; TO PROVIDE FOR EXPANSION OF HOSPICE SERVICE AREAS; TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO APPROVE APPLICATIONS FOR REGISTRATION OF MULTIPLE OFFICE LOCATIONS AND FOR EXPANSION OF HOSPICE SERVICE AREAS, WITH EXCEPTIONS; AND FOR OTHER PURPOSES.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (AGM\4327C002.AGM.AB16), which was adopted:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Chapter 71, Title 44 of the 1976 Code is amended to read:

“CHAPTER 71

~~Licensure of~~ Quality Hospice Programs Act

Section 44‑71‑10. This chapter may be cited as the ‘Quality Hospice ~~Licensure~~ Programs Act’.

Section 44‑71‑20. As used in this chapter:

(1) ‘Board’ means the South Carolina Board of Health and Environmental Control.

(2) ‘Department’ means the South Carolina Department of Health and Environmental Control.

(3) ‘Hospice’ means a centrally administered, interdisciplinary health care program~~. This program must provide~~, which provides a continuum of medically supervised palliative and supportive care for the terminally ill patient and the family including, but not limited to, outpatient and inpatient services provided directly or through written agreement. Inpatient services include, but are not limited to, services provided by a hospice in a licensed hospice facility.

Admission to a hospice program of care is based on the voluntary request of the hospice patient alone or in conjunction with designated family members.

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(4) ‘Hospice facility’ means an institution, place, or building in which a licensed hospice provides room, board, and appropriate hospice services on a twenty‑four hour basis to individuals requiring hospice care pursuant to the orders of a physician.

(5) ‘Licensee’ means the individual, corporation, or public entity with whom rests the ultimate responsibility for maintaining approved standards for the hospice or hospice facility.

(6) ‘Multiple location’ means a properly registered additional site, other than the licensed primary office, from which a parent hospice organization provides hospice services. ‘Multiple location’ does not mean a ‘work station’ as defined in item (7).

(7) ‘Work station’ means a site operated within the licensed service area of a hospice solely for the convenience of the staff where they may conduct activities including, but not limited to, completing paperwork, checking messages, or storing equipment. These work stations must not have signage with an address or operating hours, must not be advertised, and must not be open to the public for any reason, such as to distribute supplies or to receive referrals.

(8) ‘Parent hospice organization’ means a properly licensed hospice that, in addition to its primary office, also provides hospice services from a multiple location as defined in item (6).

Section 44‑71‑30. (A) No person, private or public organization, political subdivision, or other governmental agency may establish, conduct, or maintain a hospice or represent itself as a hospice without first obtaining a license from the department.

(B) ~~This~~ A license obtained pursuant to this section is effective for a twelve‑month period following the date of issue ~~and must prescribe by county the geographic area authorized to be served~~.

(C) The license must prescribe by county the geographic area authorized to be served. A hospice that wishes to expand its licensed service area to include additional counties authorized in this section must first notify the department, in accordance with Section 44‑71‑40, and then receive approval from the department.

(D) A license issued under this chapter is not assignable or transferable and is subject to suspension or revocation at any time for failure to comply with this chapter.

(E) The department shall publish a current list of all licensed hospices, including all registered multiple locations, on its website and shall include a list of all counties served by the licensed hospice and each multiple location.

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Section 44‑71‑35. (A) A parent hospice organization, or any other hospice, may not establish, conduct, or maintain a multiple location or represent itself as such without first registering the multiple location with the department and receiving approval of the registration from the department. Upon approval by the department, a multiple location must be listed on the license of the parent hospice organization.

(B) A registration may be filed at any time and is effective until the expiration of the license of the parent hospice organization that is in effect at the time of the initial approval of the multiple location. The registration and approval of a multiple location is effective for a period running coterminous with the parent hospice organization’s license, and, as such, the registration and approval of a multiple location must be reviewed by the department annually at the time of the parent hospice organization’s license renewal and as a part of that process as prescribed by the department in regulation.

(C) The registration of a multiple location must prescribe by county the geographic area authorized to be served. A multiple location that wishes to expand its service area to include additional counties authorized in this section shall first notify the department, in accordance with Section 44‑71‑40, and then receive approval from the department.

(D) A multiple location approval granted pursuant to this chapter is not assignable or transferable and is subject to suspension or revocation at any time for failure to comply with this chapter.

Section 44‑71‑40. (A) A person, private or public organization, political subdivision, or other governmental agency desiring to obtain a license must file with the department an application on a form prescribed, prepared, and furnished by the department.

(B) A parent hospice organization, or any other hospice, desiring to obtain approval for the registration of a multiple location shall file with the department an application on a form prescribed, prepared, and furnished by the department.

(C) A parent hospice organization, or any other hospice, desiring to expand its licensed service area to include additional counties authorized in this chapter shall first file with the department an application on a form prescribed, prepared, and furnished by the department.

Section 44‑71‑50. The department is authorized to establish reasonable fees to be used in the administration of the program.

Section 44‑71‑60. The department shall promulgate regulations which define needs, services, and standards for the care, treatment, health, safety, welfare, and comfort of patients and their families served by hospices and for the maintenance and operation of hospices, including

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hospice facilities and multiple locations, which will promote safe and adequate care and treatment of the patients and their families.

Section 44‑71‑65. Notwithstanding any other provision of law, a hospice facility must comply with the regulations promulgated by the department pursuant to this chapter and is not subject to regulations pertaining to the licensure and regulation of nursing homes or community residential care facilities.

Section 44‑71‑70. (A) The department is authorized to issue, deny, suspend, or revoke licenses in accordance with regulations promulgated pursuant to this section. Such regulations must include hearing procedures related to denial, suspension, or revocation of licenses.

(B) The department shall approve a request of a properly filed application for the expansion of a hospice’s licensed service area to include additional counties in accordance with Section 44‑71‑75.

Section 44‑71‑75. (A) The department shall approve a registration for a multiple location for which a parent hospice organization submits an application as long as:

(1) the parent hospice organization is properly licensed, operating in accordance with all South Carolina laws and regulations;

(2) the multiple location will provide the full scope of hospice services in all areas outlined in Section 44‑71‑30;

(3) the multiple location will share administration, supervision, and services with the parent hospice organization; and

(4) the multiple location will be included in the quality improvement activities of the parent hospice organization.

(B) The department is authorized to deny, suspend, or revoke approvals of multiple locations in accordance with regulations promulgated pursuant to this section when there is evidence or reason to believe that any of the requirements or conditions in subsection (A) are not being met.

(C) The department shall approve a request to expand the service area of a multiple location to include additional counties only when the additional counties are requested in a properly filed application.

(D) Regulations pertaining to the denial, suspension, or revocation of approvals must include hearing procedures related to denial, suspension, or revocation of licenses.

Section 44‑71‑80. (A) Each hospice for which a license has been issued must be inspected by an authorized representative of the department at least once a year for the purpose of ensuring that the provisions of this chapter are being followed. Inspections of hospices

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that have multiple locations must be rotated annually among all locations to ensure the full provisions of this chapter are being followed.

(B) All hospices shall complete and return a Joint Annual Report to the Department and the Revenue and Fiscal Affairs Office (RFA) on a form prescribed by the department within a time period specified by the department or RFA. In the development of this form the department shall incorporate input from hospice providers to ensure the report will capture data on all services that are to be provided by hospices.

Section 44‑71‑90. Hospices must not discriminate based on age, sex, race, color, religion, or source of payment, location of patient, acceptance or provision of goods and services to patients ~~of~~ or potential patients.

Section 44‑71‑95. Nothing in this chapter may be construed to prohibit a health care facility from providing hospice services through contractual arrangements with a licensed hospice operation.

Section 44‑71‑100. Hospices may not participate in, or offer, or imply an offer to participate in the practice known generally as rebate, kickbacks, or fee‑splitting arrangements.

Section 44‑71‑110. Any person who violates the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be fined not to exceed five hundred dollars or imprisoned for a period not to exceed six months or both.

Section 44‑71‑115. (A) There is created a task force to study potential geographic limitations on the region for which a hospice may be licensed to serve. This task force shall consider the approach taken by other states and other industries where ensuring prompt timely service is of critical importance. The task force shall report to the General Assembly on its findings, and as a part of this report, shall include a draft of any legislation that may be needed to enact this policy.

(B) The task force shall be composed of ten members as follows: four members from the Carolinas Center for Hospice and End of Life Care, one of which must be relevant association staff; four appointees from the SC Home Care and Hospice Association, one of which must be relevant association staff; and two appointments by the Director of the Department of Health and Environmental Control with expertise in the area of hospice.

(C) The task force must be staffed by the staff of the Senate Medical Affairs Committee and the House Medical, Military, Public and Municipal Affairs Committee.

(D) Members of the task force shall serve without compensation and may not receive mileage or per diem.

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(E) The task force shall complete its review and submit its recommendation to the General Assembly no later than December 1, 2016. Upon submission of its recommendation, the task force is dissolved.”

SECTION 2. This act takes effect six months after approval by the Governor, except that the provisions of Section 44‑71‑30(C) and (E), Section 44‑71‑35(C), Section 44‑71‑75, and Section 44‑71‑115 of this act take effect immediately upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler  
Shealy Thurmond Turner

Verdin Williams Young

**Total--45**

**NAYS**

**Total--0**

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There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**AMENDED, READ THE SECOND TIME**

H. 4773 -- Reps. Duckworth, Kirby, Jordan, Johnson, Collins, Hill, Brannon, Merrill and Tinkler: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT “MARGY’S LAW”; TO AMEND SECTION 44‑78‑15, RELATING TO DEFINITIONS IN THE EMERGENCY MEDICAL SERVICES DO NOT RESUSCITATE ORDER ACT, SO AS TO DEFINE THE TERM “DO NOT RESUSCITATE BRACELET”; TO AMEND SECTION 44‑78‑20, RELATING TO THE AVAILABILITY OF DO NOT RESUSCITATE ORDERS FOR EMERGENCY SERVICES TO THE TERMINALLY ILL, SO AS TO PROVIDE FOR THE AVAILABILITY OF DO NOT RESUSCITATE BRACELETS IN ADDITION TO WRITTEN ORDERS; AND TO AMEND SECTIONS 44‑78‑25, 44‑78‑30, 44‑78‑35, 44‑78‑40, 44‑78‑45, AND 44‑78‑60, ALL RELATING TO MISCELLANEOUS PROVISIONS IN THE ACT, SO AS TO MAKE CONFORMING CHANGES.

The Senate proceeded to a consideration of the Bill.

Senators HEMBREE and CLEARY proposed the following amendment (AGM\4773C002.AGM.AB16), which was adopted:

Amend the bill, as and if amended, Section 44‑78‑30, as contained in SECTION 5, by deleting the SECTION in its entirety and inserting:

/ SECTION 5. Section 44‑78‑30 of the 1976 Code is amended to read:

“Section 44‑78‑30. (A) A document purporting to be a ‘do not resuscitate order’ for EMS purposes must be in substantially the following form:

NOTICE TO EMS PERSONNEL

This notice is to inform all emergency medical personnel who may be called to render assistance to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ he/she has a terminal condition which has been diagnosed by me and has specifically requested that no resuscitative efforts including artificial stimulation of the cardiopulmonary system by electrical, mechanical, or manual means be made in the event of cardiopulmonary arrest.

REVOCATION PROCEDURE

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THIS FORM MAY BE REVOKED BY AN ORAL STATEMENT BY THE PATIENT TO EMS PERSONNEL OR BY MUTILATING, OBLITERATING, OR DESTROYING THE DOCUMENT IN ANY MANNER.

Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Patient’s signature (or surrogate or agent)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physician’s signature

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physician’s address

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Physician’s telephone number

(B) The department may approve a do not resuscitate bracelet developed and distributed by a commercial vendor if the bracelet contains an emblem that displays an internationally recognized medical symbol on the front and the words ‘South Carolina Do Not Resuscitate EMS’ and the patient’s first name and last name on the back. The department may not approve a do not resuscitate bracelet developed and distributed by a commercial vendor if the vendor does not require a health care provider’s order for the bracelet before distributing it to a patient.

(C) The cost of obtaining a bracelet must be borne by the patient and may not be provided by the department at the expense of the department.

(D) The vendor approved by the department shall not fulfill a request for a do not resuscitate bracelet without receiving a health care provider’s order for the bracelet with the request.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 44; Nays 2**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Corbin Courson

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Cromer Davis Fair

Gambrell Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John Matthews, Margie* McElveen

Nicholson Peeler Rankin

Reese Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

Bright Bryant

**Total--2**

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

H. 4145 -- Reps. White, Clemmons, Goldfinch, Yow, W.J. McLeod, Horne, Murphy, Erickson, Duckworth, Gagnon, Gambrell, Hardwick, Jordan, Long, Lowe, Pitts, Sandifer, Thayer, Willis, Loftis, Alexander, Johnson, Whipper, M.S. McLeod, Mitchell, Henegan, Anderson, Rivers and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 15 TO CHAPTER 1, TITLE 13 SO AS TO CREATE THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT, TO DEVELOP A COMPREHENSIVE PLAN FOR WORKFORCE TRAINING AND EDUCATION UNDER THE COORDINATING COUNCIL FOR WORKFORCE DEVELOPMENT, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE DEFINITIONS, TO ESTABLISH THE DUTIES OF THE COUNCIL, TO ESTABLISH TO WHOM THE COMPREHENSIVE PLAN MUST BE SUBMITTED AND THE CONTENTS REQUIRED, TO PROVIDE FOR PROGRAM EVALUATIONS, TO PROVIDE FOR A BIENNIAL ASSESSMENT

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BY THE COUNCIL, TO PROVIDE THAT THE COUNCIL SHALL IMPROVE COORDINATION OF WORKFORCE DEVELOPMENT IN THE STATE, TO PROVIDE FOR THE CREATION OF A STATE STRATEGIC PLAN FOR SUPPLY OF HEALTH CARE PERSONNEL, TO PROVIDE THAT THE WORKFORCE DEVELOPMENT COUNCILS SHALL DEVELOP AND MAINTAIN A LOCAL UNIFIED PLAN FOR THE WORKFORCE DEVELOPMENT SYSTEM; BY ADDING ARTICLE 29 TO CHAPTER 53, TITLE 59 SO AS TO DEVELOP AND IMPLEMENT A CAREER PATHWAYS FOR SUCCESS INITIATIVE, TO ESTABLISH A PATHWAYS TO FIRST CAREERS PROGRAM, AND TO ESTABLISH A PATHWAYS TO NEW OPPORTUNITIES PROGRAM; BY ADDING SECTION 12‑6‑3760 SO AS TO PROVIDE A TAX CREDIT FOR TAXPAYERS WHO HIRE AN APPRENTICE; BY ADDING SECTION 59‑53‑110 SO AS TO CREATE A WORKFORCE SCHOLARSHIP AND GRANT FUND; AND BY ADDING SECTION 12‑6‑3765 SO AS TO PROVIDE A TAX CREDIT FOR TAXPAYERS WHO CONTRIBUTE TO THE WORKFORCE SCHOLARSHIP AND GRANT FUND.

The Senate proceeded to a consideration of the Bill.

Senator SETZLER proposed the following amendment (4145R002.KM.NGS), which was adopted:

Amend the committee amendment, as and if amended, page [4145‑3], by striking lines 7‑11 and inserting:

/ (C) The Secretary of the Department of Commerce or his designee to the coordinating council shall be the coordinating council’s chairman/

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

The Committee on Education proposed the following amendment (4145R001.KM.NGS), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 1, Title 13 of the 1976 Code is amended by adding:

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“Section 13-1-2030. (A) There is established the ‘Coordinating Council of Workforce Development’ which is created to engage in discussions, collaboration, and information sharing concerning the state’s ability to prepare and train workers to meet current and future workforce needs. The coordinating council shall be comprised of the following members:

(1) the Secretary of the Department of Commerce or his designee;

(2) the State Superintendent of the Department of Education or his designee;

(3) the Executive Director of the State Board for Technical and Comprehensive Education or his designee;

(4) the Executive Director of the Department of Employment and Workforce or his designee;

(5) the Executive Director of the Commission on Higher Education or his designee;

(6) the president or provost of a research university who shall be appointed by the Chairman of the Commission on Higher Education;

(7) the president or provost of a four‑year college or university who shall be appointed by the Chairman of the Commission on Higher Education;

(8) the president of a technical college who shall be appointed by the Chairman of the State Board for Technical and Comprehensive Education; and

(9) a person appointed by the Superintendent of Education who has particularized expertise regarding Chapter 59, Title 59, the South Carolina Education and Economic Development Act.

(B)(1)The coordinating council shall:

(a) develop and implement procedures for sharing information and coordinating efforts among stakeholders to prepare the State’s current and emerging workforce to meet the needs of the State’s economy. The primary workforce focus of the council shall be on persons over age twenty-one;

(b) make recommendations to the General Assembly concerning matters related to workforce development that exceed the council members’ agencies’ scope of authority to implement and legislation is required;

(c) recommend, to the General Assembly, programs intended to increase student access to and incentivize workforce training within state training programs or through programs offered by businesses through scholarships, grants, loans, tax credits, or other programs documented to be effective in addressing current and future workforce needs;

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(d) develop a method for identifying and addressing long-term workforce needs;

(e) conduct an ongoing inventory of existing workforce programs to identify duplications among and within the programs and identify ineffective programs. The council may make recommendations concerning the appropriate actions necessary to eliminate duplication, improvements to ineffective programs so that the programs can achieve the desired result, or the elimination of programs that no longer meet workforce needs;and

(f) submit an annual progress report to the Governor and the General Assembly, by July 1 of each fiscal year, concerning the actions taken by the council during the previous fiscal year, and any recommendations for legislation or agency action. The council may submit additional reports on an ongoing basis as deemed necessary by the council chairman.

(2) The coordinating council may create subcommittees or advisory groups comprised of community or state or local government stakeholders to assist the council in carrying out the council’s duties as contained in item (1).

(C) Members of the coordinating council shall elect a chairman who shall serve for a term of two years. The chairmanship shall rotate between a member representing the interests of the education community and a member representing the interests of the business community.

(D) Members of the coordinating council shall receive per diem, mileage, and subsistence as provided by law for members of boards, commissions, and committees while engaged in the work of the board. Each member’s appointing authority shall be responsible for the per diem, mileage, and subsistence authorized pursuant to this subsection.

(E) The Commission on Higher Education, the Department of Commerce, and the State Board for Technical and Comprehensive Education shall provide staff for the coordinating council.” /

Renumber sections to conform.

Amend title to conform.

Senator SETZLER explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 44; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gambrell Gregory

Grooms Hayes Hembree

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John Matthews, Margie* McElveen

Nicholson Peeler Rankin

Reese Sabb Scott

Setzler Shealy Sheheen

Thurmond Turner Verdin

Williams Young

**Total--44**

**NAYS**

Bright

**Total--1**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 4391 -- Reps. Burns, Yow, Chumley, Felder, Loftis, Bradley and Collins: A BILL TO AMEND SECTION 44‑43‑305, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERMS DEFINED IN THE REVISED UNIFORM ANATOMICAL GIFT ACT, SO AS TO CHANGE THE DEFINITION OF “TISSUE” TO INCLUDE BRAIN TISSUE IN CERTAIN CIRCUMSTANCES; AND TO AMEND SECTION 44‑43‑350, AS AMENDED, RELATING TO AUTHORIZED RECIPIENTS OF ANATOMICAL GIFTS, SO AS

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TO CLARIFY THAT GIFTS OF BRAIN TISSUE MAY BE USED ONLY FOR RESEARCH OR EDUCATION.

The Senate proceeded to a consideration of the Bill.

The Committee on Medical Affairs proposed the following amendment (H-4391), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. There is created the Brain Tissue Donor Study Committee charged with providing a process and procedure for citizens of this State to designate that upon his or her death, the person’s brain tissue be donated for the purpose of research and education. Membership of the study committee shall be comprised of seven members as follows:

(1) one researcher from Clemson University

(2) one researcher from the University of South Carolina

(3) one researcher from the Medical University of South Carolina

(4) one representative from the SC Department of Motor Vehicles

(5) one representative from Donate Life South Carolina

(6) one representative from LifePoint, Inc.

(7) one representative from the National Alliance on Mental Illness South Carolina.

Staff from the Senate and the House of Representatives shall assist the study committee. The study committee shall provide a report to the General Assembly by December 31, 2016, at which time the study committee shall dissolve. Members of the study committee shall serve without mileage, per diem, or subsistence.

SECTION 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Senator CLEARY explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

**Printed Page 3305 . . . . . Tuesday, May 31, 2016**

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 46; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--46**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 4416 -- Reps. Felder, Pope, Merrill, Burns, V.S. Moss and Pitts: A BILL TO AMEND SECTION 6‑1‑970, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EXEMPTIONS FROM IMPACT FEES, SO AS TO ADD EXEMPTIONS FOR CERTAIN SCHOOLS AND VOLUNTEER FIRE DEPARTMENTS.

The Senate proceeded to a consideration of the Bill.

Senator HAYES explained the Bill.

The question then was second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Hembree Jackson Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Massey

*Matthews, John Matthews, Margie* McElveen

Nicholson Peeler Rankin

Reese Sabb Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 4521 -- Reps. Putnam, Burns, Loftis, Felder, Taylor, Whipper and R.L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “TUCKER HIPPS TRANSPARENCY ACT” BY ADDING SECTION 59‑101‑210 SO AS TO PROVIDE PUBLIC INSTITUTIONS OF HIGHER LEARNING SHALL MAINTAIN REPORTS OF INVESTIGATIONS AND RELATED INFORMATION OF MEMBERS OF FRATERNITIES, SORORITIES, AND OTHER SOCIAL ORGANIZATIONS, TO SPECIFY INFORMATION THAT MUST BE INCLUDED IN THE REPORTS, TO PROVIDE INSTITUTIONS SHALL MAKE THE REPORTS AVAILABLE TO THE PUBLIC AND ONLINE, AND SHALL FURNISH REPORTS TO STUDENTS AND THEIR

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PARENTS BEFORE THE STUDENTS MAY BEGIN THE FORMAL PROCESS OF JOINING A FRATERNITY OR SORORITY, TO PROVIDE OVERSIGHT AND ENFORCEMENT REQUIREMENTS OF THE COMMISSION ON HIGHER EDUCATION, AND TO PROVIDE PENALTIES FOR VIOLATIONS; AND TO PROVIDE FOR THE INITIAL COMPILATION OF THESE REPORTS BEFORE THE BEGINNING OF THE 2016‑2017 ACADEMIC YEAR.

The Senate proceeded to a consideration of the Bill.

The question then was second reading of the Bill.

The Bill was read the second time, passed and ordered to a third reading.

**Motion under Rule 26B**

Senator PEELER asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**READ THE SECOND TIME**

H. 4580 -- Reps. Jefferson, Hosey, Mitchell, Gilliard, Gagnon and Williams: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44‑7‑263 SO AS TO PROVIDE THAT MEDICAL FOSTER HOMES APPROVED AND ANNUALLY REVIEWED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS PROVIDING CARE EXCLUSIVELY TO THREE OR FEWER VETERANS ARE EXEMPT FROM THE PROVISIONS OF CHAPTER 7, TITLE 44 IN REGARD TO HOSPITALS, NURSING HOMES, AND OTHER FACILITIES REQUIRED TO BE LICENSED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL.

The Senate proceeded to a consideration of the Bill.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 46; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

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Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--46**

**NAYS**

**Total--0**

The Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

H. 5021 -- Reps. Collins, Clary and Felder: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE “ADULT STUDENTS WITH DISABILITIES EDUCATIONAL RIGHTS CONSENT ACT” BY ADDING ARTICLE 3 TO CHAPTER 33, TITLE 59 SO AS TO PROVIDE PROCEDURES AND POLICIES THROUGH WHICH STUDENTS WHO ARE ELIGIBLE FOR SPECIAL EDUCATION UNDER THE INDIVIDUALS WITH DISABILITIES ACT AND WHO HAVE NOT BEEN DETERMINED TO BE INCAPACITATED IN PROBATE COURT MAY BE IDENTIFIED AS UNABLE TO PROVIDE INFORMED CONSENT WITH RESPECT TO HIS EDUCATIONAL PROGRAM AND DELEGATE THE AUTHORITY TO MAKE SUCH DECISIONS TO AN AGENT OR REPRESENTATIVE; AND TO DESIGNATE THE

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EXISTING SECTIONS OF CHAPTER 33, TITLE 59 AS ARTICLE 1 ENTITLED “GENERAL PROVISIONS”.

The Senate proceeded to a consideration of the Bill.

The Committee on Education proposed the following amendment (AGM\5021C001.AGM.AB16), which was adopted:

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Chapter 59 of the 1976 Code is amended by adding:

“Article 3

Adult Students with Disabilities Educational Rights Consent Act

Section 59‑33‑310. This chapter may be cited as the ‘Adult Students with Disabilities Educational Rights Consent Act’.

Section 59‑33‑320. When a student who is eligible for special education under the Individuals with Disabilities Education Act ‘IDEA’, 20 U.S.C. Section 1411 et seq., reaches age eighteen or is emancipated by a court of competent jurisdiction, all rights accorded to the student’s parents under this article transfer to the student except as provided in Sections 59‑33‑330 and 59‑33‑340. Nothing in this article may be construed to deny an adult student eligible for special education the right to have an adult of his choice support the student in making decisions regarding the student’s individualized education program.

Section 59‑33‑330. An adult student who is eligible for special education, who has not been determined to be incapacitated pursuant to Chapter 5, Title 62, may delegate his right to make educational decisions to another adult. An adult student may delegate educational rights by naming an agent through a duly executed power of attorney or by using a form that the State Department of Education shall develop and provide.

Section 59‑33‑340. An adult student who is eligible for special education and has not been determined to be incapacitated pursuant to Chapter 5, Title 62, may be identified as incapable of communicating, with or without reasonable accommodations, his wishes, interests, or preferences with respect to his educational program as early as sixty calendar days before his eighteenth birthday or sixty‑five business days before an eligibility meeting, if he is undergoing initial eligibility for special education services, and also may have an educational representative designated pursuant to the following procedures:

(1)(a) The student’s physician, nurse practitioner, physician’s assistant, psychologist, or psychiatrist must certify in writing to the local education agency in which the adult student is enrolled that he has examined or interviewed the student and, based upon this exam, finds

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the student incapable of communicating, with or without reasonable accommodations, his wishes, interests, or preferences regarding his educational program. The licensed professional’s certification must include the date of the examination, the basis for the determination, and whether the student’s incapability of communicating, with or without reasonable accommodations, his wishes, interests, or preferences with respect to his educational program is likely to last until after age twenty‑one. The licensed professional’s certification must remain in effect during the period the student receives educational services as an adult, regardless of whether the student transfers to another school or local education agency, if the student’s subsequent local education agency is promptly provided with the documentation that the prior local education agency relied on in allowing an educational representative to participate on the student’s behalf. The licensed professional referenced in this item may not be an employee of the local education agency or state education agency serving the student.

(b) For the purposes of this section, a person is considered incapable of communicating, with or without reasonable accommodations, his wishes, interests, or preferences if he is unable to:

(i) express, either verbally, through an interpreter, or through augmented communication devices, his wishes, interests, or preferences for his education program; or

(ii) understand, even with the support from family, administrators, and experts in the field, what choices are available in a proposed education decision or program. ‘Support’ in this context includes a wide range of disability supports, including explaining options in plain language, using interpreters, providing visual aids, providing the information more slowly, or in similar chunks, or any other method that is effective in communicating with the student with a disability.

(2) Upon receiving the certification, the superintendent of the local education agency or his designee shall, within ten days, provide a copy of the designation to the student and notify him in writing that a professional has certified that he is incapable of communicating, with or without reasonable accommodations, his wishes, interests, or preferences with respect to his educational program and that an educational representative will be designated to make such decisions for him. The superintendent also shall notify the student in writing that he has a right to challenge the designation of the educational representative.

(3) A challenge to the designation of an educational representative must be made in writing and may be made by the student or by another person with a bona fide interest and knowledge of the student, except

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that challenges may not be made by an employee of a local education agency or state education agency. A challenge by an adult student must assert that he is capable of communicating, with or without reasonable accommodations, his wishes, interests, or preferences concerning his educational program as provided in this section.

(a) A challenge may be made at any time during which an educational representative is designated to act on the adult student’s behalf. A challenge must be provided in writing to the superintendent of the local school district or his designee, who shall within ten business days notify the student and current appointed representative in writing.

(b) Upon receipt of a written challenge in accordance with this section, the local education agency may not rely on an educational representative for any purpose.

(4) If the adult student does not object to the designation, his custodial parent or adult spouse may act as the educational representative. If the custodial parent or the adult spouse are unavailable to act on behalf of the student, the educational representative may be an adult sibling, grandparent, or other adult relative, in that order of priority. If these relatives are not willing and able to serve as the educational representative of the adult student, then the local education agency providing services to the student shall designate a surrogate parent, as defined in 34 C.F.R. Section 300.519 to serve in this capacity.

(5) The authority of an educational representative is limited to the authority to consent to educational services, and specifically does not include the authority to remove an adult student from educational services. The authority of an educational representative continues until he challenges the designation, he is no longer eligible for special education, or an order is issued pursuant to Chapter 5, Title 62, which terminates the authority of the educational representative.

Section 59‑33‑350. The educational agent or educational representative is authorized to make educational decisions for a student and has the same rights as the student to participate in the individualized educational program and to request, receive, examine, copy, and consent to the disclosure of the plan or another educational record. The educational agent or the educational representative shall participate based upon a determination of the student’s preferences to the extent they can be determined. If the student’s preferences cannot be determined, then the decisions must be based upon the student’s best interest as determined by the educational agent or educational representative. An educational agent or educational representative who in good faith makes

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a decision about educational services is not subject to civil or criminal liability because of the substance of the decision.

Section 59‑33‑360. As part of the student’s transition plan, starting at age thirteen, local education agencies shall assist students eligible for special education with the transition to adulthood, including the need to make educational decisions.

Section 59‑33‑370. The South Carolina Department of Education shall promulgate regulations, policies, and guidelines to implement this article.”

SECTION 2. Sections 59‑33‑10 through 59‑33‑110 of the 1976 Code are designated as Article 1, Chapter 33, Title 59 entitled “General Provisions”. The Code Commissioner accordingly is directed to change references from “chapter” to “article” as appropriate.

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

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

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Shealy Sheheen Turner

Verdin Williams Young

**Total--45**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**Motion under Rule 26B**

Senator HAYES asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**READ THE SECOND TIME**

H. 5118 -- Reps. Herbkersman and Newton: A BILL TO AMEND SECTION 56‑2‑105, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF GOLF CART DECALS, THE REGISTRATION OF GOLF CARTS, AND THE OPERATION OF GOLF CARTS ALONG THE STATE’S HIGHWAYS, SO AS TO PROVIDE THAT CERTAIN MUNICIPALITIES AND COUNTIES MAY ADOPT ORDINANCES THAT ALLOW GOLF CARTS TO BE OPERATED AT NIGHT.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO explained the Bill.

The Bill was read the second time, passed and ordered to a third reading.

**Motion under Rule 26B**

Senator HUTTO asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

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**AMENDED, READ THE SECOND TIME**

H. 5172 -- Reps. Fry, Henegan, Erickson, Long, Funderburk, Bernstein, Allison, Nanney, Robinson‑Simpson, Norrell, Tinkler, H.A. Crawford, Cobb‑Hunter, Ott, M.S. McLeod, Thayer, Whitmire, Johnson, Felder, Hardee, Goldfinch, Lowe, Jordan, Sandifer, Yow, Hill, Finlay, Gagnon, Jefferson, Williams, Knight, Govan, Rivers, Herbkersman, Bales, Ridgeway, Henderson, Duckworth, Dillard, Huggins, Atwater, Hicks, Gilliard, G.A. Brown, Whipper and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑3‑2110 SO AS TO ENACT THE “SAFE HARBOR FOR EXPLOITED MINORS ACT”, TO PROVIDE FOR PROTECTION OF THE IDENTITY OF MINOR VICTIMS OF TRAFFICKING IN PERSONS AND PROVIDE CERTAIN PROTECTIONS TO MINORS CHARGED WITH CERTAIN CRIMES INVOLVING PROSTITUTION AND COERCED INVOLVEMENT IN SUCH CRIMES, AMONG OTHER THINGS.

The Senate proceeded to a consideration of the Bill.

Senator LARRY MARTIN proposed the following amendment (JUD5172.001), which was adopted:

Amend the bill, as and if amended, by striking Section 16-3-2110(A) beginning on page 1, line 39 and inserting:

/ “Section 16‑3‑2110. (A) In a prosecution involving a minor victim of trafficking in persons, an officer or employee of the court may not disclose the identity of the victim of trafficking in persons to the public. All records revealing the name or other identifying information of the victim of trafficking in persons must be redacted to comply with this section prior to public inspection or disclosure pursuant to Chapter 4, Title 30, the Freedom of Information Act. /

Amend the bill further, as and if amended, page 2, by striking lines 6-9 and inserting:

/ determine whether the minor is immune from prosecution. If the judge determines, by a preponderance of the evidence, that the minor violated Section 16‑15‑90 as the result of coercion and duress from a third person, the minor is immune from criminal prosecution for those offenses. /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the amendment.

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The amendment was adopted.

The question then was second reading of the Bill.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**Motion under Rule 26B**

Senator LARRY MARTIN asked unanimous consent to make a motion to take up further amendments pursuant to the provisions of Rule 26B.

There was no objection.

**READ THE SECOND TIME**

H. 5364 -- Regulations and Administrative Procedures Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO UNEMPLOYMENT TRUST FUND SOLVENCY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4645, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Joint Resolution.

The question then was second reading of the Joint Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 45; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Courson Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Hembree Hutto Jackson

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

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Sabb Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--45**

**NAYS**

**Total--0**

The Joint Resolution was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDED, CARRIED OVER**

H. 3440 -- Reps. Crosby, Daning, George and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56‑3‑115 AND 56‑5‑3715 SO AS TO PROVIDE THAT A MOPED MUST BE REGISTERED, CARRY LIABILITY INSURANCE, AND MAY NOT BE OPERATED ON A PUBLIC ROAD THAT HAS A SPEED LIMIT GREATER THAN THIRTY‑FIVE MILES AN HOUR; TO AMEND SECTIONS 56‑1‑1720 AND 56‑1‑1730, RELATING TO THE OPERATION OF MOPEDS ALONG THE STATE’S HIGHWAYS, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT A PERSON WHOSE DRIVER’S LICENSE HAS BEEN SUSPENDED MAY NOT BE ISSUED A MOPED OPERATOR’S LICENSE OR ALLOWED TO OPERATE A MOPED DURING HIS PERIOD OF SUSPENSION.

The Senate proceeded to a consideration of the Bill.

Senator HEMBREE proposed the following amendment (3440R005.EB.GH):

Amend the bill, as and if amended, by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_. Section 56‑5‑2941(A) of the 1976 Code is amended to read:

(A) The Department of Motor Vehicles shall require a person who is a resident of this State and who is convicted of violating the provisions of Section 56‑5‑2930, 56‑5‑2933, 56‑5‑2945, 56‑5‑2947 except if the conviction was for Section 56‑5‑750, or a law of another state that prohibits a person from driving a motor vehicle while under the influence

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of alcohol or other drugs, to have installed on any motor vehicle the person drives, except a moped, an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section 56‑5‑2930 or 56‑5‑2933, unless the person submitted to a breath test pursuant to Section 56‑5‑2950 and had an alcohol concentration of fifteen one‑hundredths of one percent or more. The department may waive the requirements of this section if the department determines that the person has a medical condition that makes the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person’s medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension or denial of the issuance of a driver’s license or permit to have an ignition interlock device installed on any motor vehicle the person drives, except a moped. /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

The Committee on Transportation proposed the following amendment (3440R008.EB.GH), which was adopted:

Amend the bill, as and if amended, by striking SECTIONS 1 through 12 and inserting:

/ SECTION 1. Section 56‑1‑10 of the 1976 Code is amended to read:

“Section 56‑1‑10. For the purpose of this title, unless otherwise indicated, the following words, phrases, and terms are defined as follows:

(1) ‘Driver’ means every person who drives or is in actual physical control of a vehicle.

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(2) ‘Operator’ means every person who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle.

(3) ‘Owner’ means a person, other than a lienholder, having the property interest in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security. This term also includes a person to whom a moped is registered if the moped is not titled.

(4) ‘Department’ means the Department of Motor Vehicles when the term refers to the duties, functions, and responsibilities of the former Motor Vehicle Division of the Department of Public Safety and means the Department of Public Safety otherwise and in Section 56‑3‑840.

(5) ‘State’ means a state, territory, or possession of the United States and the District of Columbia, or the Commonwealth of Puerto Rico.

(6) ‘Highway’ means the entire width between the boundary lines of every way publicly maintained when any part of it is open to the use of the public for purposes of vehicular travel.

(7) ‘Motor vehicle’ means every vehicle which is self‑propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails.

(8) ‘Motorcycle’ means every motor vehicle having no more than two permanent functional wheels in contact with the ground or trailer and having a saddle for the use of the rider, but excluding a tractor and a moped.

(9) ‘Nonresident’ means every person who is not a resident of this State.

(10) ‘Nonresident’s operating privilege’ means the privilege conferred upon a nonresident by the laws of this State pertaining to the operation by the person of a motor vehicle, or the use of a vehicle owned by the person, in this State.

(11) ‘Conviction’ means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bail or collateral deposited to secure the person’s appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(12) ‘Cancellation of driver’s license’ means the annulment or termination by formal action of the Department of Motor Vehicles of a person’s driver’s license because of some error or defect in the license

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or because the licensee is no longer entitled to the license; the cancellation of a license is without prejudice, and application for a new license may be made at any time after the cancellation.

(13) ‘Revocation of driver’s license’ means the termination by formal action of the Department of Motor Vehicles of a person’s driver’s license or privilege to operate a motor vehicle on the public highways, which privilege to operate is not subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the department.

(14) ‘Suspension of driver’s license’ means the temporary withdrawal by formal action of the Department of Motor Vehicles of a person’s driver’s license or privilege to operate a motor vehicle on the public highways, which temporary withdrawal shall be as specifically designated.

(15) ‘Automotive three‑wheel vehicle’ means every motor vehicle having no more than three permanent functional wheels in contact with the ground, having a bench seat for the use of the operator, and having an automotive type steering device, but excluding a tractor or motorcycle three‑wheel vehicle.

(16) ‘Alcohol’ means a substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol, and isopropanol.

(17) ‘Alcohol concentration’ means:

(a) the number of grams of alcohol for each one hundred milliliters of blood by weight; or

(b) as determined by the South Carolina Law Enforcement Division for other bodily fluids.

(18) ‘Motorcycle three‑wheel vehicle’ means every motor vehicle having no more than three permanent functional wheels in contact with the ground to include motorcycles with detachable side cars, having a saddle type seat for the operator, and having handlebars or a motorcycle type steering device but excluding a tractor or automotive three‑wheel vehicle.

(19) ‘Low speed vehicle’ or ‘LSV’ means a four‑wheeled motor vehicle, other than an all terrain vehicle, whose speed attainable in one mile is more than twenty miles an hour and not more than twenty‑five miles an hour on a paved level surface, and whose ~~GVWR~~ gross vehicle weight rating (GVWR) is less than three thousand pounds.

(20) ‘All terrain vehicle’ or ‘ATV’ means a motor vehicle measuring fifty inches or less in width, designed to travel on three or more wheels and designed primarily for off‑road recreational use, but not including

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farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

(21) ‘Operator’ or ‘driver’ means a person who is in actual physical control of a motor vehicle.

(22) ‘Person’ means every natural person, firm, partnership, trust, company, firm, association, or corporation. Where the term ‘person’ is used in connection with the registration of a motor vehicle, it includes any corporation, association, partnership, trust, company, firm, or other aggregation of individuals which owns or controls the motor vehicle as actual owner, or for the purpose of sale or for renting, as agent, salesperson, or otherwise.

(23) ‘Office of Motor Vehicle Hearings’ means the Office of Motor Vehicle Hearings created by Section 1‑23‑660. The Office of Motor Vehicle Hearings has exclusive jurisdiction to conduct all contested case hearings or administrative hearings arising from department actions.

(24) ‘Administrative hearing’ means a ‘contested case hearing’ as defined in Section 1‑23‑310. It is a hearing conducted pursuant to the South Carolina Administrative Procedures Act.

(25) ‘Home jurisdiction’ means the jurisdiction which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(26) ‘Moped’ means a cycle, defined as a motor vehicle, with or without pedals to permit propulsion by human power, that travels on not more than two wheels in contact with the ground whether powered by gasoline, electricity, alternative fuel, or a hybrid combination thereof. Based on the engine or fuel source, the moped must be equipped not to exceed the following limitations: a motor of fifty cubic centimeters or less; or designed to have an input of less than 1500 watts. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(27) ‘Daylight hours’ means after six o’clock a.m. and no later than six o’clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, ‘daylight hours’ means after six o’clock a.m. and no later than eight o’clock p.m. Nighttime hours are designated as all other hours.

(28) ‘Vehicle’ means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.”

SECTION 2. Section 56‑1‑30 of the 1976 Code is amended to read:

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“Section 56‑1‑30. The following persons are exempt from licenses under this ~~article~~ chapter:

(1) Any employee of the United States Government while operating a motor vehicle owned by or leased to the United States Government and being operated on official business, unless the employee is required by the United States Government or the Federal agency by which he is employed to have a State driver’s license;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid operator’s or chauffeur’s license issued to him in his home state or country may operate a motor vehicle, but a person may not claim nonresidence exemption under this provision who does not maintain a permanent residence address in the state or country of which he holds a valid and current operator’s or chauffeur’s license at which he regularly receives his mail and which address is on file with the motor vehicle authorities of that state or country; also, a person may not claim nonresidence exemption under this provision who for all other intents and purposes has or may remove his residence into this State;

(3) Any nonresident who is at least eighteen years of age and whose home state or country does not require the licensing of operators may operate a motor vehicle for a period of not more than ninety days in any calendar year, if the motor vehicle is duly registered in the home state or country of the nonresident and a nonresident on active duty in the Armed Services of the United States who has a valid license issued by his home state and the nonresident’s spouse or dependent who has a valid license issued by his home state;

(4) A person operating or driving implements of husbandry temporarily drawn, propelled, or moved upon a highway. Implements of husbandry include, but are not limited to, farm machinery and farm equipment other than a passenger car.

(5) Any person on active duty in the Armed Services of the United States who has in his immediate possession a valid driver’s license issued in a foreign country or by the Armed Services of the United States may operate a motor vehicle in this State for a period of not more than ninety days from the date of his return to the United States; and

(6) A citizen of a foreign jurisdiction whose licensing procedure is at least as strict as South Carolina’s, as determined by the Department of Motor Vehicles, who is at least eighteen years of age, who is employed in South Carolina, and who has a valid driver’s license issued by that jurisdiction may drive in this State for five years if the foreign jurisdiction provides a reciprocal arrangement for South Carolina

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residents. The provisions of this item also shall apply to the dependents of foreign nationals who qualify under this section.”

SECTION 3. Section 56‑1‑50 of the 1976 Code is amended to read:

“Section 56‑1‑50. (A) A person who is at least fifteen years of age may apply to the ~~Department of Motor Vehicles~~ department 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. A beginner’s permit ~~which~~ entitles the ~~applicant~~ permittee having the permit in his immediate possession to drive a motor vehicle on public highways under the conditions contained in this section ~~on the public highways~~ for not more than twelve months.

(B) The permit is valid only in the operation of:

(1) vehicles after six o’clock a.m. and not later than midnight. Except as provided in subsection (E), while driving, the permittee must be accompanied by a licensed driver twenty‑one years of age or older who has had at least one year of driving experience. A permittee may not drive between midnight and six o’clock a.m. unless accompanied by the permittee’s licensed parent or guardian;

(2) motorcycles~~, motor scooters, or light motor‑driven cycles of five‑brake horsepower or less after six o’clock a.m. and not later than six o’ clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the permittee may operate motor scooters or light motor‑driven cycles after six o’clock a.m. and not later than eight o’clock p.m~~. While driving a motorcycle during nighttime hours, the permittee must be accompanied by a motorcycle licensed driver twenty‑one years of age or older who has had at least one year of driving experience. ~~A permittee may not operate a motorcycle or moped, motor scooter, or light motor‑driven cycle at any other time unless supervised by the permittee’s motorcycle licensed parent or guardian.~~

(C) The accompanying driver must: ~~occupy a seat beside the permittee, except when the permittee is operating a motorcycle or moped. A three‑wheel vehicle requires the accompanying driver to be directly behind the permittee on a saddle‑type seat or beside the permittee on a bench‑type seat.~~

(1) occupy a seat beside the permittee when the permittee is operating a motor vehicle; or

(2) be within a safe viewing distance of the permittee when the permittee is operating a motorcycle or a moped.

(D) A beginner’s permit may be renewed or a new permit issued for additional periods of twelve months, ~~but~~ however the department may

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refuse to renew or issue a new permit where the examining officer has reason to believe the applicant has not made a bona fide effort to pass the required driver’s road test or does not appear to the examining officer to have the aptitude to pass the road test. The fee for every beginner’s or renewal permit is two dollars and fifty cents, and the permit must bear the full name, date of birth, and residence address and a brief description and color photograph of the permittee and a facsimile of the signature of the permittee or a space upon which the permittee shall write his usual signature with pen and ink immediately upon receipt of the permit. A permit is not valid until it has been signed by the permittee.

(E) The following persons are not required to obtain a beginner’s permit to operate a motor vehicle:

(1) a student at least fifteen years of age regularly enrolled in a high school of this State which conducts a driver’s training course while the student is participating in the course and when accompanied by a qualified instructor of the course; and

(2) a person fifteen years of age or older enrolled in a driver training course conducted by a driver training school licensed under Chapter 23 of this title. However, this person at all times must be accompanied by an instructor of the school and may drive only an automobile owned or leased by the school which is covered by liability insurance in an amount not less than the minimum required by law.

(F) A person who has never held a form of license evidencing previous driving experience first must be issued a beginner’s permit and must hold the permit for at least one hundred eighty days before being eligible for full licensure.

(G) 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 4. Section 56‑1‑175 of the 1976 Code is amended to read:

“Section 56‑1‑175. (A) The Department of Motor Vehicles may issue a conditional driver’s license to a person who is at least fifteen years of age and less than sixteen years of age, who has:

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(1) held a beginner’s permit for at least one hundred eighty days;

(2) passed a driver’s education course as defined in subsection ~~(E)~~(D);

(3) completed at least forty hours of driving practice, including at least ten hours of driving practice during darkness, supervised by the person’s licensed parent or guardian;

(4) passed successfully the road tests or other requirements the department may prescribe; and

(5) satisfied the school attendance requirement contained in Section 56‑1‑176.

(B) A conditional driver’s license is valid only in the operation of~~:~~

~~(1)~~ vehicles during daylight hours. The holder of a conditional license must be accompanied by a licensed adult twenty‑one years of age or older after six o’clock p.m. or eight o’clock p.m. during daylight saving time. A conditional driver’s license holder may not drive between midnight and six o’clock a.m., unless accompanied by the holder’s licensed parent or guardian;

~~(2)~~ ~~a motor scooter or light motor‑driven cycle of five‑brake horsepower or less, during daylight hours.~~

(C) A conditional driver’s license holder may not transport more than two passengers who are under twenty‑one years of age unless accompanied by a licensed adult who is twenty‑one years of age or older. This restriction does not apply when the conditional driver’s license holder is transporting family members, or students to or from school.

~~(D)~~ ~~Daylight hours, as used in this section, means after the hour of six o’clock a.m. and no later than six o’clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the holder of the conditional license may operate a vehicle after six o’clock a.m. and no later than eight o’clock p.m. For purposes of this section, all other hours are designated as nighttime hours.~~

~~(E)~~(D) A driver training course, as used in this section, means a driver’s training course administered by a driver’s training school or a private, parochial, or public high school conducted by a person holding a valid driver’s instructor permit contained in Section 56‑23‑85.

~~(F)~~(E) For purposes of issuing a conditional driver’s license pursuant to this section, the department must accept a certificate of completion for a student who attends or is attending an out‑of‑state high school and passed a qualified driver’s training course or program that is equivalent to an approved course or program in this State. The department must

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establish procedures for approving qualified driver’s training courses or programs for out‑of‑state students.”

SECTION 5. Section 56‑1‑180 of the 1976 Code is amended to read:

“Section 56‑1‑180. (A) The Department of Motor Vehicles 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, who has:

(1) held a beginner’s permit for at least one hundred eighty days;

(2) passed a driver’s education course as defined in subsection ~~(F)~~(E);

(3) completed at least forty hours of driving practice, including at least ten hours of driving practice during darkness, supervised by the person’s licensed parent or guardian;

(4) passed successfully the road test or other requirements the department may prescribe; and

(5) satisfied the school attendance requirement contained in Section 56‑1‑176.

(B) The special restricted driver’s license is valid only in the operation of~~:~~

~~(1)~~ vehicles during daylight hours. During nighttime hours, the holder of a special restricted driver’s license must be accompanied by a licensed adult twenty‑one years of age or older. The holder of a special restricted driver’s license may not drive between midnight and six o’clock a.m. unless accompanied by the holder’s licensed parent or guardian. The restrictions in this section may be modified or waived by the department if the restricted licensee proves to the department’s satisfaction that the restriction interferes or substantially interferes with:

~~(a)~~(1) employment or the opportunity for employment;

~~(b)~~(2) travel between the licensee’s home and place of employment or school; ~~or~~

~~(c)~~(3) travel between the licensee’s home or place of employment and vocational training;

(4) travel between the licensee’s church, church‑related, church‑sponsored activities; or

(5) travel between the licensee’s parentally‑approved sports activities.

~~(2)~~ ~~a motor scooter or light motor‑driven cycle of five‑brake horsepower or less during daylight hours.~~

(C) The waiver or modification of restrictions provided for in ~~item~~ subsection (B)~~(1)~~ must include a statement of the purpose of the waiver or modification executed by the parents or legal guardian of the holder of the restricted license and documents executed by the driver’s

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employment or school official, as is appropriate, evidencing the holder’s need for the waiver or modification.

(D) A special restricted license holder may not transport more than two passengers who are under twenty‑one years of age unless accompanied by a licensed adult twenty‑one years of age or older. This restriction does not apply when the special restricted license holder is transporting family members or students to or from school.

~~(E)~~ ~~Daylight hours, as used in this section, means after the hour of six o’clock a.m. and no later than six o’clock p.m. However, beginning on the day that daylight saving time goes into effect through the day that daylight saving time ends, the holder of the special restricted license may operate a vehicle after six o’clock a.m. and no later than eight o’clock p.m. For purposes of this section, all other hours are designated as nighttime hours.~~

~~(F)~~(E) A driver training course, as used in this section, means a driver’s training course administered by a driver’s training school or a private, parochial, or public high school conducted by a person holding a valid driver’s instruction permit contained in Section 56‑23‑85.

~~(G)~~(F) For purposes of issuing a special restricted driver’s license pursuant to this section, the department must accept a certificate of completion for a student who attends or is attending an out‑of‑state high school and passed a qualified driver’s training course or program that is equivalent to an approved course or program in this State. The department must establish procedures for approving qualified driver’s training courses or programs for out‑of‑state students.”

SECTION 6. 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.

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(C) The department may not issue a beginner’s permit, conditional license, or special restricted license to any person convicted of a second or subsequent violation of operating a moped on public highways while under age or without a license, until that person is at least sixteen years of age.”

SECTION 7. Section 56‑1‑1710 of the 1976 Code is amended to read:

“Section 56‑1‑1710. ~~For purposes of this article, ‘moped’ means a cycle with pedals to permit propulsion by human power or without pedals and with a motor of not more than fifty cubic centimeters which produces not to exceed two brake horsepower and which is not capable of propelling the vehicle at a speed in excess of thirty miles an hour on level ground. If an internal combustion engine is used, the moped must have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.~~ Reserved.”

SECTION 8. Section 56‑1‑1720 of the 1976 Code is amended to read:

“Section 56‑1‑1720. ~~Until January 1, 1987, no person under the age of twelve may operate a moped on the public highways and streets of this State. After December 31, 1986, to operate a moped on the public highways and streets of this State, a person must possess a valid driver’s license issued under Article 1 of this chapter or a valid moped operator’s license issued under this article, except that a person whose driver’s license has been suspended for a period of six months or less is not required to obtain a moped operator’s license or possess a valid driver’s license during the period of suspension. From January 1, 1987, to December 31, 1987, the Department shall not issue a moped operator’s license to any person who is less than thirteen years of age. After December 31, 1987, the~~

(A) To operate a moped on public highways, a person must possess a valid driver’s license issued under Article 1 of this chapter or a valid moped operator’s license issued under this article. The department ~~of Motor Vehicles shall not~~ may issue a moped operator’s license to ~~any~~a person who is ~~less than fourteen~~ fifteen years of age or older.

(B) A person younger than sixteen years of age with a moped license may operate a moped:

(1) alone during daylight hours only;

(2) during nighttime hours when accompanied by a licensed driver twenty‑one years of age or older who has had at least one year of driving

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experience. The accompanying driver must be within a safe viewing distance of the operator when the operator is operating a moped.

(C) A person sixteen years of age or older with a moped license may drive a moped alone any time.

(D) ~~Any~~ A person who ~~violates~~ operates a moped in violation of the provisions of this section is guilty of a misdemeanor and, upon conviction of a first offense, must be fined ~~not less than twenty‑five dollars nor more than fifty~~ not more than one hundred dollars and, upon conviction of a second or subsequent offense, must be fined ~~not less than fifty~~ not more than two hundred dollars ~~nor more than one hundred dollars~~.

~~The Department may not issue a beginner’s permit or special restricted license as provided for in Sections 56‑1‑50 and 56‑1‑180 to any person convicted of a second or subsequent violation of operating a moped on the public highways and roads of this State while under age, until that person is at least fifteen and one‑half years of age.~~”

SECTION 9. Section 56‑1‑1730 of the 1976 Code is amended to read:

“Section 56‑1‑1730. (A) A person is eligible for a moped operator’s license without regard to his eligibility for or the status of any other driver’s license or permit.

(B) The Department of Motor Vehicles may suspend, revoke, or cancel a moped operator’s license only for violations committed while operating a moped. A moped operator’s license may be suspended, revoked, or canceled in the same manner and upon the same grounds for which any other motor vehicle operator’s license or permit may be suspended, revoked, or canceled.”

SECTION 10. Section 56‑2‑2740(C) of the 1976 Code is amended to read:

“(C) All validation decals must be issued for a period not to exceed twelve months, except for moped validation decals, which may be issued for a period not to exceed twenty‑four months. The fee for the biennial validation decals shall be twenty‑four dollars and must be used to defray the costs of the department.”

SECTION 11. A. Chapter 2, Title 56 of the 1976 Code is amended by adding:

“Article 3

Mopeds

Section 56‑2‑3000. A person operating a moped on a public highway must at all times have in his possession a valid moped operator’s license or valid driver’s license.

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Section 56‑2‑3010. (A) Beginning July 1, 2017, a moped operated on a public highway:

(1) must be registered and licensed with the department in the same manner as passenger vehicles pursuant to this title; and

(2) must be insured subject to the same insurance requirements applicable to an individual private passenger automobile pursuant to Title 38 of the 1976 Code.

(B) The department shall establish for mopeds a special size and class of license plates with distinctive numbering and/or lettering so as to be identifiable to law enforcement.

(C) Mopeds are not required to be titled in this State.

(D) If a manufacturer’s certificate of origin states the vehicle is a ‘motor scooter’, ‘motor‑driven cycle’, or any similar term, the definitions of ‘motorcycle’ and ‘moped’, as shown in Section 56‑1‑10, must be used to determine whether the vehicle must be registered as a moped or must be titled and registered as a motorcycle.

Section 56‑2‑3020. (A) A privately owned and operated moped of a nonresident, otherwise subject to registration and license as provided by this chapter, may be operated within this State without being registered and licensed provided that the moped:

(1) is duly registered or licensed in the state, territory, district, or country of residence of the owner; and

(2) has displayed or issued a valid registration, registration card, license plate or decal, or other indicia satisfactorily evidencing compliance with the requirements of the owner’s home jurisdiction.

(B) The moped of a nonresident must be registered and licensed pursuant to this chapter upon the earlier of a nonresident’s:

(1) establishment of domicile in this State; or

(2) operation of the moped in this State for an accumulated period exceeding one hundred and eighty days.

Section 56‑2‑3030. An owner of a moped required to be registered in this State must make application to the department for the registration and licensing of the moped. The application must be made upon the appropriate form furnished by the department. Every application must bear the signature of the owner.

Section 56‑2‑3040. (A) An application for registration and licensing of a moped must contain:

(1) the name, bona fide residence and mailing address of the owner or business address of the owner if a firm, association or corporation;

(2) a description of the moped including, insofar as this exists with respect to a given moped, the make, model, type of body, serial number

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or other identifying number, whether the vehicle is new or used, and the date of sale by the manufacturer or seller to the person intending to operate the moped;

(3) other information that reasonably may be required to enable the department to determine whether the vehicle is lawfully entitled to registration and licensing.

(B) The application must be accompanied by a bill of sale and a vehicle registration certificate, Manufacturer’s Certificate of Origin, or an affidavit from the applicant certifying that he is the legal and rightful owner of the moped. The documentation provided must list the vehicle specifications, including the total cubic centimeters of the engine or wattage of the engine, as applicable.

Section 56‑2‑3050. The department, at the request of the owner, may issue a title for the moped in conjunction with the moped registration, provided that the owner makes application for title on the appropriate form and provides the department with a Manufacturer’s Statement of Origin or a prior title. If an owner cannot provide a Manufacturer’s Statement of Origin or prior title, the moped may be registered, but not titled.

Section 56‑2‑3060. (A) A person is guilty of a misdemeanor who:

(1) fraudulently uses or gives a false or fictitious name or address in an application required to be made under this chapter;

(2) knowingly makes a false statement in an application; or

(3) knowingly conceals a material fact in an application.

(B) A person who operates or an owner who permits the operation or movement of a vehicle registered and licensed under a violation of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

Section 56‑2‑3070. (A) A person may not ride upon a moped other than upon or astride a permanent and regular seat attached to the moped. A moped may not be used to carry more persons at one time than the number for which it is designed and equipped by the manufacturer to carry.

(B) A person, while operating a moped during nighttime hours, and his passenger must each wear a reflective vest that at a minimum is ANSI/ISEA Class 1 standard.

(C) A person under the age of twenty‑one may not operate or ride upon a moped unless he wears a protective helmet of a type approved by the department. The department may promulgate regulations necessary

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to describe the types and the specifications of helmets required. The department may also establish and maintain a list of approved helmets.

(D) A person, while operating a moped along a multi‑lane highway, must travel in the farthest right lane except when making a left turn or when travel in the farthest right lane is otherwise unsafe.

(E) A person may not operate a moped at a speed in excess of thirty‑five miles per hour.

(F) A person may not operate a moped on a public highway that has a speed limit of greater than fifty‑five miles per hour. A person operating a moped may cross an intersection at a public highway that has a speed limit of greater than fifty‑five miles per hour.

(G) The operator of a moped must have turned on and in operation the operational lights and the headlight at all times while the moped is in operation.

(H) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

Section 56‑2‑3080. (A) It is unlawful for a person to sell a new moped for use on public highways or operate a moped on public highways without:

(1) operable pedals, if the moped is equipped with pedals;

(2) at least one rearview mirror;

(3) an operable headlight and running lights; and

(4) brake lights which are operable when either brake is deployed.

(B) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

Section 56‑2‑3090. A person selling mopeds shall post, in a conspicuous place in his business, a sign that contains a brief explanation of the provisions of law governing the operation of mopeds, including, but not limited to, age restrictions, maximum speeds, and the definition of a moped.

Section 56‑2‑3100. A person or entity selling mopeds is not required to obtain a motor vehicle dealer’s license. /

Amend the bill further by adding an appropriately numbered new SECTION to read:

/ SECTION \_\_\_. Prior to July 1, 2017, a person who sells, solicits, or advertises the sale of mopeds clearly and conspicuously shall label each moped with its specifications. The seller also shall attach a metal identification plate to each moped without pedals identifying the vehicle as a moped. This plate must be designed by the department and must

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display information the department considers necessary for enforcement purposes. The plate must be displayed permanently on each moped without pedals and must not be removed. A seller who fails to label a moped, fails to attach a metal identification plate to a moped, knowingly labels a motorcycle or motor‑driven cycle as a moped, or attaches a metal identification plate to a motor cycle or motor‑driven cycle identifying the vehicle as a moped, is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned for not more than thirty days.

Prior to July 1, 2017, it is unlawful for a person to operate a moped without pedals upon public highways without displaying the attached metal identification plate. A person who violates the provisions of this subsection is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or imprisoned not more than thirty days.

Each vehicle that is incorrectly labeled or plated and each moped that is not labeled or plated is a separate violation of this section. /

Amend the bill further, as and if amended by striking SECTION 41 and inserting:

/ SECTION 41. This act takes effect February 1, 2017. /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

Senator HUTTO explained the Bill.

On motion of Senator HUTTO, the Bill was carried over.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**AMENDED, CARRIED OVER**

H. 3909 -- Reps. Herbkersman, Jefferson, Bernstein, G.A. Brown, Funderburk, Hill, W.J. McLeod, J.E. Smith, Whitmire, Gagnon, Dillard and Bowers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “BICYCLE AND PEDESTRIAN SAFETY ACT”; BY ADDING SECTION 56‑5‑3520 SO AS TO PROVIDE THAT BICYCLES WITH HELPER MOTORS SHALL BE SUBJECT TO ALL THE RIGHTS AND DUTIES OF BICYCLES; TO AMEND SECTION 56‑1‑1710, RELATING TO THE TERM “MOPED” AND ITS DEFINITION, SO AS TO PROVIDE THAT THIS SECTION DOES NOT APPLY TO MOTORCYCLES OR

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BICYCLES; TO AMEND SECTION 56‑5‑990, RELATING TO CERTAIN PEDESTRIAN CONTROL SIGNALS, SO AS TO PROVIDE THAT THIS SECTION ALSO APPLIES TO PEDESTRIAN CONTROL SIGNALS THAT EXHIBIT THE SYMBOLS FOR “WALK” OR “WAIT”, AND TO PROVIDE THAT FOR PEDESTRIAN CROSSWALKS EQUIPPED WITH COUNTDOWN INDICATORS, A PEDESTRIAN MAY CROSS IF HE CAN COMPLETE THE CROSSING DURING THE REMAINING TIME; TO AMEND SECTION 56‑5‑3130, RELATING TO A PEDESTRIAN’S RIGHT‑OF‑WAY IN A CROSSWALK, SO AS TO PROVIDE THAT THE DRIVER OF A VEHICLE SHALL STOP TO YIELD TO A PEDESTRIAN CROSSING A ROADWAY UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 56‑5‑3230, RELATING TO A DRIVER’S DUTY TO EXERCISE DUE CARE WHEN OPERATING A VEHICLE, SO AS TO PROVIDE THAT THIS SECTION ALSO APPLIES TO A DRIVER’S DUTY TO AVOID COLLIDING WITH AN ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE, A WHEELCHAIR, A FARM TRACTOR, OR A SIMILAR VEHICLE DESIGNED FOR FARM USE, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS SECTION; TO AMEND SECTION 56‑5‑3425, RELATING TO THE DEFINITION OF THE TERM “BICYCLE LANE” AND OPERATIONS OF MOTOR VEHICLES AND BICYCLES ALONG BICYCLE LANES, SO AS TO REVISE THE DEFINITION OF THE TERM “BICYCLE LANE” AND TO PROVIDE A DEFINITION FOR THE TERM “SUBSTANDARD‑WIDTH LANE”; AND TO AMEND SECTION 56‑16‑10, RELATING TO CERTAIN TERMS AND THEIR DEFINITIONS REGARDING THE REGULATION OF MOTORCYCLE MANUFACTURERS, DISTRIBUTORS, DEALERS, AND WHOLESALERS, SO AS TO PROVIDE A DEFINITION FOR THE TERM “BICYCLES WITH HELPER MOTORS”.

The Senate proceeded to a consideration of the Bill.

Senator MALLOY proposed the following amendment (3909GM1), which was adopted:

Amend the committee report, as and if amended, page [3909-1], by striking line 40 and inserting the following:

/ vehicle, moped, a wheelchair, or a personal mobility device, and must give /

Renumber sections to conform.

Amend title to conform.

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Senator MALLOY explained the amendment.

The amendment was adopted.

The Committee on Transportation proposed the following amendment (3909R002.EB.GH), which was adopted:

Amend the bill, as and if amended, by striking SECTION 2 and inserting:

/ SECTION 2. Article 27, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑3520. Bicyclists operating bicycles with helper motors are subject to all statutory provisions applicable to bicyclists, as provided in Section 56‑5‑3420.” /

Amend the bill further, as and if amended, by striking SECTION 5 and inserting:

/ SECTION 5. Section 56‑5‑3230 of the 1976 Code is amended to read:

“(A) Notwithstanding other provisions of any local ordinance, ~~every~~ a driver of a vehicle shall exercise due care to avoid colliding with ~~any~~ a pedestrian, ~~or any~~ a person propelling a human‑powered vehicle, a wheelchair, or a personal mobility device, and must give an audible signal when necessary ~~and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person~~.

(B) A driver who fails to exercise due care is guilty of a misdemeanor and must be punished by a fine of not more than one hundred dollars or imprisoned for not more than thirty days as provided in Section 56‑5‑6190.” /

Amend the bill further, as and if amended, by striking SECTION 7 and inserting:

/ SECTION 7. Section 56‑1‑10 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

“( ) ‘Bicycles with helper motors’ and ‘electric assist bicycles’ mean low speed electrically assisted bicycles with two or three wheels, each having fully operable pedals and an electric motor of no more than 750 watts, or one horsepower, that meet the requirements of the Federal Consumer Product Code provided in 16 C.F.R., Part 1512, and that operate in a manner such that the electric motor disengages or ceases to function when their brakes are applied. Bicycles with helper motors are not mopeds.

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( ) ‘Personal mobility device’ means a manually operated or powerdriven device designed primarily for use by an individual with a mobility impairment for the purpose of indoor locomotion, outdoor locomotion, or both.” /

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

Senator HEMBREE proposed the following amendment (3909R004.DR.GH), which was adopted:

Amend the bill, as and if amended, by striking SECTION 5 and inserting:

/ SECTION 5. Section 56-5-3230 of the 1976 Code is amended to read:

“Section 56-5-3230. Notwithstanding other provisions of any local ordinance, ~~every~~ a driver of a vehicle shall exercise due care to avoid colliding with ~~any~~ a pedestrian, ~~or any~~ a person propelling a human-powered vehicle, a wheelchair, or a personal mobility device, and shall give an audible signal when necessary ~~and shall exercise proper precaution upon observing any child or any obviously confused, incapacitated or intoxicated person~~.” /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the amendment.

The amendment was adopted.

On motion of Senator MALLOY, the Bill was carried over.

**COMMITTEE AMENDMENT AMENDED**

**CARRIED OVER**

H. 3969 -- Rep. Sandifer: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 5, TITLE 38 SO AS TO PROVIDE FOR THE ELECTRONIC TRANSMISSION OF ELECTRONIC NOTICES OR DOCUMENTS RELATED TO INSURANCE AND INSURANCE POLICIES UNDER CERTAIN CIRCUMSTANCES EFFECTIVE

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JANUARY 1, 2016; AND TO REDESIGNATE EXISTING SECTIONS IN THE CHAPTER AS ARTICLE 1, ENTITLED “GENERAL PROVISIONS”.

The Senate proceeded to a consideration of the Bill.

Senator HUTTO proposed the following amendment (3969CBH1), which was adopted:

Amend the committee report, as and if amended, page [3969-4], by striking lines 21 through 24.

Renumber sections to conform.

Amend title to conform.

The amendment was adopted.

On motion of Senator LOURIE, the Bill was carried over.

**RECOMMITTED**

S. 1115 -- Senators Gregory, Rankin and Shealy: A BILL TO AMEND ARTICLE 1, CHAPTER 3, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DIVORCE IN THIS STATE, SO AS TO PROVIDE A PUBLIC POLICY OF THE STATE OF SOUTH CAROLINA REGARDING THE AWARD OF ALIMONY.

Senator HUTTO asked unanimous consent to commit the Bill to the Committee on Judiciary.

There was no objection.

The Bill was recommitted to the Committee of Judiciary.

S. 1169 -- Senators Gregory and Shealy: A BILL TO AMEND SECTION 20-3-130(B), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES, SO AS TO PROVIDE FOR TWO NEW FORMS OF ALIMONY AND TO CHANGE THE DEFINITION OF COHABITATION; TO AMEND SECTION 20-3-150, RELATING TO SEGREGATION OF ALLOWANCE BETWEEN SPOUSE AND CHILDREN AND THE EFFECT OF REMARRIAGE OF A SPOUSE, SO AS TO CHANGE THE DEFINITION OF COHABITATION.

Senator HUTTO asked unanimous consent to commit the Bill to the Committee on Judiciary.

There was no objection.

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The Bill was recommitted to the Committee of Judiciary.

S. 1052 -- Senator Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑180 SO AS TO PROVIDE THAT THE STATE LAW ENFORCEMENT DIVISION IS AUTHORIZED TO SUBMIT FINGERPRINTS COLLECTED BY CERTAIN AGENCIES TO THE FEDERAL BUREAU OF INVESTIGATION’S NEXT GENERATION IDENTIFICATION PROGRAM UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THEIR RETENTION AND USE.

Senator HUTTO asked unanimous consent to commit the Bill to the Committee on Judiciary.

There was no objection.

The Bill was recommitted to the Committee of Judiciary.

S. 1320 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF STATE FIRE MARSHAL, RELATING TO LIQUEFIED PETROLEUM (LP) GAS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4622, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HUTTO asked unanimous consent to commit the Joint Resolution to the Committee on Labor, Commerce and Industry.

There was no objection.

The Joint Resolution was recommitted to the Committee of Labor, Commerce and Industry.

S. 1321 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - BUILDING CODES COUNCIL, RELATING TO INTERNATIONAL CODES AND NATIONAL ELECTRICAL CODE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4602, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HUTTO asked unanimous consent to commit the Joint Resolution to the Committee on Labor, Commerce and Industry.

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There was no objection.

The Joint Resolution was recommitted to the Committee of Labor, Commerce and Industry.

S. 1322 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF EMPLOYMENT AND WORKFORCE, RELATING TO UNEMPLOYMENT TRUST FUND SOLVENCY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4645, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HUTTO asked unanimous consent to commit the Joint Resolution to the Committee on Labor, Commerce and Industry.

There was no objection.

The Joint Resolution was recommitted to the Committee of Labor, Commerce and Industry.

S. 1323 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO PROFESSIONAL EMPLOYER ORGANIZATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4624, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HUTTO asked unanimous consent to commit the Joint Resolution to the Committee on Labor, Commerce and Industry.

There was no objection.

The Joint Resolution was recommitted to the Committee of Labor, Commerce and Industry.

S. 1324 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - RESIDENTIAL BUILDERS COMMISSION, RELATING TO RESIDENTIAL SPECIALTY CONTRACTORS LICENSE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4630, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

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Senator HUTTO asked unanimous consent to commit the Joint Resolution to the Committee on Labor, Commerce and Industry.

There was no objection.

The Joint Resolution was recommitted to the Committee of Labor, Commerce and Industry.

S. 946 -- Senators Hayes and Alexander: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑2774 SO AS TO PROVIDE THAT THE REGISTERED OWNER OF A VEHICLE THAT UNLAWFULLY OVERTAKES A SCHOOL BUS MAY BE ISSUED A CIVIL CITATION IF THE DRIVER OF HIS VEHICLE CAN NOT BE IDENTIFIED BY A LAW ENFORCEMENT OFFICER OR A DIGITAL VIDEO RECORDING DEVICE MOUNTED ON A SCHOOL BUS, TO PROVIDE THE PROCEDURE WHEREBY THE CITATION MAY BE DISMISSED, AND TO PROVIDE THE PROCEDURE WHEREBY THE CITATION IS ISSUED.

Senator HUTTO asked unanimous consent to commit the Bill to the Committee on Transportation.

There was no objection.

The Bill was recommitted to the Committee of Transportation.

**CARRIED OVER**

H. 3682 -- Reps. Finlay, Bannister, Newton, Cole, Delleney, Weeks, Whipper, Robinson‑Simpson and Bingham: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 39 SO AS TO ENACT THE “BAD FAITH ASSERTION OF PATENT INFRINGEMENT ACT”, TO PROVIDE THAT BAD FAITH ASSERTIONS OF PATENT INFRINGEMENTS ARE PROHIBITED, TO DEFINE TERMS, TO PROVIDE FOR A PRIVATE CAUSE OF ACTION IN STATE COURTS BY A RECIPIENT OF A BAD FAITH ASSERTION TO PATENT INFRINGEMENT, TO PROVIDE THAT ENFORCEMENT ACTIONS MAY BE BROUGHT BY THE ATTORNEY GENERAL AND WILFUL AND KNOWING VIOLATIONS MAY RESULT IN CIVIL PENALTIES OF NOT MORE THAN FIFTY THOUSAND DOLLARS FOR EACH VIOLATION, TO PROVIDE FOR THE FACTORS THAT

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A COURT MAY CONSIDER WHEN MAKING A BAD FAITH DETERMINATION, AND TO PROVIDE EXCEPTIONS.

On motion of Senator MALLOY, the Bill was carried over.

H. 5034 -- Rep. White: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12‑21‑4320 SO AS TO REQUIRE THE DEPARTMENT OF REVENUE TO ESTABLISH AN INFORMATIONAL CHARITABLE BINGO WEBPAGE ON ITS WEBSITE; TO AMEND SECTION 12‑21‑3920, RELATING TO DEFINITIONS FOR PURPOSES OF THE BINGO TAX ACT, SO AS TO REDEFINE “BUILDING”; TO AMEND SECTION 12‑21‑3940, RELATING TO APPLICATIONS FOR A BINGO LICENSE BY NONPROFIT ORGANIZATIONS AND PROMOTERS, SO AS TO EXTEND THE TIME BY WHICH THE DEPARTMENT MUST RESPOND; TO AMEND SECTION 12‑21‑3990, RELATING TO THE MANNER OF PLAYING BINGO, SO AS TO PROVIDE THE MANNER IN WHICH CERTAIN DEVICES MUST BE OPERATED; TO AMEND SECTION 12‑21‑4000, RELATING TO PROCEDURES APPLICABLE TO THE CONDUCT OF BINGO, SO AS TO INCREASE THE ALLOWANCE FOR PROMOTIONS; TO AMEND SECTION 12‑21‑4005, RELATING TO THE OPERATION OF BINGO GAMES, SO AS TO EXCLUDE CERTAIN RAFFLES; TO AMEND SECTION 12‑21‑4090, RELATING TO BINGO CHECKING AND SAVINGS ACCOUNTS, SO AS TO ALLOW THE PROMOTER TO MAKE CERTAIN CONTRIBUTIONS AND TO ALLOW FOR ELECTRONIC PAYMENTS; AND TO AMEND SECTION 12‑21‑4190 RELATING TO THE DISTRIBUTION OF BINGO REVENUES, SO TO INCREASE THE PERCENTAGE THAT IS DISTRIBUTED TO CHARITY.

On motion of Senator HUTTO, the Bill was carried over.

H. 4577 -- Reps. White, Bales, Merrill, D.C. Moss, G.R. Smith and Cobb‑Hunter: A BILL TO AMEND SECTION 12‑37‑2460, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREDITING OF AIRCRAFT PROPERTY TAXES, SO AS TO CREDIT THE PROCEEDS OF THE TAX TO THE STATE AVIATION FUND; AND TO AMEND SECTION 55‑5‑280, AS AMENDED, RELATING TO THE STATE AVIATION FUND, SO AS TO MAKE A CONFORMING CHANGE.

On motion of Senator HUTTO, the Bill was carried over.

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H. 4554 -- Reps. Clemmons, Pitts, Duckworth, Rivers, Fry, H.A. Crawford, Goldfinch, Jordan, Lowe, Johnson and Loftis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 11 TO TITLE 35 SO AS TO ENACT THE “SOUTH CAROLINA ANTI‑MONEY LAUNDERING ACT” TO PROVIDE REGULATION AND OVERSIGHT OF THE MONEY TRANSMISSION SERVICES BUSINESS MOST COMMONLY USED BY ORGANIZED CRIMINAL ENTERPRISE TO LAUNDER THE MONETARY PROCEEDS OF ILLEGAL ACTIVITIES, AND TO PROVIDE DEFINITIONS, EXCLUSIONS, PROCEDURES, AND PENALTIES.

Senator CROMER explained the Bill.

On motion of Senator SHANE MARTIN, the Bill was carried over.

H. 5040 -- Reps. Mack and Sandifer: A BILL TO AMEND SECTION 37‑1‑201, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TERRITORIAL APPLICATION OF THE CONSUMER PROTECTION CODE, SO AS TO EXPAND HOW A CREDITOR MAY INDUCE A CONSUMER TO ENTER INTO A TRANSACTION; TO AMEND SECTION 37‑1‑203, RELATING TO JURISDICTION AND SERVICE OF PROCESS, SO AS TO REPLACE THE TERM “CREDITOR” WITH THE TERM “PERSON”; TO AMEND SECTION 37‑1‑302, RELATING TO THE DEFINITION OF THE “FEDERAL CONSUMER CREDIT PROTECTION ACT”, SO AS TO REMOVE THE REFERENCE TO THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM; TO AMEND SECTION 37‑2‑102, RELATING TO THE SCOPE OF CHAPTER 2 OF THE CONSUMER PROTECTION CODE, SO AS TO APPLY CERTAIN PROVISIONS TO THE SALE OF MOTOR VEHICLES; TO AMEND SECTION 37‑2‑305, RELATING TO FILING AND POSTING THE MAXIMUM RATE SCHEDULE, SO AS TO REMOVE THE PROVISION REQUIRING THE DEPARTMENT OF CONSUMER AFFAIRS TO MAINTAIN A FILE FOR EACH CREDITOR’S ORIGINAL AND ALL REVISED MAXIMUM RATE SCHEDULES, AMONG OTHER THINGS; TO AMEND SECTION 37‑3‑305, RELATING TO FILING AND POSTING A MAXIMUM RATE SCHEDULE, SO AS TO REMOVE THE PROVISION REQUIRING THE DEPARTMENT OF CONSUMER AFFAIRS TO MAINTAIN A FILE FOR EACH CREDITOR’S ORIGINAL AND ALL REVISED MAXIMUM RATE

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SCHEDULES, AMONG OTHER THINGS; TO AMEND SECTION 37‑5‑102, RELATING TO THE SCOPE OF CHAPTER 5 OF THE CONSUMER PROTECTION CODE, SO AS TO EXTEND THE PROVISIONS OF THE CHAPTER TO OTHER TRANSACTIONS GOVERNED BY TITLE 37; TO AMEND SECTION 37‑6‑102, RELATING TO THE APPLICABILITY OF CHAPTER 6, TITLE 37, SO AS TO APPLY THE PROVISIONS OF THE CHAPTER TO A PERSON WHO IS SUBJECT TO TITLE 37 OR AN ACTION OF THE ADMINISTRATOR; TO AMEND SECTION 37‑6‑107, RELATING TO THE APPLICATION OF CHAPTER 6 TO ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW, SO AS TO REMOVE THE REFERENCE TO PART FOUR OF CHAPTER 6 AND INSERT THAT THE ADMINISTRATIVE PROCEDURES ACT APPLIES TO AND GOVERNS ALL ADMINISTRATIVE ACTIONS TAKEN PURSUANT TO THE CHAPTER; TO AMEND SECTION 37‑6‑108, RELATING TO ADMINISTRATIVE ENFORCEMENT ORDERS, SO AS TO REMOVE LANGUAGE REQUIRING AN ADMINISTRATOR TO BRING AN ACTION BEFORE THE ADMINISTRATIVE LAW COURT; TO AMEND SECTION 37‑6‑110, RELATING TO INJUNCTIONS AGAINST VIOLATIONS OF THE CONSUMER PROTECTION CODE, SO AS TO REPLACE THE TERM “CREDITOR” WITH THE TERM “PERSON”; TO AMEND SECTION 37‑6‑113, RELATING TO CIVIL ACTIONS BY THE ADMINISTRATOR, SO AS TO REPLACE THE TERM “CREDITOR” WITH THE TERM “RESPONDENT”; TO AMEND SECTION 37‑6‑115, RELATING TO REMEDIES AVAILABLE UNDER THE CONSUMER PROTECTION CODE, SO AS TO REPLACE THE TERM “DEBTORS” WITH THE TERM “CONSUMERS”; AND TO AMEND SECTION 37‑6‑118, RELATING TO INVESTIGATION OF UNFAIR TRADE PRACTICES IN CONSUMER TRANSACTIONS, SO AS TO UPDATE THE PROCEDURES AVAILABLE TO A PERSON AGGRIEVED BY AN ORDER OF THE ADMINISTRATOR.

Senator CROMER explained the Bill.

On motion of Senator CROMER, the Bill was carried over.

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H. 3989 -- Reps. J.E. Smith, Bernstein, Pitts, Horne, McCoy, Thayer, McEachern and Hicks: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “PERSONS WITH DISABILITIES RIGHT TO PARENT ACT” BY ADDING CHAPTER 21 TO TITLE 63 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES, LAW ENFORCEMENT, AND THE FAMILY AND PROBATE COURTS, AMONG OTHERS, TO PROTECT THE PARENTING RIGHTS OF PERSONS WITH A DISABILITY BY ESTABLISHING CERTAIN REQUIREMENTS AND SAFEGUARDS APPLICABLE IN CHILD CUSTODY, CHILD PROTECTION, AND PROBATE GUARDIANSHIP PROCEEDINGS TO ENSURE THAT PERSONS WITH DISABILITIES ARE NOT DENIED THE RIGHT TO PARENT OR TO HAVE CUSTODY OF OR VISITATION WITH A CHILD BECAUSE OF THE DISABILITY; TO PROHIBIT CHILD PLACING AGENCIES, ADOPTION SERVICE PROVIDERS, AND ASSISTED REPRODUCTIVE TECHNOLOGY SERVICE PROVIDERS FROM DENYING PERSONS WITH A DISABILITY THE RIGHT TO ACCESS SERVICES BECAUSE OF THE PERSON’S DISABILITY, WITH EXCEPTIONS; BY ADDING SECTION 62‑1‑510 SO AS TO REQUIRE ASSESSMENTS AND EVALUATIONS OF CERTAIN PERSONS WITH A DISABILITY IN PROBATE COURT PROCEEDINGS, AND TO TAKE INTO CONSIDERATION THE DISABILITY AND WAYS IN WHICH TO ACCOMMODATE THE DISABILITY TO ENABLE THE PERSON TO PARENT A CHILD ADEQUATELY; BY ADDING SECTIONS 63‑7‑1695, 63‑7‑2575, AND 63‑15‑270 SO AS TO REQUIRE ASSESSMENTS AND EVALUATIONS OF CERTAIN PERSONS WITH A DISABILITY IN FAMILY COURT PROCEEDINGS TO TAKE INTO CONSIDERATION THE DISABILITY AND WAYS IN WHICH TO ACCOMMODATE THE DISABILITY TO ENABLE THE PERSON TO PARENT A CHILD ADEQUATELY; TO AMEND SECTION 63‑7‑720, RELATING TO REASONABLE EFFORTS REQUIREMENTS FOR PROBABLE CAUSE HEARINGS, SO AS TO REQUIRE SERVICES FOR PARENTS AND LEGAL GUARDIANS WITH A DISABILITY TO TAKE INTO CONSIDERATION THE DISABILITY AND WAYS IN WHICH TO ACCOMMODATE THE DISABILITY TO AVOID REMOVAL OF THE CHILD; AND TO AMEND SECTION 63‑7‑1640, AS AMENDED, RELATING TO FAMILY COURT DETERMINATIONS WHETHER TO REQUIRE REASONABLE EFFORTS TO PRESERVE OR REUNIFY A FAMILY WHEN THE PARENT OR LEGAL GUARDIAN HAS A

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DISABILITY, SO AS TO REQUIRE THE COURT TO TAKE INTO CONSIDERATION THE DISABILITY AND WAYS IN WHICH TO ACCOMMODATE THE DISABILITY TO PRESERVE OR REUNIFY THE FAMILY; AND FOR OTHER PURPOSES.

On motion of Senator HEMBREE, the Bill was carried over.

H. 4387 -- Reps. Bamberg, Henegan, Clyburn, Pitts, Cobb‑Hunter and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑1‑245 SO AS TO PROVIDE THAT A LAW ENFORCEMENT AGENCY, DEPARTMENT, OR DIVISION MAY NOT REQUIRE ITS OFFICERS TO ISSUE A SPECIFIC AMOUNT OR MEET A QUOTA FOR THE NUMBER OF CITATIONS THEIR OFFICERS ISSUE DURING A DESIGNATED PERIOD OF TIME, TO PROVIDE THAT A LAW ENFORCEMENT AGENCY, DEPARTMENT, OR DIVISION MAY NOT COMPARE THE NUMBER OF CITATIONS ISSUED BY ITS OFFICERS FOR THE PURPOSE OF EVALUATING AN OFFICER’S JOB PERFORMANCE, TO PROVIDE THAT “POINT OF CONTACT” MAY BE USED TO EVALUATE AN OFFICER’S PERFORMANCE, TO PROVIDE THAT AN EMPLOYEE WHO FILES A REPORT THAT ALLEGES A VIOLATION OF THIS SECTION IS PROTECTED BY THE “WHISTLE BLOWER ACT”, AND TO PROVIDE DEFINITIONS.

On motion of Senator SHANE MARTIN, the Bill was carried over.

H. 4835 -- Reps. Erickson, Johnson, Delleney, Loftis, Finlay, Brannon, M.S. McLeod, Pope, Thayer, Long, Atwater, Knight, McCoy, Henegan, Douglas, Allison, Goldfinch, Gambrell, Newton, Riley, Collins, Clemmons, Duckworth, Funderburk, Gagnon, Henderson, Hicks, D.C. Moss and G.R. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 15, TITLE 63 SO AS TO ENACT THE “SUPPORTING AND STRENGTHENING FAMILIES ACT” TO ALLOW PARENTS AND PERSONS WITH LEGAL CUSTODY OF A CHILD TO DELEGATE CAREGIVING AUTHORITY FOR THE CHILD TEMPORARILY TO AN ADULT BY EXECUTION OF A POWER OF ATTORNEY, TO PROVIDE FOR THE REQUIREMENTS AND LIMITATIONS OF THE DELEGATION OF CAREGIVING AUTHORITY AND THE RIGHT TO REVOKE THE POWER OF ATTORNEY, AND FOR OTHER PURPOSES; TO AMEND SECTION 63‑7‑920, AS AMENDED, RELATING TO

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INVESTIGATIONS OF SUSPECTED CHILD ABUSE OR NEGLECT, SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO PROVIDE CERTAIN INFORMATION ABOUT COMMUNITY SUPPORTIVE SERVICES TO A PARENT WHEN THE INVESTIGATION DOES NOT RESULT IN PLACEMENT OF THE CHILD OUTSIDE OF THE HOME; AND TO AMEND SECTION 63‑13‑20, RELATING TO THE DEFINITION OF A CHILDCARE FACILITY, SO AS TO EXCLUDE AN ADULT DESIGNATED AS AN ATTORNEY‑IN‑FACT FOR A CHILD IN A POWER OF ATTORNEY EXECUTED PURSUANT TO ARTICLE 7, CHAPTER 15, TITLE 63.

On motion of Senator MASSEY, the Bill was carried over.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 4:52 P.M., on motion of Senator CROMER, the Senate agreed to dispense with the balance of the Motion Period.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF REPORTS OF COMMITTEES OF CONFERENCE AND FREE CONFERENCE.**

**H. 5001--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

H. 5001 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

On motion of Senator LEATHERMAN, the Report of the Committee of Conference was taken up for immediate consideration.

Senator LEATHERMAN spoke on the report.

Senator DAVIS spoke on the report.

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Senator SHEHEEN spoke on the report.

Senator BRIGHT spoke on the report.

Senator YOUNG spoke on the report.

The question then was adoption of the Report of Committee of Conference.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 36; Nays 9**

**AYES**

Alexander Allen Bennett

Campbell Campsen Cleary

Coleman Courson Cromer

Davis Fair Gregory

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Matthews, John Matthews, Margie*

McElveen Nicholson Peeler

Rankin Reese Sabb

Scott Setzler Sheheen

Turner Verdin Williams

**Total--36**

**NAYS**

Bright Bryant Corbin

Grooms *Martin, Shane* Massey

Shealy Thurmond Young

**Total--9**

The Committee of Conference Committee was adopted as follows:

**H. 5001--Conference Report**

The General Assembly, Columbia, S.C., June 19, 2015

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 5001 -- Ways and Means Committee: A BILL TO MAKE APPROPRIATIONS AND TO PROVIDE REVENUES TO MEET

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THE ORDINARY EXPENSES OF STATE GOVERNMENT FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, TO REGULATE THE EXPENDITURE OF SUCH FUNDS, AND TO FURTHER PROVIDE FOR THE OPERATION OF STATE GOVERNMENT DURING THIS FISCAL YEAR AND FOR OTHER PURPOSES.

The Report of the Committee of Conference (as contained in Doc.   
No.H:\LEGWORK\CONFREPORTS\BBM\5001C001.BBM.DG16.docx) was incorporated herein by reference and adopted.

, and a message was sent to the House accordingly.

**Recorded Vote**

Senator GAMBRELL desired to be recorded as voting in favor of the adoption of the Conference Report.

**Statement by Senator MALLOY**

While there are many items and expenditures within this Budget Bill that I disagree with, I ultimately voted in favor of the Conference Report as there was far too much that would benefit this State.

**H. 5002--REPORT OF THE**

**COMMITTEE OF CONFERENCE ADOPTED**

H. 5002 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2015‑2016, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

On motion of Senator LEATHERMAN, the Report of the Committee of Conference was taken up for immediate consideration.

The question then was adoption of the Report of Committee of Conference.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 40; Nays 4**

**AYES**

Alexander Allen Bennett

Campbell Cleary Coleman

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hembree Hutto

Jackson Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler  
Shealy Sheheen Thurmond

Turner Verdin Williams

Young

**Total--40**

**NAYS**

Bright Bryant Corbin

*Martin, Shane*

**Total--4**

The Committee of Conference Committee was adopted as follows:

**H. 5002--Conference Report**

The General Assembly, Columbia, S.C., May 28, 2016

The COMMITTEE OF CONFERENCE, to whom was referred:

H. 5002 -- Ways and Means Committee: A JOINT RESOLUTION TO APPROPRIATE MONIES FROM THE CAPITAL RESERVE FUND FOR FISCAL YEAR 2015‑2016, AND TO ALLOW UNEXPENDED FUNDS APPROPRIATED TO BE CARRIED FORWARD TO SUCCEEDING FISCAL YEARS AND EXPENDED FOR THE SAME PURPOSES.

Beg leave to report that they have duly and carefully considered the same and recommend:

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That the same do pass with the following amendments: (Reference is to Printer’s Version 05/19/16-H.)

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. In accordance with the provisions of Section 36(B)(2) and (3), Article III, Constitution of South Carolina, 1895, and Section 11‑11‑320(C) and (D) of the 1976 Code, there is appropriated from the monies available in the Capital Reserve Fund for Fiscal Year 2015‑2016 the following amounts:

(1) H630 ‑ Department of Education

Governor’s School for the Arts and the Humanities

Fire Protection System Upgrade $ 50,000

(2) H630 ‑ Department of Education

School Bus Lease or Purchase $ 3,951,785

(3) H630 ‑ Department of Education

Statewide Facilities Assessment $ 1,500,000

(4) H630 ‑ Department of Education

Governor’s School for the Arts and the Humanities

Music Building Addition $ 4,310,000

(5) H630 ‑ Department of Education

Governor’s School for the Arts and the Humanities

Mobile Computing Device $ 85,000

(6) H630 ‑ Department of Education

Governor’s School for Science and Mathematics

Campus Addition $ 471,900

(7) H630 ‑ Department of Education

Technology Technical Assistance $ 2,822,791

(8) H710 ‑ Wil Lou Gray Opportunity School

Cafeteria and Shower Renovations $ 500,000

(9) H180 - Francis Marion University

Honors College $ 500,000

(10) H240 ‑ South Carolina State University

Debt Payment $ 4,600,000

(11) H270 ‑ University of South Carolina Columbia Campus

Honors College Facility $ 5,000,000

(12) H370 - University of South Carolina Lancaster Campus

Health and Wellness Center Renovations $ 640,000

(13) H370 - University of South Carolina Lancaster Campus

Bradley Arts and Sciences Building Repairs $ 60,000

(14) H380 - University of South Carolina Salkehatchie Campus

Nursing and Campus Facility Roof Repairs $ 346,000

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(15) H380 - University of South Carolina Salkehatchie Campus

HVAC and Physical Plant Repairs $ 54,000

(16) H390 ‑ University of South Carolina Sumter Campus

Science Building $ 1,500,000

(17) H400 - University of South Carolina Union Campus

Energy Efficiency Retrofits and Physical Plant Repairs

$ 300,000

(18) H470 ‑ Winthrop University

Music Conservatory/Byrnes Auditorium

$ 4,500,000

(19) H510 ‑ Medical University of South Carolina

MUSC Shawn Jenkins Children’s Hospital Helipad (1:1 Match)

$ 750,000

(20) H510 ‑ Medical University of South Carolina

MUSC Shawn Jenkins Children’s Hospital

$ 1

(21) H590 ‑ State Board for Technical and Comprehensive Education

Aiken Technical College Life Science Building

$ 4,000,000

(22) H590 ‑ State Board for Technical and Comprehensive Education

Central Carolina Technical College Workforce Center

$ 10,000,000

(23) H590 ‑ State Board for Technical and Comprehensive Education

Denmark Technical College Barnwell Workforce Center

$ 550,000

(24) H590 ‑ State Board for Technical and Comprehensive Education

Florence Darlington Technical College Academic Building

$ 2,000,000

(25) H590 ‑ State Board for Technical and Comprehensive Education

Horry‑Georgetown Technical College Advanced

Manufacturing Center $ 3,500,000

(26) H590 ‑ State Board for Technical and Comprehensive Education

Midlands Technical College Welding Center

$ 3,500,000

(27) H590 ‑ State Board for Technical and Comprehensive Education

Midlands Technical College Quick Jobs

$ 1,000,000

(28) H590 ‑ State Board for Technical and Comprehensive Education

Orangeburg‑Calhoun Technical College Health Sciences

Nursing Building $ 5,000,000

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(29) H590 ‑ State Board for Technical and Comprehensive Education

Spartanburg Community College Academic Building

$ 1

(30) H590 ‑ State Board for Technical and Comprehensive Education

Spartanburg Community College Critical Training Equipment

$ 3,500,000

(31) H590 ‑ State Board for Technical and Comprehensive Education

Technical College of the Lowcountry New River Workforce

Development Center $ 3,500,000

(32) H590 ‑ State Board for Technical and Comprehensive Education

Tri‑County Technical College Industrial Technology Center

Phase V $ 500,000

(33) H590 ‑ State Board for Technical and Comprehensive Education

Tri‑County Technical College Oconee Workforce

Development Center $ 4,000,000

(34) H590 ‑ State Board for Technical and Comprehensive Education

Tri‑County Technical College Central Plant

$ 500,000

(35) H590 ‑ State Board for Technical and Comprehensive Education

Trident Technical College Aeronautical Training Center

$ 15,300,000

(36) H590 ‑ State Board for Technical and Comprehensive Education

Williamsburg Technical College Science and

Technology Building $ 3,500,000

(37) H590 ‑ State Board for Technical and Comprehensive Education

York Technical College Health and Human Services Building

$ 5,600,000

(38) N200 ‑ Law Enforcement Training Council

Criminal Justice Academy Transport Vehicles

$ 237,870

(39) R440 ‑ Department of Revenue

Tax Processing System (COTS) $ 1,854,798

(40) E240 ‑ Office of Adjutant General

Armory Revitalization $ 5,000,000

(41) H730 ‑ Vocational Rehabilitation

Richland VR Center Phase I $ 200,000

(42) H730 ‑ Vocational Rehabilitation

Anderson VR Center Roofing $ 112,000

(43) H730 ‑ Vocational Rehabilitation

Beaufort VR Center Roofing $ 103,000

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(44) H730 ‑ Vocational Rehabilitation

Greenwood VR Center Roofing $ 108,000

(45) H730 ‑ Vocational Rehabilitation

Anderson VR Center Parking Lot $ 130,000

(46) H730 ‑ Vocational Rehabilitation

Sumter VR Center Roof $ 96,000

(47) H730 ‑ Vocational Rehabilitation

Oconee/Pickens Expansion/Roof $ 800,000

(48) J200 ‑ Department of Alcohol and Other Drug Abuse Services

Infrastructure Improvements/Substance Abuse Provider System

$ 3,000,000

(49) E040 ‑ Office of Lieutenant Governor

Software and Technology System Upgrades for Office on Aging

$ 824,650

(50) P120 ‑ Forestry Commission

Firefighting Equipment $ 1,000,000

(51) P160 ‑ Department of Agriculture

Consumer Protection Equipment $ 1,000,000

(52) P200 ‑ Clemson University‑PSA

T. Ed Garrison Arena Education/Conference Center

$ 1,000,000

(53) D500 ‑ Department of Administration

IT Disaster Recovery Plan $ 5,595,000

(54) P280 ‑ Department of Parks, Recreation and Tourism

Parks, Recreational, and Tourism Revitalizations

$ 6,375,000

(55) P280 ‑ Department of Parks, Recreation and Tourism

Welcome Center Rebuild $ 4,000,000

(56) R360 - Department of Labor, Licensing, and Regulation

V-SAFE Program $ 500,000

(57) D500 ‑ Department of Administration

Capital Complex Security Upgrades $ 900,000

(58) P280 ‑ Department of Parks, Recreation and Tourism

State Aquarium $ 270,000

(59) P360 ‑ Patriot’s Point Development Authority

USS Laffey $ 50,000

$ 131,047,796

SECTION 2. Of the funds appropriated above in item (21), Section 1, to the State Board for Technical and Comprehensive Education for the Aiken Technical College Life Science Building, up to one million dollars

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may be used for college road and entrance/exit improvements which must be completed before the construction of the building.

SECTION 3. Funds appropriated in the amount of one dollar by this act shall not be disbursed. The Comptroller General shall adjust the affected agency‘s chart of accounts accordingly, if necessary.

SECTION 4. The Comptroller General shall post the appropriations contained in this joint resolution as provided in Section 11‑11‑320(D) of the 1976 Code. Unexpended funds appropriated pursuant to this joint resolution may be carried forward to succeeding fiscal years and expended for the same purposes.

SECTION 5. This joint resolution takes effect thirty days after the completion of the 2015‑2016 Fiscal Year in accordance with the provisions of Section 36(B)(3)(a), Article III, Constitution of South Carolina, 1895, and Section 11‑11‑320(D)(1) of the 1976 Code. /

Amend title to conform.

/s/Sen. Hugh K. Leatherman /s/Rep. W. Brian White

/s/Sen. Tom Davis /s/Rep. Bill Herbkersman

/s/Sen. Vincent A. Sheheen /s/Rep. Lonnie Hosey

On Part of the Senate. On Part of the House.

, and a message was sent to the House accordingly.

**Recorded Vote**

Senator GAMBRELL desired to be recorded as voting in favor of the adoption of the Conference Report.

**THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**CARRIED OVER**

S. 199 -- Senators Grooms, Hembree, Bennett, Campbell, Verdin, Campsen, Gregory, Johnson, Setzler, Sabb, Nicholson and Scott: A BILL TO AMEND SECTION 56‑5‑1535 OF THE 1976 CODE, RELATING TO SPEEDING IN WORK ZONES AND PENALTIES ASSOCIATED WITH SPEEDING IN WORK ZONES, TO DELETE THIS PROVISION AND CREATE “PEANUT’S LAW”, TO PROVIDE A DEFINITION FOR THE TERMS “HIGHWAY WORK ZONE” AND “HIGHWAY WORKER”, TO CREATE THE OFFENSES OF “ENDANGERMENT OF A HIGHWAY WORKER”, AND TO PROVIDE PENALTIES FOR THESE OFFENSES; TO

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AMEND SECTION 56‑1‑720, RELATING TO THE POINT SYSTEM ESTABLISHED FOR THE EVALUATION OF THE DRIVING RECORD OF PERSONS OPERATING MOTOR VEHICLES, TO PROVIDE THAT “ENDANGERMENT OF A HIGHWAY WORKER” VIOLATIONS RANGE BETWEEN TWO AND SIX POINTS; AND TO REPEAL SECTION 56‑5‑1536 RELATING TO DRIVING IN TEMPORARY WORK ZONES AND PENALTIES FOR UNLAWFUL DRIVING IN TEMPORARY WORK ZONES.

The Senate proceeded to the consideration of the Bill.

Senator LEATHERMAN moved to carry over the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 42; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Cleary Coleman Corbin

Courson Cromer Davis

Fair Gambrell Gregory

Grooms Hayes Hembree

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Reese

Sabb Scott Setzler

Shealy Sheheen Turner

Verdin Williams Young

**Total--42**

**NAYS**

**Total--0**

The Bill was carried over.

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**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 1166 -- Senators Leatherman, Setzler, Allen, J. Matthews, Jackson, M.B. Matthews, Malloy, Lourie, Williams, Sheheen, Nicholson, Johnson, Scott, Sabb, Hutto and Kimpson: A JOINT RESOLUTION TO PROVIDE FOR ANNUAL INSTALLMENT PAYMENTS BY SOUTH CAROLINA STATE UNIVERSITY ON OUTSTANDING LOANS MADE TO THE UNIVERSITY BY THE STATE OF SOUTH CAROLINA AND LIABILITIES INCURRED PURSUANT TO SECTION 2‑65‑70, TO PROVIDE FOR WHEN THE INSTALLMENT PAYMENTS ARE DUE, TO PROVIDE FOR THE AMOUNT OF THE INSTALLMENT PAYMENTS, TO PROVIDE FOR A PROCESS THROUGH WHICH THE DEBT INCURRED MAY BE RELIEVED, AND TO EXTEND FLEXIBILITY RELATED TO FURLOUGHS AS PROVIDED IN ACT 120 OF 2015.

The House returned the Resolution with amendments.

The Senate proceeded to a consideration of the Resolution, the question being concurrence in the House amendments.

Senator LEATHERMAN explained the House amendments.

Senators LEATHERMAN, SHEHEEN, DAVIS and COLEMAN proposed the following amendment (1166R003.KM.VAS), which was adopted:

Amend the resolution, as and if amended, page 2, by striking lines  
19-34 and inserting:

/ a rate of $8,000,000 per year beginning in Fiscal Year 2016‑17, $2,000,000 in Fiscal Year 2017-18, and $2,000,000 in Fiscal Year 2018-19 provided that the university has met the following benchmarks:

(1) For Fiscal Year 2016‑17 the university must have attained accreditation status from the Southern Association of Colleges and Schools (SACS); and

(2) For each subsequent fiscal year until the loan is fully forgiven the university must:

(a) maintain such accreditation status;

(b) attain an increase in net financial position as demonstrated by the university’s published audited financial statements beginning with Fiscal Year 2016‑17 after such adjustments for pension and other liabilities as recommended by the accounting consultant and SACS, until

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such time as the university has achieved and can maintain a balanced budget and positive net financial position; and

(c) achieve a one percent growth in full‑time student enrollment above the prior academic year enrollment. /

Amend the resolution further, as and if amended, page 2, by striking lines 37-38 and inserting:

/ and Technical Schools Subcommittee and the Senate Finance Committee that includes, but is not limited to, /

Amend the resolution further, as and if amended, page 3, by striking lines 15-17 and inserting:

/ annually.

SECTION 3. The university board is authorized to reprogram appropriations contained in H. 5001, R \_\_, Act \_\_ of 2016, the Fiscal Year 2016-17 Appropriations Act, if the reprogrammed appropriations are directly related to attaining accreditation status from the Southern Association of Colleges and Schools (SACS), including, but not limited to, improving the university’s “Unrestricted Net Assets Exclusive of Plant and Plant Related Debt” (UNAEP). The university board may not reprogram funds pursuant to this SECTION for any other purpose. As soon as practicable after making a determination that funds must be reprogrammed, the university board must notify the Chairman of the Senate Finance Committee, the Chairman of the House Ways and Means Committee, the Executive Budget Office, and the State Fiscal Accountability Authority that appropriations will be reprogrammed, the specific purposes for the reprogramming, and the specific appropriations that will be reprogrammed. /

Amend the resolution further, as and if amended, page 4, by striking SECTION 6 and inserting:

/ SECTION 6. This joint resolution takes effect July 2, 2016. /

Renumber sections to conform.

Amend title to conform.

Senator LEATHERMAN explained the amendment.

Senator SHANE MARTIN moved to carry over the Resolution.

Senator LEATHERMAN moved to lay the amendment on the table.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 21; Nays 21**

**AYES**

Alexander Allen Cleary

Coleman Courson Hutto

Jackson Johnson Kimpson

Leatherman Lourie *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Reese Sabb Scott

Setzler Sheheen Williams

**Total--21**

**NAYS**

Bennett Bright Bryant

Campsen Corbin Cromer

Davis Fair Gambrell

Gregory Grooms Hayes

Malloy *Martin, Larry Martin, Shane*

Massey Peeler Shealy

Turner Verdin Young

**Total--21**

The PRESIDENT voted “Aye.”

The motion to carry over was laid on the table.

Senator MASSEY spoke on the amendment.

**RECESS**

At 6:27 P.M., on motion of Senator MASSEY, the Senate receded from business for five minutes.

At 6:36 P.M., the Senate resumed.

Senator DAVIS spoke on the amendment.

**RECESS**

At 7:43 P.M., on motion of Senator DAVIS, the Senate receded from business.

At 10:07 P.M., the Senate resumed.

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Senator DAVIS resumed speaking on the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 27; Nays 13**

**AYES**

Alexander Allen Bennett

Campbell Cleary Coleman

Davis Fair Gambrell

Grooms Hutto Jackson

Johnson Kimpson Leatherman

Malloy *Matthews, John Matthews, Margie*

McElveen Nicholson Sabb

Scott Setzler Sheheen

Turner Verdin Williams

**Total--27**

**NAYS**

Bright Bryant Campsen

Corbin Cromer Gregory

Hembree *Martin, Larry Martin, Shane*

Massey Peeler Shealy

Young

**Total--13**

The amendment was adopted.

The Resolution was ordered returned to the House of Representatives with amendments.

Senator SHANE MARTIN moved to adjourn.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 0; Nays 41**

**AYES**

**Total--0**

**NAYS**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Cleary Coleman

Corbin Cromer Davis

Fair Gambrell Gregory

Grooms Hembree Hutto

Jackson Johnson Kimpson

Leatherman Malloy *Martin, Larry*

*Martin, Shane* Massey *Matthews, John*

*Matthews, Margie* McElveen Nicholson

Peeler Rankin Sabb

Scott Setzler Shealy

Sheheen Turner Verdin

Williams Young

**Total--41**

The Senate refused to adjourn.

**HOUSE AMENDMENTS AMENDED**

**RETURNED TO THE HOUSE WITH AMENDMENTS**

S. 1258 -- Finance Committee: A BILL TO AMEND CHAPTER 43, TITLE 11 OF THE 1976 CODE, RELATING TO THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK, TO PROVIDE FOR THE DISTRIBUTION BY THE DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK OF CERTAIN FEES AND FINES COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES TRANSFERRED TO THE STATE HIGHWAY FUND; 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, 56-3-1335, 56‑5‑750(G)(3), 56‑5‑2951(B)(1),

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56‑5‑2951(H)(3), 56‑9‑330, 56‑10‑240(C), 56‑10‑245, 56‑10‑552, 56‑19‑420(C), AND 56‑19‑520(A)(4), ALL OF THE 1976 CODE, ALL RELATING TO FEES OR FINES COLLECTED BY THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT ALL OR A PORTION OF THE FEES SHALL BE CREDITED TO THE STATE HIGHWAY FUND, AND TO PROVIDE FOR THE DISTRIBUTION OF THOSE FUNDS BY THE DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK; TO AMEND SECTION 12‑36‑2647 OF THE 1976 CODE, AS ENACTED IN ACT 98 OF 2013 AND RELATED TO SOURCES OF REVENUE USED FOR HIGHWAY CONSTRUCTION AND MAINTENANCE, TO PROVIDE THAT THE REVENUES OF SALES, USE, AND CASUAL EXCISE TAXES DERIVED PURSUANT TO SECTIONS 12‑36‑2620(1) AND 12‑36‑2640(1) ON THE SALE, USE, OR TITLING OF A MOTOR VEHICLE MUST BE CREDITED TO THE STATE HIGHWAY FUND, AND TO PROVIDE FOR THE DISTRIBUTION OF THOSE FUNDS BY THE DEPARTMENT OF TRANSPORTATION AND THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK.

The House returned the Bill with amendments.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

Senator GROOMS explained the House amendments.

Senators MASSEY and GROOMS proposed the following amendment (1258R014.KM.ASM), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/PART I

GOVERNING THE IMPROVEMENT

OF THE

STATE’S TRANSPORTATION INFRASTRUCTURE SYSTEM

SECTION 1. Article 3, Chapter 1, Title 57 of the 1976 Code is amended to read:

“ARTICLE 3

Commission of the Department of Transportation

Section 57‑1‑310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts of the

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State, designated by numbers corresponding to the numbers of the respective congressional districts. The Commission of the Department of Transportation shall be composed of one member from each transportation district ~~elected by the delegations of the congressional district~~ and one member ~~appointed by the Governor~~ from the State at large, all appointed by the Governor, upon the advice and consent of the Senate, subject to the provisions of Section 57‑1‑325. ~~Such elections or appointment, as the case may be,~~ In making appointments to the commission, the Governor shall take into account race, ~~and~~ gender, and other demographic factors, such as residence in rural or urban areas, so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment ~~or in an election~~ in no way creates a cause of action or basis for an employee grievance for a person appointed ~~or elected~~ or for a person who fails to be appointed.

(B)~~(1)~~ ~~Candidates for election to the commission must be screened by the Joint Transportation Review Committee, as provided in Article 7 of this chapter, and determined to meet the qualifications contained in subsection (C) in order to be eligible for election~~.

~~(2)~~ The at‑large appointment made by the Governor must be transmitted to the Joint Transportation Review Committee. ~~The Joint Transportation Review Committee must determine whether the at‑large appointee meets the qualifications in subsection (C) and report its findings to the General Assembly and the Governor. Until the Joint Transportation Review Committee finds a gubernatorial appointee qualified, the appointee must not take the oath of office and the full rights and privileges and powers of the office shall not vest.~~

(C) The qualifications that each commission member must possess, include, but are not limited to:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; or

(2) a background of at least five years in any combination of the following fields of expertise:

(a) transportation;

(b) construction;

(c) finance;

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(d) law;

(e) environmental issues;

(f) management; or

(g) engineering.

(D) ~~No~~ A member of the General Assembly or member of his immediate family ~~shall~~ may not be ~~elected or~~ appointed to the commission while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be ~~elected or~~ appointed to the commission for a period of four years after the member either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

Section 57‑1‑320. ~~(A)~~ ~~A county that is divided among two or more Department of Transportation districts, for purposes of electing a commission member, is deemed to be considered in the district which contains the largest number of residents from that county.~~

~~(B)~~ ~~No~~ A county within a Department of Transportation district ~~shall~~ may not have a resident commission member for more than ~~one consecutive term~~ eight consecutive years and in no event shall any two persons from the same county serve as a commission member simultaneously ~~except as provided hereinafter~~.

Section 57‑1‑325. (A) ~~Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.~~ The Governor shall submit his transportation district appointees to the Senate and the House of Representatives for referral to the appropriate legislative delegation. Legislative delegation for these purposes means legislators residing in the congressional district corresponding to the transportation district of the appointee.

(B) ~~The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue~~

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~~to the person, after he has taken the usual oath of office, a certificate of election as commissioner. The Governor shall then issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.~~ Upon receipt of a referral, the legislative delegation shall meet to approve or disapprove the Governor’s appointee. The legislative delegation shall report its findings to the House of Representatives, the Senate, and the Governor. If the legislative delegation approves the governor’s appointee, the appointment shall be referred to the Joint Transportation Review Committee. If the delegation disapproves the appointee the Governor shall make another appointment. If the legislative delegation fails approve of the governor’s appointee within forty five days of the appointee’s referral to the delegation, the appointee is deemed to have been disapproved.

Section 57‑1‑330. (A) ~~For the purposes of electing a commission member, a legislator shall vote only in the congressional district in which he resides.~~ All commission members are ~~elected~~ appointed to a term of office of four years which expires on February fifteenth of the appropriate year. However, a commission member may not serve more than two consecutive terms, and may not serve more than twelve years, regardless of when the term was served. Commissioners shall continue to serve until their successors are ~~elected~~ appointed and ~~qualify~~ confirmed, provided that a commissioner ~~may~~ only may serve in a hold‑over capacity for a period not to exceed six months. Any vacancy occurring in the office of commissioner shall be filled by ~~election or~~ appointment in the manner provided in this article for the unexpired term only. Except for the at‑large member, ~~no~~ a person is not eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by ~~an elected~~ such commission member to maintain residency in the district for which he is ~~elected~~ appointed shall result in the forfeiture of his office.

(B) ~~The at‑large commission member shall serve at the pleasure of the Governor.~~ The at‑large commission member may be appointed from any county in the State unless another commission member is serving from that county. Failure by the at‑large commission member to maintain residence in the State shall result in a forfeiture of his office.

~~(C)~~ ~~All elected commission members may be removed from office as provided in Section 1‑3‑240(C)(1).~~ Commission members may be

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removed from office at the discretion of the Governor subject to the prior approval of the appropriate legislative delegation.

Section 57‑1‑340. Each commission member, within thirty days after his ~~election or~~ appointment, and before entering upon the discharge of the duties of his office, shall take, subscribe, and file with the Secretary of State the oath of office prescribed by the Constitution of the State.

Section 57‑1‑350. (A) The commission may adopt an official seal for use on official documents of the department.

(B) The commission shall elect a chairman and adopt its own rules and procedures and may select such additional officers to serve such terms as the commission may designate.

(C) Commissioners must be reimbursed for official expenses as provided by law for members of state boards and commissions as established in the annual general appropriations act.

(D) All commission members are eligible to vote on all matters that come before the commission.

Section 57‑1‑360. (A) The ~~commission must appoint a~~ State Auditor shall employ an individual to serve as the chief internal auditor of the department, and other professional, administrative, technical, and clerical personnel as the ~~commission~~ State Auditor determines to be necessary ~~in the proper discharge of the commission’s duties and responsibilities provided by law~~. The ~~commission~~ State Auditor also must provide professional, administrative, technical, and clerical personnel, as the ~~commission~~ State Auditor determines to be necessary, for the chief internal auditor to properly discharge his duties and responsibilities authorized by the ~~commission~~ State Auditor or provided by law. Except as otherwise provided, any employees hired pursuant to this section shall serve at the pleasure of the ~~commission~~ State Auditor.

(B)(1) ~~The chief internal auditor shall serve for a term of four years and may be removed by the commission only for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity.~~ The chief internal auditor must be a Certified Public Accountant and possess any other experience the ~~commission~~ State Auditor may require. The chief internal auditor must establish, implement, and maintain the exclusive internal audit function of all departmental activities. The ~~commission~~ State Auditor shall set the salary for the chief internal auditor as allowed by statute or applicable law.

(2) The audits performed by the chief internal auditor must comply with recognized governmental auditing standards. The department and any entity contracting with the department must fully cooperate with the

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chief internal auditor in the discharge of his duties and responsibilities and must timely produce all books, papers, correspondence, memoranda, and other records considered necessary in connection with an internal audit. All final audit reports must be submitted to the commission and the chairman of the Senate Transportation Committee, the chairman of the Senate Finance Committee, the chairman of the House of Representatives Education and Public Works Committee, and the chairman of the House of Representatives Ways and Means Committee before being made public.

(3) The ~~commission~~ State Auditor is vested with the exclusive management and control of the chief internal auditor.

(C) The department, at its own expense, must provide appropriate office space within its headquarters, building, and facility service, including janitorial, utility and telephone services, computer and technology services, and related supplies, for the chief internal auditor and his support staff.

Section 57‑1‑370. (A) The commission must develop the long‑range Statewide Transportation Plan, with a minimum twenty‑year forecast period at the time of adoption, that provides for the development and implementation of the multimodal transportation system for the State. The plan must be developed in a manner consistent with all federal laws or regulations and in consultation with all interested parties, particularly the metropolitan planning organizations and the nonmetropolitan planning organization area local officials. The plan may be revised from time to time as permitted by and in the manner required by federal laws or regulations.

(B) Concerning the development, content, and implementation of the Statewide Transportation Improvement Program, the commission must:

(1) develop a process for consulting with nonmetropolitan local officials, with responsibility for transportation, that provides an opportunity for their participation in the development of the long‑range Statewide Transportation Plan and the Statewide Transportation Improvement Program;

(2) approve the Statewide Transportation Improvement Program and ensure that it is developed pursuant to federal laws and regulations and approve an updated Statewide Transportation Improvement Program from time to time as permitted by and in the manner required by federal laws or regulations;

(3) develop and revise the transportation plan for inclusion in the Statewide Transportation Improvement Program, for each

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nonmetropolitan planning area in consultation with local officials with responsibility for transportation;

(4) work in consultation with each metropolitan planning organization to develop and revise a transportation improvement program for each metropolitan planning area;

(5) select from the approved Statewide Transportation Improvement Program the transportation projects undertaken in nonmetropolitan areas in consultation with the affected nonmetropolitan local officials with responsibility for transportation;

(6) select projects to be undertaken, in consultation with each metropolitan planning organization, from the metropolitan planning organization’s approved transportation improvement plan in metropolitan areas not designated as a transportation management area;

(7) consult with each metropolitan planning organization, in metropolitan areas designated as transportation management areas, concerning the projects selected to be undertaken from the approved transportation improvement program and in accordance with the priorities approved by the transportation improvement program; and

(8) when selecting projects to be undertaken from nontransportation management area metropolitan planning organizations’ transportation improvement programs, or selecting the nonmetropolitan area projects to be undertaken that are included in the Statewide Transportation Improvement Program, and when consulting with metropolitan planning organizations designated as transportation management areas, the commission shall establish a priority list of projects to the extent permitted by federal laws or regulations, taking into consideration at least the following criteria:

(a) financial viability including a life cycle analysis of estimated maintenance and repair costs over the expected life of the project;

(b) public safety;

(c) potential for economic development;

(d) traffic volume and congestion;

(e) truck traffic;

(f) the pavement quality index;

(g) environmental impact;

(h) alternative transportation solutions; and

(i) consistency with local land use plans.

(C)(1) To the extent that state funds are available to address the needs of the state highway system, the commission must develop a comprehensive plan specifying objectives and performance measures for the preservation and improvement of the existing system. The projects

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included in this plan must be supported solely by state funds including the Nonfederal Aid Highway Fund or other state revenue source. When developing the plan required by this subsection, the commission must consider, but is not limited to, considering~~,~~ the criteria in subsection (B)(8).

(2) When state funding is programmed for a project selected from the plan to be undertaken, the department may use federal law, regulations, or guidelines relevant to the type of project being undertaken to be eligible for federal matching funds.

~~(D)~~ ~~To the extent permitted by federal laws or regulations, the commission has the authority to award all federal enhancement grants. Annually, the commission must submit a report to the chairman of the Senate Transportation Committee, the chairman of the Senate Finance Committee, the chairman of the House of Representatives Ways and Means Committee, and the chairman of the House of Representatives Education and Public Works Committee describing the number of federal enhancement grants that were awarded and the recipients of the federal enhancement grants.~~

~~(E)~~ ~~The commission must give its prior authorization to any consulting contracts advertised for or awarded by the department and authorize the selection of consultants by department personnel.~~

~~(F)~~ ~~Roads may not be added to or removed from the state highway system without prior authorization from the commission.~~

~~(G)~~ ~~The department shall conduct a public hearing in each county in which a public hearing is required by federal regulations to allow the department to share information regarding the project with the local community and to allow the local community to address its concerns with department officials. The hearing must include the opportunity for members of the public to address a hearing officer in a format in which comments can be heard by the general public.~~

~~(H)~~ ~~The department shall promulgate, by regulation, procedures not inconsistent with federal laws for applying the criteria contained in subsection (B)(8) for prioritizing projects.~~

~~(I)~~ ~~The department may not sell surplus property without prior authorization from the commission.~~

~~(J)~~(D) The commission must approve the department’s annual budget.

~~(K)~~ ~~The department may not dedicate or name highway facilities without prior authorization from the commission.~~

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~~(L)~~ ~~The department may not enter into any contract with a value in excess of five hundred thousand dollars without the prior authorization of the commission.~~

~~(M)~~ ~~The commission shall give prior approval to any additional contracts the department wishes to be entered into during a fiscal year with an entity that has already received individual contracts during that fiscal year that in the aggregate value are at least five hundred thousand dollars.~~

~~(N)~~ ~~Any request made for resurfacing, installation of new signals, curb cuts on primary roads, bike lanes, or construction projects under ten million dollars must be reviewed and approved by the commission who certify that the request is needed based upon objective and quantifiable factors before work may proceed.~~

~~(O)~~(E) The commission shall have any other rights, duties, obligations, or responsibilities as specifically provided by law.

SECTION 2. Section 57‑1‑410 of the 1976 Code is amended to read:

“Section 57‑1‑410. The ~~Governor~~ commission shall appoint, with the advice and consent of the Senate, a Secretary of Transportation who shall serve at the pleasure of the ~~Governor~~ commission. A person appointed to this position shall possess practical and successful business and executive ability and be knowledgeable in the field of transportation. The Secretary of Transportation shall receive such compensation as may be established under the provisions of Section 8‑11‑160 and for which funds have been authorized in the general appropriations act.”

SECTION 3. A. Sections 57-1-730 and 57-1-740 of the 1976 Code are amended to read:

“Section 57-1-730. The review committee has the following powers and duties:

(1) to screen ~~each candidate applying for election~~ appointees to the commission;

(2) in screening ~~candidates~~ appointees and making its findings, the review committee must give due consideration to:

(a) ability, area of expertise, dedication, compassion, common sense, and integrity of each ~~candidate~~ appointee; and

(b) the impact that each ~~candidate~~ appointee would have on the racial and gender composition of the commission, and each ~~candidate’s~~ appointee’s impact on other demographic factors represented on the commission, such as residence in rural or urban areas, to assure nondiscrimination to the greatest extent possible of all segments of the population of the State; and

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(3) to determine if each ~~candidate~~ appointee is qualified and meets the requirements provided by law to serve as a member of the Department of Transportation Commission~~, make findings concerning whether each candidate is qualified, and deliver its findings to the Clerk of the Senate and the Clerk of the House of Representatives~~; and

(4) to submit the names of all qualified ~~candidates~~ appointees to the ~~congressional district delegation for election~~ Senate for advice and consent.

~~Section 57-1-740.~~ ~~(A)~~ ~~For purposes of this section, a vacancy is created on the commission when a term expires, a new congressional district is created, or a commission member resigns, dies, or is removed from office as provided in Section 57‑1‑330(C). If known in advance, the review committee may provide notice of a vacancy and begin screening prior to the actual date of the vacancy.~~

~~(B)~~ ~~Whenever a commission member must be elected to fill a vacancy:~~

~~(1)~~ ~~The review committee must forward a notice of the transportation commission district member vacancy to:~~

~~(a)~~ ~~a newspaper of general circulation within the congressional district from which a commission member must be elected with a request that it be published at least once a week for four consecutive weeks;~~

~~(b)~~ ~~any person who has informed the committee that he desires to be notified of the vacancy; and~~

~~(c)~~ ~~to each member of the congressional district delegation.~~

~~The committee may provide such additional notice that it deems appropriate.~~

~~(2)~~ ~~The review committee may not accept a notice of intention to seek the office from any candidate until the review committee certifies to the clerk of the Senate and the clerk of the House of Representatives that the proper notices, required by this section, have been requested to be published or provided as required in this subsection.~~

~~(3)~~ ~~The cost of the notification process required by this section must be absorbed and paid from the approved accounts of the Senate and the House of Representatives as contained in the annual appropriations act.~~

~~(C)~~ ~~Any person desiring to be a candidate for election to fill a vacancy on the commission must file a notice of intention with the review committee no later than five business days after the last date the published notice appeared in a newspaper of general circulation. Upon the expiration of the notice of intention filing period, the review~~

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~~committee must provide every member of the affected congressional district delegation with a complete list of the people who filed a notice.~~

~~(D)(1)~~ ~~When the notice of intention filing period closes, the review committee shall begin to conduct an investigation of candidates, as it considers appropriate, and may utilize the services of any agency of state government to assist in the investigation. Upon request of the review committee for assistance, an agency shall cooperate fully.~~

~~(2)(a)(i)~~ ~~Upon completion of the candidate investigations, the chairman of the review committee shall schedule a public hearing concerning the qualifications of the candidates. Any person who desires to testify at the hearing, including the candidates, must furnish a written statement of his proposed testimony to the chairman of the review committee. This statement shall be furnished no later than forty‑eight hours prior to the date and time set for the hearing. The review committee shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the review committee, shall be submitted under oath and persons knowingly furnishing false information either orally or in writing shall be subject to the penalties provided by law for perjury and false swearing.~~

~~(ii)~~ ~~During the course of the investigation, the review committee may schedule an executive session at which the candidates, and other persons who the review committee wishes to interview, may be interviewed on matters pertinent to the candidate’s qualification for the office to be filled.~~

~~(iii)~~ ~~The review committee shall render its tentative findings as to whether the candidates are qualified to serve on the commission as a district member and its reasons for making the findings within a reasonable time after the hearing. If only one person applies to fill a vacancy or if the review committee concludes there are fewer candidates qualified for a vacancy than those who initially filed, it shall submit to the congressional district delegation for election only the names and qualifications of those who are considered to be qualified. The nominations of the review committee for any candidate for the election to the commission are binding on the congressional district delegation, and it shall not elect a person not nominated by the review committee. Nothing shall prevent the congressional district delegation from rejecting all persons nominated. In this event, the review committee shall submit another group of names and qualifications for that position. Further nominations in the manner required by this chapter must be made until the office is filled.~~

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~~(b)~~ ~~As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact shall be transcribed and published in the journals of both houses or otherwise made available in a reasonable number of copies to the members of both houses and a copy must be furnished to each candidate.~~

~~(c)(i)~~ ~~The review committee must transmit to the congressional district delegation the names of all qualified candidates.~~

~~(ii)~~ ~~No member of the congressional district delegation may pledge his vote to elect a candidate until the review committee has released its written report concerning the qualifications of the candidate to the members of the appropriate congressional district delegation. The release of the written report of qualifications shall occur no earlier than forty‑eight hours after the names of the qualified candidates have been initially released to members of the appropriate congressional district delegation.~~

~~(iii)~~ ~~No candidate may directly or indirectly seek the pledge of a vote from a member of the candidate’s congressional delegation or, directly or indirectly, contact a statewide constitutional officer, a member of the General Assembly, or the Joint Transportation Review Committee regarding screening for the commission until the review committee has released its written report as to the qualifications of all candidates in a particular congressional district. For purposes of this section, “indirectly seek the pledge” means the candidate, or someone acting on behalf of and at the request of the candidate, requests another person to contact a member of the General Assembly, a statewide constitutional officer, or a member of the review committee on behalf of the candidate before the review committee’s release of the written report of qualifications.~~

~~(iv)~~ ~~The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate’s qualifications.~~

~~(d)~~ ~~A candidate may withdraw at any stage of the proceedings, and in this event no further inquiry, report on, or consideration of his candidacy shall be made.~~

~~(3)~~ ~~All records, information, and other material that the review committee has obtained or used to make its findings of fact, except materials, records, and information presented under oath at the public hearing, shall be kept strictly confidential. After the review committee has reported its findings of fact, or after a candidate withdraws his name~~

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~~from consideration, all records, information, and material required to be kept confidential must be destroyed.~~

~~(4)(a)~~ ~~The review committee may, in the discharge of its duties, administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records considered necessary in connection with the investigation of the review committee.~~

~~(b)~~ ~~No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, or other records before the review committee on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. However, no individual shall be prosecuted or subjected to any criminal penalty based upon testimony or evidence submitted or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self‑incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury and false swearing committed during testimony.~~

~~(c)~~ ~~In case of contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State or circuit judge thereof within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the review committee, may issue to the person an order requiring him to appear before the review committee to produce evidence, if so ordered, or to give testimony concerning the matter under investigation. Any failure to obey an order of the court may be punished as contempt. Subpoenas shall be issued in the name of the review committee and shall be signed by the review committee chairman. Subpoenas shall be issued to those persons as the review committee may designate.~~

~~(5)~~ ~~The privilege of the floor in either house of the General Assembly may not be granted to a candidate, or any immediate family member of a candidate unless the family member is serving in the General Assembly, during the time the candidate’s application is pending before the review committee and during the time the candidate’s election is pending.~~”

B. Section 57-1-720(C) of the 1976 Code is amended to read:

“(C) The review committee must meet as soon as practicable after appointment and organize itself by electing one of its members as chairman and such other officers as the review committee may consider

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necessary. Thereafter, the review committee must meet as necessary to screen ~~candidates for election~~ appointees to the commission and at the call of the chairman or by a majority of the members. A quorum consists of six members.”

C. Section 57-1-750(B) of the 1976 Code is amended to read:

“(B) The expenses associated with the review committee’s duties to ~~qualify and nominate candidates for~~ screen appointees to the Department of Transportation Commission must be paid from the legislative appropriation of the general fund of the State.”

SECTION 4. Section 57‑1‑490 of the 1976 Code, as amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑490. (A) The department shall be audited by a certified public accountant or firm of certified public accountants once each year to be designated by the State Auditor. The designated accountant or firm of accountants shall issue audited financial statements in accordance with generally accepted accounting principles, and such financial statements ~~shall~~ must be made available annually by October fifteenth to the General Assembly. The costs and expenses of the audit must be paid by the department out of its funds.

(B) The Materials Management Office of the ~~Department of Administration~~ State Fiscal Accountability Authority annually must audit the department’s internal procurement operation to ensure that the department has acted properly with regard to the department’s exemptions contained in Section 11‑35‑710. The audit must be performed in accordance with applicable state law, including, but not limited to, administrative penalties for violations found as a result of the audit. The results of the audit must be made available by October fifteenth to the Department of Transportation Commission, the ~~Department of the Transportation’s chief internal auditor~~ State Auditor, the Governor, the chairmen of the Senate Finance and Transportation Committees, and the chairmen of the House of Representatives Ways and Means and Education and Public Works Committees. The costs and expenses of the audit must be paid by the department out of its funds.

(C) The Legislative Audit Council shall contract for an independent performance and compliance audit of the department’s finance and administration division, mass transit division, and construction engineering and planning division. This audit must be completed by January 15, 2010. The Legislative Audit Council may contract for follow‑up audits or conduct follow‑up audits as needed based upon the audit’s initial findings. The costs of these audits, including related administrative and management expenses of the Legislative Audit

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Council, are an operating expense of the department. The department shall pay directly to the Legislative Audit Council the cost of the audits.

(D) Copies of every audit conducted pursuant to this section must be made available to the Department of Transportation Commission, the ~~Department of Transportation chief internal auditor~~ State Auditor, the Governor, the chairmen of the Senate Finance and Transportation Committees, and the chairmen of the House of Representatives Ways and Means and Education and Public Works Committees.”

SECTION 5. Section 11‑43‑150 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) Before providing a loan or other financial assistance to a qualified borrower on a qualified project, the board of directors must submit the decision to the Department of Transportation Commission for its consideration. The Department of Transportation Commission can approve or reject the board of directors’ decisions or request additional information from the board of directors. This requirement does not apply to decisions by the board that relate to any payment or contractual obligations that the Department of Transportation has to the bank that are pledged to any bonds issued by the bank.”

SECTION 6. Section 11‑43‑180 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) The bank may not provide any loans or other financial assistance, including bond proceeds, to any project unless the eligible costs of the project are at least twenty‑five million dollars.”

SECTION 7. Article 1, Chapter 43, Title 11 of the 1976 Code is amended by adding:

“Section 11‑43‑265. (A) Notwithstanding any other provision of law and subject to the provisions of subsection (B), the bank must prioritize all projects in accordance with the prioritization criteria provided in Section 57‑1‑370(B)(8).

(B) The General Assembly may enact a joint resolution allowing the bank to fund a project without using the prioritization criteria provided in subsection (A). The joint resolution must be specific as to the project and the amount authorized to be funded.”

PART II

FUNDING THE IMPROVEMENT

OF THE

STATE’S TRANSPORTATION INFRASTRUCTURE SYSTEM

SECTION 8. Chapter 43, Title 11 of the 1976 Code is amended by adding:

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“Section 11‑43‑167. (A) The fees and fines collected pursuant to Sections 12‑37‑2740(D), 38‑73‑470, 56‑1‑140(B)(2), 56‑1‑143, 56‑1‑148(D), 56‑1‑170(B)(3), 56‑1‑200, 56‑1‑220(B), 56‑1‑286(K)(1), 56‑1‑390(2), 56‑1‑395(G), 56‑1‑400(A), 56‑1‑460(A)(1)(E)(III), 56‑1‑550, 56‑1‑740(B)(3), 56‑1‑746(D)(3), 56‑1‑1320(B), 56‑1‑2080, 56‑1‑3350(B)(2), 56‑3‑210(B), 56‑3‑355, 56‑3‑1335, 56‑3‑1290, 56‑3‑1920(C), 56‑3‑2330(B), 56‑3‑2335(B)(2), 56‑3‑2340(C), 56‑3‑3500(B), 56‑3‑3600(B), 56‑3‑3710(B), 56‑3‑3950, 56‑3‑4100(B), 56‑3‑4200(C), 56‑3‑4410(B), 56‑3‑4510(C), 56‑3‑4600(B), 56‑3‑4800(B), 56‑3‑4910(B), 56‑3‑5200(B), 56‑3‑5400(B), 56‑3‑7200(B), 56‑3‑7310, 56‑3‑7300(B), 56‑3‑7310, 56‑3‑7320, 56‑3‑7330(B)(2), 56‑3‑7360, 56‑3‑7700(B), 56‑3‑7750(B), 56‑3‑7780(B), 56‑3‑7860, 56‑3‑7910(B), 56‑3‑7950(B), 56‑3‑8000(C), 56‑3‑8100(B), 56‑3‑8100(F), 56‑3‑8200(A), 56‑3‑8300(A), 56‑3‑8400(A), 56‑3‑8600(B), 56‑3‑8710(C), 56‑3‑9400(B), 56‑3‑9600(B), 56‑3‑9710(B), 56‑3‑10010(B), 56‑3‑13710(B), 56‑5‑750(G)(3), 56‑5‑2942(J), 56‑5‑2951(B)(1), 56‑5‑2951(H)(3), 56‑9‑330, 56‑10‑240(C), 56‑10‑245, 56‑10‑552, 56‑10‑260(B)(3), 56‑19‑265(D), 56‑19‑420(C), and 56‑19‑520(A)(4) must be credited to the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in this section.

(B)(1) The Department of Transportation shall allocate the funds credited to the State Highway Fund pursuant to subsection (A) to the state funded resurfacing program. The Department of Transportation shall develop and implement a needs‑based methodology to distribute revenue within the state funded resurfacing program, which shall include consideration on a county‑by‑county basis, to ensure that each county in the State is guaranteed funding for resurfacing.

(2) The Department of Transportation shall reduce the allocation to the state funded resurfacing program required in item (1) in proportion to the amounts transferred to the South Carolina Transportation Infrastructure Bank pursuant to subsection (C).

(C)(1) The Department of Transportation shall identify bridge and road projects to be financed utilizing non‑tax revenue transferred to the bank by the Department of Transportation in an amount equal to the financing requirements related to projects selected pursuant to this section.

(2) Funds transferred to the bank pursuant to this section may not be used to finance projects approved by the bank before July 1, 2013. The bank shall submit all projects proposed to be financed pursuant to

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subsection (B) to the Joint Bond Review Committee as provided in Section 11‑43‑180, prior to approving a project for financing.

(3) Following consideration by the Joint Bond Review Committee, the bank shall approve the projects to be financed. Upon approval, the bank shall provide the Department of Transportation with written notice that identifies each project selected, the amount of non‑tax revenue that must be transferred to the bank for financing each project, a schedule for the transfers, and any other information necessary to carrying out the financing of each project.

(4) Upon receipt of the notice provided in item (3), the Department of Transportation shall transfer non‑tax revenue to the bank in the amounts and upon the schedule provided in the notice. The department shall take any other action identified in the notice that is necessary for financing each project.

(5) Projects financed utilizing funds transferred pursuant to this subsection shall not require a local match.

(D) The Secretary of Transportation shall apply funds supplanted by the operation of this section to prioritized bridge and resurfacing needs.”

SECTION 9. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. 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 10. 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~~

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~~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 11. Section 56‑1‑140(B)(2) of the 1976 Code is amended to read:

“(2) payment of a one dollar fee that must be ~~retained~~ collected by the department and placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.

SECTION 12. Section 56‑1‑143 of the 1976 Code is amended to read:

“Section 56‑1‑143. An applicant for a new or renewal driver’s license, commercial driver’s license, motorcycle driver’s license, identification card, issuance of a vehicle title or transfer of title, or issuance or renewal of a vehicle license plate must be given an opportunity in writing to make a voluntary contribution of five dollars, more or less, to be credited to Donate Life South Carolina established in Section 44‑43‑1310. Any voluntary contribution must be added to the driver’s license, identification card, title, or license plate fee and must be transferred to the State Treasurer and credited to Donate Life South Carolina as provided for in Section 44‑43‑1310. ~~The~~ An amount equal to the incremental cost of administration of the contribution must be paid by the trust fund from amounts received pursuant to this section to the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167 before funds are expended by the trust fund.”

SECTION 13. Section 56‑1‑148(D) of the 1976 Code is amended to read:

“(D) The department shall charge a fee of fifty dollars for affixing the identifying code provided in subsection (B). This fee is in addition to the fee provided for in Section 56‑1‑140. This fee must be placed by the Comptroller General into ~~a special restricted account to be used by the~~

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~~department to defray expenses associated with this section~~ the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.

SECTION 14. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 15. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 16. Section 56‑1‑220(B) of the 1976 Code is amended to read:

“(B) During the fifth year of a ten‑year license, the licensee must submit by mail to the department a certificate from an ophthalmologist or optometrist licensed in any state or appear in person at a department office to complete a vision screening. If a licensee fails to submit a certificate or fails to appear in person, the licensee must be fined fifty dollars. The department shall waive the fine if the person completes the

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requirements of this section within ninety days after the end of the fifth  
year of a ten‑year license. This fine must be placed by the Comptroller General into ~~a special restricted account to be used by the department to defray the expenses incurred by this section. Interest accrued by this account must remain in this account~~ the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 17. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. 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 18. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167 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

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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 19. Section 56‑1‑395(G) of the 1976 Code is amended to read:

“(G) The payment program administrative fee of thirty‑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 its expenses~~ State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.

SECTION 20. 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

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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 Sections 56‑1‑286, 56‑5‑2945, and 56‑5‑2947 except if the conviction was for Sections 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 by the Comptroller General into ~~a special restricted account~~ the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167 ~~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 Sections 56‑1‑286, 56‑5‑2945, and 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 21. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. The remainder of the fees collected pursuant to this item must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund.”

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SECTION 22. 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 by the Comptroller General into ~~a special restricted account~~ the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167 ~~by the Comptroller General to be used by the Department of Motor Vehicles to defray expenses~~.”

SECTION 23. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. 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 24. 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

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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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 25. Section 56‑1‑1320(B) of the 1976 Code is amended to read:

“(B) Ninety‑five dollars of the collected fee must be credited to the state’s general fund for use of the Department of Public Safety in the hiring, training, and equipping of members of the South Carolina Highway Patrol and Transportation Police and in the operations of the South Carolina Highway Patrol and Transportation Police. Five dollars of the collected fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 26. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167 by the Comptroller General ~~to be used by the Department of Motor Vehicles to defray its expenses~~.”

SECTION 27. Section 56‑1‑3350(B)(2) of the 1976 Code is amended to read:

“(2) payment of a one dollar fee that must be ~~retained~~ collected by the department and placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

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SECTION 28. Section 56‑3‑210(B) of the 1976 Code is amended to read:

“(B) The Department of Motor Vehicles or the county auditor’s office must, upon proper application, issue a temporary license plate designed by the Department of Motor Vehicles to a casual seller or buyer of a vehicle pursuant to subsection (A) of this section. The county auditor’s office may obtain temporary license plates from the Department of Motor Vehicles. If the applicant is a casual buyer of a vehicle, the Department of Motor Vehicles or the county auditor’s office must insert clearly and indelibly on the face of the temporary license plate the date of expiration and other information the Department of Motor Vehicles may require. If the applicant is the casual seller of a vehicle, at the time of the sale, he must insert clearly and indelibly on the face of the temporary license plate the date of expiration and other information the Department of Motor Vehicles may require. The expiration date may not extend beyond forty‑five days from the vehicle’s date of purchase. Neither the casual seller nor the casual buyer may place the temporary license plate on the vehicle until the sale has been completed. The bill of sale, title, rental contract, or a copy of either document must be maintained in the vehicle at all times to verify the vehicle’s date of purchase to a law enforcement officer. The bill of sale, title, rental contract, or a copy of either document must provide a description of the vehicle, the name and address of both the seller and purchaser of the vehicle, and its date of sale. A casual seller who issues a temporary license plate or allows a temporary license plate to be issued in violation of this subsection is guilty of a misdemeanor and, upon conviction, must be fined one hundred dollars for each occurrence. The Department of Motor Vehicles may charge a five dollar fee for the temporary license plate which the Comptroller General must place into ~~a special restricted account to be used by the Department of Motor Vehicles to defray its expenses associated with the production and issuance of the temporary license plates~~ the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. The county auditor’s office also may charge a five dollar fee for the temporary license plate to defray the expenses of the county auditor’s office associated with the production and issuance of the temporary license plates.

SECTION 29. 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

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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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167 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 30. Section 56‑3‑1290 of the 1976 Code is amended to read:

“Section 56‑3‑1290. The Department of Motor Vehicles, upon application and the payment of a fee of ten dollars, shall transfer the license plate assigned for one vehicle to another vehicle of the same general type owned or leased by the same person without a paid tax receipt for the vehicle. However, subsequent transfers of a license plate to the same vehicle may not be processed without a paid tax receipt based upon the value of the vehicle to which the plate is being transferred. Three dollars of the fees paid pursuant to this section must be deposited in the state general fund, and the remaining seven dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167 ~~into a special restricted account by the Comptroller General to be used by the Department of Motor Vehicles to defray its expenses~~.”

SECTION 31. 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

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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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 32. Section 56‑3‑1920(C) of the 1976 Code is amended to read:

“(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~~ must be placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.

SECTION 33. Section 56‑3‑2330(B) of the 1976 Code is amended to read:

“(B) A motor vehicle manufacturer shall apply for manufacturer license plates on a form prescribed by the department and shall provide proof the applicant is a bona fide motor vehicle manufacturer. The cost of each manufacturer plate issued is two hundred dollars, of which one hundred sixty dollars must be remitted by the department to the county in which the principal facility of the manufacturer is located. Forty dollars of the fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. Each plate is valid for two years. ”

SECTION 34. Section 56‑3‑2335(B)(2) of the 1976 Code is amended to read:

“(2) Application for research and development license plates must be made by the research and development business on a form prescribed by the department and submitted with proof of the applicant’s status as a bona fide research and development business. The cost of each research and development license plate issued is two hundred dollars, of which one hundred sixty dollars must be remitted by the department to the county in which the testing facility of the business is located. Forty dollars of the fee must be placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. Each plate is valid for two years. A

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maximum of one hundred research and development license plates may be issued for the two‑year period.”

SECTION 35. Section 56‑3‑2340(C) of the 1976 Code is amended to read:

“(C) The department is authorized to collect a transaction fee from entities who either transmit or retrieve data from the department pursuant to this section. The fee must not exceed the fee authorized in Section 56‑19‑265(B) for each transaction. These fees must be placed by the ~~State Treasurer into a special restricted account to be used by the department to pay for the development and maintenance of the program~~ Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 36. Section 56‑3‑3500(B) of the 1976 Code is amended to read:

“(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be distributed to Penn Center, Inc., to support its activities.

SECTION 37. Section 56‑3‑3600(B) of the 1976 Code is amended to read:

“(B) Of the fees collected pursuant to this section, the Comptroller General shall place sufficient funds into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicles in producing and administering this special license plate. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Nurses Foundation to endow scholarships for all of the state’s registered nursing programs.”

SECTION 38. Section 56‑3‑3710(B) of the 1976 Code is amended to read:

“(B) The fees collected pursuant to this section must be distributed to a separate fund for each of the respective colleges, universities, or independent institutions of higher learning. Each fund must be administered by the school and may be used only for academic

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scholarships. Funds collected for state colleges and universities must be deposited with the State Treasurer. Funds collected for independent institutions must be deposited in an account designated by the respective school. The distribution of the fee is ~~thirty dollars to the department and~~ forty dollars to the school for each special license plate sold for the respective school and thirty dollars placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 39. Section 56‑3‑3950 of the 1976 Code is amended to read:

“Section 56‑3‑3950. The department may issue a special commemorative " Keep It Beautiful" motor vehicle license plate for use by owners on their private passenger motor vehicles to establish a special fund to be used by the Department of Transportation for the purposes of enhancing the state’s roads and highways. These enhancements may include landscaping, wildflower plantings, scenic easements, or other highway enhancement projects. The Department of Transportation, in implementing this program, may not expend beautification funds for wildflowers without prior approval of the South Carolina Department of Agriculture. The Department of Agriculture shall ensure, before granting approval, that the varieties of wildflowers used in beautification are not harmful to agriculture at or near a proposed project. The biennial fee for the commemorative license plate is fifty‑four dollars. Notwithstanding any other provision of law, of the fees collected for this special license plate, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray the department’s~~ expenses in producing and administering this special license plate. Any remaining funds must be placed in a special " Highway Beautification Fund" established within and administered by the Department of Transportation. This biennial fee is in addition to the regular motor vehicle registration fee set forth in Article 5, Chapter 7 of this title. The commemorative plate must be of the same size and general design of regular motor vehicle license plates and must be imprinted with the words " Keep It Beautiful". The plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month they are issued.

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SECTION 40. Section 56‑3‑4100(B) of the 1976 Code is amended to read:

“(B) Notwithstanding any other provision of law, of the fees collected for the special license plate, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicle in producing and administering the special license plate. Any remaining funds must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Elks Association to be used to support its Alzheimer’s state project.”

SECTION 41. Section 56‑3‑4200(C) of the 1976 Code is amended to read:

“(C) Notwithstanding another provision of law, from the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the department in producing and administering the plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Department of Parks, Recreation and Tourism and used by the State Park Service for recreational enhancements and improvements.”

SECTION 42. Section 56‑3‑4410(B) of the 1976 Code is amended to read:

“(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the Palmetto Cycling Coalition, Inc., or another nonprofit fund designated by the Palmetto Cycling Coalition, Inc., for the promotion of bicycling safety and education programs. Any remaining funds must be administered by the Palmetto Cycling Coalition, Inc., used only for efforts to promote bicycle safety and education programs, and deposited in an appropriate nonprofit account designated by the Palmetto Cycling Coalition, Inc.”

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SECTION 43. Section 56‑3‑4510(C) of the 1976 Code is amended to read:

“(C) Of the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the department in producing and administering this special license plate collection. The remaining funds collected from each special motor vehicle license plate fee must be deposited in the Game Protection Fund provided for in Title 50.”

SECTION 44. Section 56‑3‑4600(B) of the 1976 Code is amended to read:

“(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be administered by the South Carolina Association of Realtors and deposited in an appropriate nonprofit account designated by the association for distribution to Habitat for Humanity International or another nonprofit fund designated by the association for the construction of new homes for low income families in South Carolina.”

SECTION 45. Section 56‑3‑4800(B) of the 1976 Code is amended to read:

“(B) Of the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the department in producing and administering this special license plate. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Division of the Sons of Confederate Veterans.

SECTION 46. Section 56‑3‑4910(B) of the 1976 Code is amended to read:

“(B) The fees collected pursuant to this section must be deposited in a separate fund for the South Carolina Fire Academy. The fund must be

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administered by the Department of Labor, Licensing and Regulation Division of State Fire Marshal and must be used only to train in‑state public firefighters, paid and volunteer, to comply with state and federal mandated training standards. Funds collected must be deposited with the State Treasurer. The distribution of the funds is based on ~~fifteen dollars to the department and~~ twenty dollars to the academy for each special license plate sold and fifteen dollars placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 47. Section 56‑3‑5200(B) of the 1976 Code is amended to read:

“(B) The fees collected pursuant to this section must be distributed to a special "South Carolina: First In Golf" fund established within and administered by the Department of Parks, Recreation and Tourism to promote the South Carolina Junior Golf Association. The distribution is ~~thirty dollars to the Department of Motor Vehicles and~~ forty dollars to the fund and thirty dollars placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 48. Section 56‑3‑5400(B) of the 1976 Code is amended to read:

“(B) Of the fees collected pursuant to this section, the Comptroller General shall place the regular motor vehicle license fee into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167 ~~a special restricted account to be used by the Department of Motor Vehicles~~. The remaining funds collected from the special motor vehicle license fee must be distributed to the State Lodge of the Fraternal Order of Police to be used to support the families of officers killed in the line of duty.

SECTION 49. Section 56‑3‑7200(B) of the 1976 Code is amended to read:

“(B) Of the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the department in producing and administering this special license plate. The remaining funds collected from the special motor vehicle license fee must be deposited in a separate fund for the South Carolina Arts Commission and be used solely to support activities that build a thriving arts environment in South Carolina.”

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SECTION 50. Section 56‑3‑7300(B) of the 1976 Code is amended to read:

“(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, established within and administered by the Department of Natural Resources to manage and conserve the marine resources of the State.”

SECTION 51. Section 56‑3‑7310 of the 1976 Code is amended to read:

“Section 56‑3‑7310. The Department of Motor Vehicles may issue "Support Our Troops" special license plates to owners of private passenger motor vehicles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. The Comptroller General shall place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to defray costs of production and distribution. Any portion of the additional thirty‑dollar fee not ~~set aside~~ placed in the State Highway Fund by the Comptroller General ~~to defray costs of production and distribution~~ must be distributed to Support Our Troops, Inc.”

SECTION 52. Section 56‑3‑7320 of the 1976 Code is amended to read:

“Section 56‑3‑7320. The Department of Motor Vehicles may issue "Emergency Medical Service" special license plates to owners of private passenger motor vehicles registered in their names. The requirements for production and distribution of the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of thirty dollars. The Comptroller General shall place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to the department’s costs of production and distribution. Any portion of the additional thirty‑dollar

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fee not ~~set aside~~ placed in the State Highway Fund by the Comptroller General ~~to defray costs of production and distribution~~ must be distributed to the South Carolina Emergency Medical Services Association.”

SECTION 53. Section 56‑3‑7330(B)(2) of the 1976 Code is amended to read:

“(2) Of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to the cost of production. ~~The fees~~ That portion of the fees collected pursuant to this section ~~above~~ in excess of the cost of production must be distributed to the South Carolina Indian Waters Council, Boy Scouts of America, to then be distributed to the other five Boy Scout councils serving counties in South Carolina.”

SECTION 54. Section 56‑3‑7360 of the 1976 Code is amended to read:

“Section 56‑3‑7360. The Department of Motor Vehicles may issue "Korean War Veterans" special license plates to owners of private passenger motor vehicles and motorcycles registered in their names who are Korean War Veterans who served on active duty at anytime during the Korean War. The applicant must present the department with a DD214 or other official documentation that states that he served on active duty upon initial application for this special license plate. The requirements for production and distribution of the plate are those set forth in Section 56‑3‑8100. The biennial fee for this plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee of twenty dollars. The Comptroller General shall place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to the cost of production. Any portion of the additional twenty‑dollar fee not ~~set aside~~ placed by the Comptroller General into the State Highway Fund ~~to defray costs of production and distribution~~ must be distributed to the state general fund.”

SECTION 55. Section 56‑3‑7700(B) of the 1976 Code is amended to read:

“(B) Of the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to the cost of production and distribution of this special license plate. The fees collected pursuant to this section in excess of those placed in the State Highway Fund, ~~after the costs to produce and~~

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~~administer the distribution of this special license plate have been satisfied,~~ must be distributed to the South Carolina Special Olympics.”

SECTION 56. Section 56‑3‑7750(B) of the 1976 Code is amended to read:

“(B) The fees collected pursuant to this section must be distributed to a separate fund for each of the respective fraternities or sororities. Each fund must be administered by the fraternity or sorority and may be used for academic scholarships, or to fund programs that send boys and girls who are at least eight years old and not more than sixteen years old to summer camp, or both. Funds collected for each fraternity or sorority must be deposited in an account designated by the fraternity or sorority. The distribution is ~~thirty dollars to the department and~~ forty dollars to the respective fund and thirty dollars placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 57. Section 56‑3‑7780(B) of the 1976 Code is amended to read:

“(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the department in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be placed in the state’s general fund.”

SECTION 58. Section 56‑3‑7860 of the 1976 Code is amended to read:

“Section 56‑3‑7860. The Department of Motor Vehicles may issue special motor vehicle license plates to members of the Shriners for private motor vehicles and motorcycles registered in their names. The fee for the issuance of this special plate must be the regular motor vehicle registration fee contained in Article 5, Chapter 3 of this title which must be deposited in the state general fund and the special fee required by Section 56‑3‑2020 which ~~must be deposited with the Department of Motor Vehicles~~ the Comptroller General shall place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. The department shall assess the cost of production, administration, and issuance of this plate and provide this information to the General Assembly every five years.”

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SECTION 59. Section 56‑3‑7910(B) of the 1976 Code is amended to read:

“(B) The fees collected pursuant to this section must be distributed to the Fund to Save the Hunley created by the Hunley Commission or another nonprofit fund designated by the commission for the continued curation of the Hunley submarine. Any such fund must be administered by the Hunley Commission and may be used only for efforts to raise, restore, and preserve the Hunley submarine. Any funds collected must be deposited in an appropriate nonprofit account designated by the Hunley Commission. The distribution of these funds is sixty dollars to the Hunley Commission and forty dollars ~~to the department for each license plate sold~~ placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 60. Section 56‑3‑7950(B) of the 1976 Code is amended to read:

“(B) Of the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the department in producing and administering this special license plate. The remaining funds collected from the special motor vehicle license fee must be distributed to The Friends of Hunting Island State Park, Inc., for use on projects benefiting Hunting Island State Park.”

SECTION 61. Section 56‑3‑8000(C) of the 1976 Code is amended to read:

“(C) The license plates must be issued or revalidated for a biennial period which expires twenty‑four months from the month it is issued. The biennial fee for this special license plate is the regular registration fee set forth in Article 5, Chapter 3 of this title plus an additional fee to be requested by the individual or organization seeking issuance of the license plate. The initial fee amount requested may be changed only every five years from the first year the license plate is issued. Of the additional fee collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of producing and administering special license plates. Any of the remaining fee not placed in the restricted account must be distributed to an organization

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designated by the individual or organization seeking issuance of the license plate.

SECTION 62. A. Section 56‑3‑8100(B) of the 1976 Code is amended to read:

“(B) The Comptroller General shall place the six thousand eight hundred dollar application fee pursuant to subsection (A)(1) into ~~a restricted account to be used by the department to defray the initial cost of producing the special license plate~~ the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

B. Section 56‑3‑8100(F) of the 1976 Code is amended to read:

“(F) Of the additional fee collected pursuant to subsections (D) and (E), the Comptroller General shall place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of producing and administering special license plates.”

SECTION 63. Section 56‑3‑8200(A) of the 1976 Code is amended to read:

“Section 56‑3‑8200. (A) The Department of Motor Vehicles may issue motor vehicle license plates to members of Rotary International for private passenger motor vehicles registered in their names. The fee for this special license plate must be the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title, and an additional special fee of fifty dollars which must be distributed to the Rotary District in which the purchaser’s home club is located in this State. The department must report to the South Carolina Rotary District designee the district chosen as a result of the license plate issuance to which this fee must be distributed. The fee must be deposited in an account designated by each South Carolina Rotary District, and must be distributed properly by each district. Notwithstanding any other provision of law, of the fees collected for the special license plate, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicles in producing and administering the special plate. The license plates issued pursuant to this section must conform to a design agreed to by the department and the chief executive officer of the organization.”

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SECTION 64. Section 56‑3‑8300(A) of the 1976 Code is amended to read:

“Section 56‑3‑8300. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to members of the Marine Corps League for private passenger motor vehicles and motorcycles registered in their names. The fee for this license plate is the fee set forth for special license plates in Section 56‑3‑8100. The Comptroller General shall place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to the cost of production and distribution of this special license plate. Any portion of the additional thirty‑dollar fee not ~~set aside~~ placed in the State Highway Fund by the Comptroller General ~~to defray the costs of production and distributio~~n must be distributed to the South Carolina Department of the Marine Corps League. The license plates issued pursuant to this section must conform to a design agreed to by the department and the chief executive officer of the organization.”

SECTION 65. Section 56‑3‑8400(A) of the 1976 Code is amended to read:

“Section 56‑3‑8400. (A) The Department of Motor Vehicles may issue special motor vehicle license plates to members of the Lions Club for private motor vehicles registered in their names. The fee for this special license plate must be the regular motor vehicle license fee contained in Article 5, Chapter 3 of this title which must be deposited in the state general fund and the special fee required by Section 56‑3‑2020 which must be ~~deposited with the department~~ placed by the Comptroller General into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. The license plates issued pursuant to this section must conform to a design agreed to by the department and the chief executive officer of the organization.”

SECTION 66. Section 56‑3‑8600(B) of the 1976 Code is amended to read:

“(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the department in producing and administering the plates. The remaining funds collected from the special motor vehicle license fee must be distributed to the South Carolina Ducks Unlimited State Committee for wetlands conservation projects in South Carolina. Any remaining funds must be administered

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by the South Carolina Ducks Unlimited State Committee and deposited in an appropriate nonprofit account designated by the South Carolina Ducks Unlimited State Committee.”

SECTION 67. The introductory paragraph of Section 56‑3‑8710(C) of the 1976 Code is amended to read:

“(C) From the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of producing the special license plates. The remaining funds must be distributed in the following manner:”

SECTION 68. Section 56‑3‑9400(B) of the 1976 Code is amended to read:

“(B) Notwithstanding any other provision of law, from the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be distributed to Save the Light, Inc., or another nonprofit fund designated by Save the Light, Inc., for the restoration and preservation of the Morris Island Lighthouse. Any remaining funds must be administered by Save the Light, Inc., used only for efforts to restore and preserve the Morris Island Lighthouse, and deposited in an appropriate nonprofit account designated by Save the Light, Inc.

SECTION 69. Section 56‑3‑9600(B) of the 1976 Code is amended to read:

“(B) Notwithstanding any other provision of law, of the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicles in producing and administering the special license plates. The remaining funds collected from the special motor vehicle license fee must be deposited in a special account, separate and apart from the general fund, designated for use by the South Carolina Department of Agriculture to support local animal spaying and neutering programs. The South

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Carolina Department of Agriculture may use up to ten percent of the fees deposited in the special account for the administration of the program. Local private nonprofit tax exempt organizations offering animal spaying and neutering programs may apply for grants from this fund to further their tax exempt purposes. Grants must be awarded not more than once a year, and an applicant must receive as a grant an amount of the total revenues in the fund multiplied by the percentage that the applicant’s caseload in the preceding calendar year was of the total caseload of all applicants in that year.”

SECTION 70. Section 56‑3‑9710(B) of the 1976 Code is amended to read:

“(B) Of the fees collected pursuant to this section, the Comptroller General shall place ~~sufficient funds~~ into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicles in producing and administering this special license plate. The remaining funds collected from the special motor vehicle license fee must be distributed to the Heritage Classic Foundation.”

SECTION 71. Section 56‑3‑10010(B) of the 1976 Code is amended to read:

“(B) From the fees collected pursuant to this article, the Comptroller General shall place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~sufficient funds into a special restricted account to be used by the department to defray~~ the expenses associated with producing and administering the distribution of the license plate. The remaining funds collected from the special motor vehicle license fee shall be distributed to the South Carolina Parrot Head Club Council, which shall only use the funds to support the Palmetto Chapter of the Alzheimer’s Association and the Upstate South Carolina Chapter of the Alzheimer’s Association.”

SECTION 72. Section 56‑3‑13710(B) of the 1976 Code is amended to read:

“(B) Notwithstanding another provision of law, from the fees collected pursuant to this section, the Comptroller General shall place into the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167, an amount equal to ~~sufficient funds into a special restricted account to be used by the Department of Motor Vehicles to defray~~ the expenses of the Department of Motor Vehicles in

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producing and administering the special license plates. The remaining funds collected from the special motor vehicle license plate fee must be disbursed to the American Red Cross.”

SECTION 73. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 74. Section 56‑5‑2942(J) of the 1976 Code is amended to read:

“(J) A fee of fifty dollars must be paid to the department for each motor vehicle that was suspended before any of the suspended registrations and license plates may be registered or before the motor vehicle may be released pursuant to subsection (F). This fee must be placed by the Comptroller General into ~~a special restricted interest bearing account to be used by the Department of Motor Vehicles to defray the Department of Motor Vehicles’ expenses~~ the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 75. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing

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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 76. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 77. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

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.

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SECTION 78. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 79. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

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SECTION 80. Section 56‑10‑260(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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.”

SECTION 81. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167. 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 82. Section 56‑19‑265(D) of the 1976 Code is amended to read:

“(D) The department is authorized to collect a transaction fee from commercial entities who either transmit or retrieve data from the department pursuant to this section. The fee must not exceed five dollars for each transaction and must be agreed to as part of the program specifications developed by the working group. These fees must be placed by the State Treasurer into ~~a special restricted account to be used~~

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~~by the department to defray the expenses of this program~~ the State Highway Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167.

SECTION 83. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167 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 84. 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 Fund as established by Section 57‑11‑20, to be distributed as provided in Section 11‑43‑167 ~~a special restricted account to be used by the department to defray the expenses of the department in administering this article~~.”

SECTION 85. Section 12‑36‑2647 of the 1976 Code is amended to read:

“Section 12‑36‑2647. (A) Notwithstanding the provisions of Section 59‑21‑1010, ~~fifty percent of~~ the revenues of sales, use, and casual excise taxes derived pursuant to Sections 12‑36‑2620(1) and 12‑36‑2640(1) on the sale, use, or titling of a motor vehicle required to be licensed and registered by the South Carolina Department of Motor Vehicles, otherwise required to be credited as provided pursuant to Section 59‑21‑1010, instead must be credited to the State ~~Non‑Federal Aid Highway Fund established pursuant to Section 57‑11‑20. Revenues credited to the State Non‑Federal Aid Highway Fund pursuant to this section must be used exclusively for highway, road, and bridge maintenance, construction, and repair~~ Highway Fund as established by Section 57‑11‑20, to be distributed as provided in this section.

(B)(1) The Department of Transportation shall allocate the funds credited to the State Highway Fund pursuant to subsection (A) to the state funded resurfacing program. The Department of Transportation shall develop and implement a needs‑based methodology to distribute revenue within the state funded resurfacing program, which shall include

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consideration on a county‑by‑county basis, to ensure that each county in the State is guaranteed funding for resurfacing.

(2) The Department of Transportation shall reduce the allocation to the state funded resurfacing program required in item (1) in proportion to the amounts transferred to the South Carolina Transportation Infrastructure Bank pursuant to subsection (C).

(C)(1) The Department of Transportation shall identify bridge and road projects to be financed utilizing non‑tax revenue transferred to the bank by the Department of Transportation in an amount equal to the financing requirements related to projects selected pursuant to this section, provided that:

(a) Fifty million dollars in revenue utilized by the bank shall be used to finance bridge replacement, rehabilitation projects, and expansion and improvements on existing roads in the State Highway System.

(b) Funds in excess of fifty million dollars utilized by the bank shall be used to finance expansion and improvements to existing mainline interstates.

(2) Funds transferred to the bank pursuant to this section may not be used to finance projects approved by the bank before July 1, 2013. The bank shall submit all projects proposed to be financed pursuant to subsection (B) to the Joint Bond Review Committee as provided in Section 11‑43‑180, prior to approving a project for financing.

(3) Following consideration by the Joint Bond Review Committee, the bank shall approve the projects to be financed. Upon approval, the bank shall provide the Department of Transportation with written notice that identifies each project selected, the amount of non‑tax revenue that must be transferred to the bank for financing each project, a schedule for the transfers, and any other information necessary to carrying out the financing of each project.

(4) Upon receipt of the notice provided in item (3), the Department of Transportation shall transfer non‑tax revenue to the bank in the amounts and upon the schedule provided in the notice. The department shall take any other action identified in the notice that is necessary for financing each project.

(5) Projects financed utilizing funds transferred pursuant to this subsection shall not require a local match.

(D) The Secretary of Transportation shall apply funds supplanted by the operation of this section to prioritized bridge and resurfacing needs.”

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PART III

Transition Provisions

and

Effective Date

SECTION 86. Section 1-3-240(C)(1)(b) of the 1976 Code is repealed.

SECTION 87. The chief internal auditor of the Department of Transportation and all associated support staff, and all authorized appropriations associated with the chief internal auditor and associated support staff are transferred to and become part of the State Auditor’s Office, State Fiscal Accountability Authority. The chief internal auditor of the Department of Transportation and all associated support staff, whether classified or unclassified personnel, employed by the Department of Transportation on the effective date of this act, either by contract or by employment at will, shall become employees of the State Auditor’s Office, State Fiscal Accountability Authority, with the same compensation, classification, and grade level, as applicable.

(B) The chief internal auditor of the Department of Transportation on June 30, 2016, shall continue to serve until the State Auditor employs a successor. Nothing in this section shall prevent the State Auditor from retaining the chief internal auditor of the Department of Transportation as of June 30, 2016, pursuant to the provisions of Section 57‑1‑360, as amended in this act, found in SECTION 1.

SECTION 88. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 89. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of improving the State’s transportation infrastructure system as clearly enumerated in the title.

The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality

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but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.

SECTION 90. (A) This act takes effect July 1, 2016.

(B) The members of the Commission of the Department of Transportation serving on June 30, 2016, shall continue to serve until their current term expires, and until their successor is appointed and confirmed. If a vacancy occurs in the seat of a member serving on June 30, 2016, before the member’s term otherwise expires, the vacancy must be filled in the manner specified in Chapter 1, Title 57 of the 1976 Code, as amended by this act, and the member filling the vacancy shall serve until the term expires. The members serving on June 30, 2016, if otherwise eligible, may be reappointed pursuant to Section 57‑1‑310, as amended by this act.

(C) The Secretary of Transportation serving on June 30, 2016, shall continue to serve at the pleasure of the commission as provided in this act. No further confirmation proceedings are required. Thereafter, any new appointee to the office of Secretary of Transportation must be filled in the manner specified in Chapter 1, Title 57 of the 1976 Code, as amended by this act.

(D) Notwithstanding the effective date provided in subsection (A), SECTION 6 and SECTION 7 take effect upon approval by the Governor. The provisions contained in SECTION 6 and SECTION 7 only apply to projects selected by the bank thereafter. /

Renumber sections to conform.

Amend title to conform.

Senator GROOMS explained the amendment.

The question then was the adoption of the amendment.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 31; Nays 10**

**AYES**

Alexander Allen Bennett

Campbell Cleary Coleman

Cromer Fair Gambrell

Gregory Grooms Hembree

Hutto Jackson Johnson

Kimpson Leatherman Malloy

*Martin, Larry* Massey *Matthews, John*

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*Matthews, Margie* Nicholson Rankin

Sabb Scott Setzler

Shealy Sheheen Turner

Williams

**Total--31**

**NAYS**

Bright Bryant Campsen

Corbin Davis *Martin, Shane*

McElveen Peeler Verdin

Young

**Total--10**

The amendment was adopted.

Senator J. MATTHEWS proposed the following amendment (BBM\1258C041.BBM.DG16 ), which was tabled:

Amend the bill as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION \_\_\_. Article 1, Chapter 43, Title 11 of the 1976 Code is amended by adding:

“Section 11-43-293. Notwithstanding Section 11-43-180, the minimum eligible costs of a project must be reduced from at least twenty-five million to at least ten million dollars if the project is primarily located in a county designated as Tier III or Tier IV, pursuant to Section 12‑6‑3360, at any time during the fiscal year.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

Senator GROOMS spoke on the amendment.

Senator GROOMS moved to lay the amendment on the table.

The amendment was laid on the table.

The Bill was ordered returned to the House of Representatives with amendments.

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Senator LEATHERMAN moved to adjourn.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 15; Nays 26**

**AYES**

Allen Coleman Hutto

Jackson Johnson Kimpson

Malloy *Matthews, John Matthews, Margie*

McElveen Nicholson Sabb

Scott Sheheen Williams

**Total--15**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Cleary Corbin Cromer

Davis Fair Gambrell

Gregory Grooms Hembree

Leatherman *Martin, Larry Martin, Shane*

Massey Peeler Rankin

Setzler Shealy Turner

Verdin Young

**Total--26**

The Senate refused to adjourn.

**THE SENATE PROCEEDED TO THE INTERRUPTED DEBATE.**

**READ THE SECOND TIME**

H. 3799 -- Reps. Hixon, Simrill, Taylor, Loftis, Burns, Brannon, Spires, Yow, Clemmons, Riley, Corley, Collins, Clary, Hosey, Clyburn, King, Hicks, Knight, Bradley, Jefferson, Kirby, Huggins, Duckworth, Kennedy, Hamilton, Hardee, Johnson, Murphy, Felder, Alexander, Atwater, Ballentine, Bedingfield, Bowers, Cobb‑Hunter, Daning, Delleney, Dillard, Forrester, Funderburk, Gagnon, Gambrell, Hiott, Howard, Lowe, W.J. McLeod, V.S. Moss, Nanney, Norman, Ott, Pitts, Pope, Ridgeway, Ryhal, G.R. Smith, Tallon, Thayer, Toole, Weeks,

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Wells, White, Willis, Chumley and Rivers: A BILL TO AMEND SECTION 23‑31‑215, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF CONCEALED WEAPON PERMITS, SO AS TO PROVIDE THAT SOUTH CAROLINA SHALL RECOGNIZE CONCEALED WEAPON PERMITS ISSUED BY GEORGIA AND NORTH CAROLINA UNDER CERTAIN CIRCUMSTANCES.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

**Amendment No. P6**

Senator KIMPSON proposed the following amendment (GT\  
3799C022.GT.CM16):

Amend the committee report, as and if amended, page [3799-2] by deleting /automatically / on line 5.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY spoke on the amendment.

Senator KIMPSON spoke on the amendment.

Senator MALLOY moved that the Senate stand adjourned.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 11; Nays 21**

**AYES**

Allen Cleary Hutto

Kimpson Malloy *Matthews, Margie*

McElveen Sabb Scott

Sheheen Williams

**Total--11**

**NAYS**

Alexander Bennett Bright

Bryant Campbell Campsen

Cromer Davis Gambrell

Grooms Leatherman *Martin, Larry*

*Martin, Shane* Massey Peeler

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Rankin Setzler Shealy

Turner Verdin Young

**Total--21**

The Senate refused to adjourn.

Senator KIMPSON resumed speaking on the amendment.

**Motion Adopted**

On motion of Senator MALLOY, with unanimous consent, and Senator KIMPSON retaining the floor, the Bill was read the second time, carrying over all amendments, and waiving Rule 26B on third reading.

**Recorded Vote**

Senator GROOMS desired to be recorded as voting in favor of the second reading of the Bill.

**Motion Adopted**

On motion of Senator LEATHERMAN, the Senate agreed to stand adjourned.

**MOTION ADOPTED**

On motion of Senator SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Julian William “Buddy” Jones of Columbia, S.C. Mr. Jones received his B.S. and master’s degree in chemical engineering from the University of South Carolina. He worked with NASA and the EPA before moving back to Columbia. Buddy was an active member of Bethel United Methodist Church. He was a loving father and friend who will be dearly missed.

**ADJOURNMENT**

At 12:23 A.M., on motion of Senator LEATHERMAN, the Senate adjourned to meet tomorrow at 11:00 A.M.