**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 438**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Corbin and Gambrell

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Companion/Similar bill(s): 4795

Introduced in the Senate on January 29, 2019

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

Summary: Motor vehicle accidents

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/29/2019 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h:\sj\20190129.docx))

1/29/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 4](file:///h:\sj\20190129.docx))

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**VERSIONS OF THIS BILL**

[1/29/2019](file:///p:\pprever\2019-20\438_20190129.docx)

**A** **BILL**

TO AMEND SECTIONS 56‑5‑1210(A), 56‑5‑1220(A) AND (B), AND 56‑5‑1230 OF THE 1976 CODE, RELATING TO THE DUTIES OF A DRIVER OF A MOTOR VEHICLE INVOLVED IN AN ACCIDENT, TO REVISE THE PENALTIES IMPOSED FOR VIOLATIONS OF THESE PROVISIONS.

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

SECTION 1. Section 56‑5‑1210(A) of the 1976 Code is amended to read:

“Section 56‑5‑1210. (A) The driver of a vehicle involved in an accident resulting in injury to or the death of a person immediately shall stop the vehicle at the scene of the accident or as close to it as possible. He then shall return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 56‑5‑1230. However, he may temporarily leave the scene to report the accident to the proper authorities. The stop must be made without obstructing traffic more than is necessary. A person who fails to stop or to comply with the requirements of this section is guilty of:

(1) a misdemeanor and, upon conviction, must be imprisoned not less than ~~thirty~~ fifteen days ~~nor~~ and not more than one year, a sentence for which neither a part may be suspended, nor probation may be granted; or fined not less than ~~one hundred~~ two hundred fifty dollars ~~nor~~ and not more than five thousand dollars~~,~~; or both, when injury results but great bodily injury or death does not result;

(2) a felony and, upon conviction, must be imprisoned not less than ~~thirty days~~ six months ~~nor~~ and not more than ten years, a sentence for which neither a part may be suspended, nor probation may be granted, and fined not less than five thousand dollars ~~nor~~ and not more than ten thousand dollars when great bodily injury results; or

(3) a felony and, upon conviction, must be imprisoned not less than one year ~~nor~~ and not more than twenty‑five years, a sentence for which neither a part may be suspended, nor probation may be granted, and fined not less than ten thousand dollars ~~nor~~ and not more than twenty‑five thousand dollars when death results.”

SECTION 2. Section 56‑5‑1220(A) and (B) of the 1976 Code is amended to read:

“Section 56‑5‑1220. (A) The driver of a vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by a person immediately shall stop the vehicle at the scene of the accident or as close to it as possible, but shall return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 56‑5‑1230. However, he may temporarily leave the scene to report the accident to the proper authorities. A person who fails to stop or comply with the requirements of this subsection is guilty of a misdemeanor and, upon conviction, must be imprisoned not less than five days and not more than one year, a sentence for which neither a part may be suspended, nor probation may be granted; or fined not less than ~~one hundred~~ two hundred fifty dollars ~~nor~~ and not more than ~~five~~ one thousand dollars~~,~~; or both.

(B) If a disabled vehicle or a vehicle involved in an accident resulting only in damage to a vehicle is obstructing traffic, the driver of the vehicle shall make every reasonable effort to move any vehicle that is capable of being driven safely off the roadway as defined by Section 56‑5‑460 so as not to block the flow of traffic. The driver or any other person who has moved a motor vehicle to facilitate the flow of traffic as provided in this subsection before the arrival of a law enforcement officer shall not be considered liable or at fault regarding the cause of the accident solely by reason of moving the vehicle pursuant to this section. A person who fails to comply with the requirements of this subsection is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one hundred dollars and not more than five hundred dollars.”

SECTION 3. Section 56‑5‑1230 of the 1976 Code is amended to read:

“Section 56‑5‑1230. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall upon request and if available exhibit his driver’s license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or making arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. A person who fails to comply with the requirements of this section is guilty of a misdemeanor and, upon conviction, must be imprisoned not more than thirty days or fined not less than one hundred dollars and not more than five hundred dollars.”

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

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