**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3280**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

Document Path: l:\council\bills\gt\5160cm17.docx

Introduced in the House on January 10, 2017

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

Summary: Custodial arrest

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 147](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 147](file:///h:\hj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3280&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3280_20161215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑7‑90 SO AS TO PROVIDE THAT A PERSON MAY NOT BE PLACED UNDER CUSTODIAL ARREST WHEN HE IS CHARGED WITH CERTAIN TRAFFIC OFFENSES FOR WHICH A UNIFORM TRAFFIC TICKET IS ISSUED; TO AMEND SECTION 56‑3‑1240, AS AMENDED, RELATING TO THE DISPLAY OF LICENSE PLATES ON A MOTOR VEHICLE, SO AS TO PROVIDE THAT A VEHICLE MAY NOT BE STOPPED FOR HAVING A FRAME ON ITS LICENSE PLATE THAT OBSCURES THE LICENSE PLATE LETTERS OR NUMBERS IN THE ABSENCE OF A VIOLATION OF ANOTHER LAW; AND TO AMEND SECTION 56‑5‑4530, RELATING TO THE ILLUMINATION OF A REGISTRATION PLATE, SO AS TO MAKE A TECHNICAL CHANGE, AND TO PROVIDE THAT A VEHICLE MAY NOT BE STOPPED FOR HAVING AN INOPERABLE TAIL LAMP OR SEPARATE LAMP IN THE ABSENCE OF A VIOLATION OF ANOTHER LAW.

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

SECTION 1. Chapter 7, Title 56 of the 1976 Code is amended by adding:

“Section 56‑7‑90. A person may not be placed under custodial arrest when he is charged with a traffic offense which does not involve the unlawful use of alcohol or any other substance for which a uniform traffic ticket is issued.”

SECTION 2. Section 56‑3‑1240 of the 1976 Code, as last amended by Act 272 of 2012, is further amended to read:

“Section 56‑3‑1240. (A) License plates issued for motor vehicles must be attached to the outside rear of the vehicle, open to view. However, on truck tractors and road tractors the plates must be attached to the outside front of the vehicle provided that single unit commercial motor vehicles with a gross vehicle weight rating in excess of twenty six thousand pounds may have the license plate on either the outside front or rear of the vehicle. Every license plate, at all times, must be fastened securely in a horizontal and upright position to the vehicle for which it was issued so as to prevent the plate from swinging. However, if a motorcycle is equipped with vertically mounted license plate brackets, its license plate must be mounted vertically with its top fastened along the right vertical edge. The bottom of the plate must be at a height of not less than twelve inches from the ground in a place and position clearly visible as provided in Section 56‑5‑4530, and it must be maintained free from foreign materials and in a clearly legible condition. No other license plate, lighting equipment, except as permitted in Section 56‑5‑4530, tag, sign, monogram, tinted cover, or inscription of metal or other material may be displayed above, around, or upon the plate other than that which is authorized and issued by the Department of Motor Vehicles for the purpose of validating the plate. It is not unlawful to place a decal on the license plate if it does not obscure any letters or numbers. A motor vehicle owner may attach a trailer hitch to a motor vehicle provided the hitch does not obscure more than two inches of the license plate issued to the motor vehicle. It is unlawful to operate or drive a motor vehicle with the license plate missing and a person who is convicted for violating this section must be punished as provided by Section 56‑3‑2520.

(B) A law enforcement officer may not stop a driver of a motor vehicle with a frame on its license plate that obscures the license plate’s letters or numbers in the absence of a violation of another motor vehicle law.”

SECTION 3. Section 56‑5‑4530 of the 1976 Code is amended to read:

“Section 56‑5‑4530. (A) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear ~~registration~~ license plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

(B) A law enforcement officer may not stop a driver of a motor vehicle whose tail lamp or separate lamp is inoperable in the absence of a violation of another motor vehicle law.”

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

‑‑‑‑XX‑‑‑‑