CHAPTER 25

Nonresident Traffic Violator Compacts

**SECTION 56‑25‑10.** Compacts enacted as law; duty of Department of Motor Vehicles

 The Nonresident Traffic Violator Compacts of 1972 and 1977 (compacts) are enacted into law by reference and entered into with all other jurisdictions legally joining therein. The director of the Department of Motor Vehicles shall execute all documents and perform all other acts necessary to carry out the provisions of the compacts. The department shall maintain a current list of those jurisdictions which have entered into the compacts. The list and copies of the compacts shall from time to time be disseminated to those agencies and individuals who are responsible for enforcement of their provisions.

HISTORY: 1980 Act No. 461; 1986 Act No. 383, Section 2; 1993 Act No. 181, Section 1498; 1996 Act No. 459, Section 240.

Library References

Automobiles 144.1(3).

States 6.

Westlaw Topic Nos. 48A, 360.

C.J.S. Motor Vehicles Sections 363, 374 to 378.

C.J.S. States Sections 13, 71 to 75, 272.

**SECTION 56‑25‑20.** Suspension of license for failure to comply with traffic citation or summons for litter violation; notification of licensing authority in compact jurisdiction.

 When a South Carolina court or the driver licensing authority of a compact jurisdiction notifies the Department of Motor Vehicles that a resident of South Carolina or person possessing a valid South Carolina driver’s license has failed to comply with the terms of a traffic citation or an official Department of Natural Resources summons for a littering violation issued in this or any compact jurisdiction, the department may suspend or refuse to renew the person’s driver’s license if the notice from a South Carolina court or the driver licensing authority of a compact jurisdiction is received no more than twelve months from the date on which the traffic citation or an official Department of Natural Resources summons for a littering violation was issued or adjudicated. The license must remain suspended until satisfactory evidence has been furnished to the department of compliance with the terms of the citation or an official Department of Natural Resources summons for a littering violation and any further order of the court having jurisdiction in the matter and until a reinstatement fee as provided in Section 56‑1‑390 is paid to the department. A person whose license is suspended under this section is not required to file proof of financial responsibility as required by the Financial Responsibility Act (Chapter 9 of Title 56) as a condition for reinstatement.

 Upon notification by a South Carolina court that a nonresident licensed in a compact jurisdiction has failed to comply with the terms of a traffic citation or an official Department of Natural Resources summons for a littering violation, the department shall notify the licensing authority in the compact jurisdiction for such action as appropriate under the terms of the compacts.

HISTORY: 1980 Act No. 461; 1990 Act No. 596, Section 2; 1996 Act No. 459, Section 241; 2004 Act No. 306, Section 2.

CROSS REFERENCES

Driver’s license, generally, see Section 56‑1‑10 et seq.

Driver’s license reinstatement fee payment program, see Section 56‑1‑395.

Driver’s license suspension amnesty period, see Section 56‑1‑396.

Traffic tickets, see Section 56‑7‑10 et seq.

Uniform Act Regulating Traffic on Highways, see Section 56‑5‑10 et seq.

Library References

Automobiles 144.1(3).

States 6.

Westlaw Topic Nos. 48A, 360.

C.J.S. Motor Vehicles Sections 363, 374 to 378.

C.J.S. States Sections 13, 71 to 75, 272.

Attorney General’s Opinions

The failure to pay a traffic ticket as identified in Section 56‑25‑20 does not establish a separate criminal violation. S.C. Op.Atty.Gen. (April 22, 2010) 2010 WL 1808727.

Where individuals fail to appear in court for traffic offenses, no bond has been posted, there has been no request for a continuance, and no request for a jury trial, the best procedure is to hold a bench trial in the manner set forth in the Bench Book and not simply sign off on a traffic citation. S.C. Op.Atty.Gen. (October 25, 1991) 1991 WL 633073.

NOTES OF DECISIONS

In general 1

1. In general

Once a driver received notice that his South Carolina driver’s license had been suspended pursuant to Section 56‑25‑20, the burden was on him to have his license reinstated by furnishing proper proof to the South Carolina Highway Department that he had paid the North Carolina speeding fine which had led to the suspension. He was not free to ignore the suspension and continue to drive in violation of the law, despite his contention that he had in fact paid the North Carolina fine before receiving notice that his South Carolina driver’s license had been suspended. Bumgardner v. South Carolina Dept. of Highways and Public Transp. (S.C.App. 1985) 286 S.C. 46, 331 S.E.2d 787. Automobiles 144.7

**SECTION 56‑25‑30.** Release of violator on personal recognizance; release of nonresident licensed by compact jurisdiction.

 Any law enforcement officer who issues to a person a uniform traffic citation may, in addition to any other action authorized by law and subject to the exceptions noted in this section, allow the person to proceed without first either having to post bond or appear before a magistrate, recorder or other judicial officer if the person accepts the citation. Such acceptance shall constitute the person’s recognizance to comply with the terms of the citation.

 When issuing a citation for a traffic violation to a nonresident who is licensed by a compact jurisdiction, if the law enforcement officer receives the person’s recognizance as above‑described, the officer shall not, subject to the exceptions noted below, require the person to post bond but shall allow the person to proceed.

HISTORY: 1980 Act No. 461.

CROSS REFERENCES

Traffic tickets, generally, see Section 56‑7‑10 et seq.

Library References

Automobiles 349(19).

States 6.

Westlaw Topic Nos. 48A, 360.

C.J.S. Motor Vehicles Sections 1515, 1517, 1519 to 1521, 1523 to 1524, 1528.

C.J.S. States Sections 13, 71 to 75, 272.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Automobiles and Other Motor Vehicles Section 207, Release on Personal Recognizance.

Notes of Decisions

In general 1

1. In general

Under South Carolina law, refusing to accept a speeding citation provides probable cause for an arrest separate from the act of speeding. Newkirk v. Enzor, 2017, 2017 WL 947280. Arrest 63.4(1)

**SECTION 56‑25‑40.** Violations for which person not entitled to release on personal recognizance; penalty for failure to appear as required by citation.

 (a) No person shall be entitled to be released on personal recognizance pursuant to Section 56‑25‑30 if the officer requires the person to appear before a magistrate, recorder or other judicial officer or if the offense is:

 (1) One which would result in the suspension or revocation of a person’s license or privilege to drive under the laws of this State;

 (2) A violation of Section 56‑1‑440 prohibiting the operation of a motor vehicle without a valid driver’s license;

 (3) A violation of a highway weight limitation.

 (b) Any person who willfully fails to appear before the court as required by a uniform traffic citation without having posted such bond as may be required by the court or been granted a continuance by the court shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars or imprisoned not more than thirty days.

HISTORY: 1980 Act No. 461.

Library References

Automobiles 349(19).

States 6.

Westlaw Topic Nos. 48A, 360.

C.J.S. Motor Vehicles Sections 1515, 1517, 1519 to 1521, 1523 to 1524, 1528.

C.J.S. States Sections 13, 71 to 75, 272.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Automobiles and Other Motor Vehicles Section 207, Release on Personal Recognizance.

S.C. Jur. Automobiles and Other Motor Vehicles Section 208, Violations for Which a Person is Not Entitled to Release on Personal Recognizance.

Attorney General’s Opinions

Section 56‑25‑40(b) establishes the criminal offense for purposes of the Non‑Resident Violator Compact (NRVC). There may be only one violation linked to the failure to appear in court as required by the traffic ticket without having posted bond. S.C. Op.Atty.Gen. (April 22, 2010) 2010 WL 1808727.

A court employee may sign as the affiant on an arrest warrant for a violation of this provision. Who should prosecute the case is a matter to be resolved in coordination with the local prosecuting authorities and can include the original citing officer. S.C. Op.Atty.Gen. (September 29, 1999) 1999 WL 986759.

State trooper is authorized to set and collect roadside bond, amount of cash bond defendant may deposit with trooper pursuant to Section 23‑5‑50 being no less than minimum fine nor more than maximum fine, but not in any event to exceed $200. 1991 Op.Atty.Gen. No. 91‑7, p. 33 (January 21, 1991) 1991 WL 474737.

An accused may deposit with the court a sum not to exceed the maximum fine for any offense in lieu of entering into a formal bail bond; however, requiring this procedure only of those who request jury trials might impose an unconstitutional “chilling effect” on the right to jury trial. 1989 Op.Atty.Gen. No. 89‑56, p. 142 (May 8, 1989) 1989 WL 406146.

NOTES OF DECISIONS

In general 1

1. In general

County magistrate engaged in judicial misconduct by issuing bench warrants for defendants who failed to appear in traffic court without posting bond. In re Newberry County Magistrate English (S.C. 2006) 367 S.C. 297, 625 S.E.2d 919. Justices Of The Peace 10