**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑2774 SO AS TO ALLOW THE DEPARTMENT OF PUBLIC SAFETY TO ISSUE A CIVIL PENALTY CITATION AGAINST THE REGISTERED OWNER OF A VEHICLE VIOLATING CERTAIN PROVISIONS THAT PERTAIN TO A VEHICLE MEETING OR OVERTAKING A SCHOOL BUS, AND TO PROVIDE A METHOD TO CHALLENGE THE CITATION.

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

SECTION 1. Article 21, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑2774. (A) The Department of Public Safety may issue a civil penalty citation to the registered owner of a vehicle found in violation of Section 56‑5‑2770(A) or (C) subject to the exclusions contained in subsection (B) of this section based upon an inspection of photographs, microphotographs, videotape, or other digitally recorded images produced by a digital recording system mounted on a school bus. The department may issue a civil penalty citation:

(1) for a first offense, in an amount not to exceed two hundred fifty dollars; or

(2) for a second or subsequent offense, in an amount not to exceed five hundred dollars.

(B) The registered owner of the vehicle shall not be responsible for the civil penalty citation if, within thirty days after receiving notification of the civil penalty citation, he provides the Department of Public Safety an affidavit as described in this subsection. The department must include with the citation a form affidavit to be completed and returned to the department by the registered owner if the vehicle was not under his care, custody, or control at the time of the violation or if the vehicle was stolen. The affidavit must include the name and address of the person or company that had care, custody, and control of the vehicle at the time of the violation or, if the vehicle was stolen, evidence that the vehicle was insured at the time of the violation and a police report that confirms that the vehicle was stolen. The department must include with the affidavit an explanation of the purpose of the affidavit and an explanation of how to complete and return it to the department. The explanation must be written in plain and ordinary language.

(C) No points contained in Section 56‑1‑720 shall be imposed against the driving record of the registered owner of the vehicle.

(D) A citation issued pursuant to this section shall state clearly the manner in which the citation may be challenged. The citation must be sent by first‑class mail to the registered owner of the vehicle at the address provided by the Department of Motor Vehicles.”

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

‑‑‑‑XX‑‑‑‑