



Henry McMaster
Governor

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State of South Carolina

Department of Motor Vehicles

February 6, 2020

Via Email

The Honorable Wm. Weston J. Newton
Legislative Oversight Committee
Post Office Box 11867
Columbia, South Carolina 29211

RE: Agency collection of data related to violations of texting and seatbelt laws

Dear Chairman Newton,

I am in receipt of your letter with the above subject dated January 31, 2020. Please let this letter serve as the South Carolina Department of Motor Vehicles' official response.

Question 1: Does DMV currently maintain any records related to violations of these laws (§56-5-3890 and §56-5-6520 *et seq.*)?

In order to best respond to this question, I must fully understand what you consider "records."

State law prohibits these violations from appearing on a South Carolinian's driving record. However, if a Freedom of Information Act (FOIA) request came to the agency requesting a copy of a particular Uniform Traffic Ticket (UTT) that law enforcement issued to a driver for one of these infractions, a copy would be made available to the requester (assuming all other provisions of the FOIA were in compliance).

According to §56-7-20, the SCDMV is required to maintain copies of all tickets. These copies are not indexed by a driver's license number, a driver's name, or other personal information. They are only available if the requester has the specific UTT number.

Further, if a driver does not pay a UTT received for violating §56-5-3890 or §56-5-6520 *et seq.* and if the SCDMV is so instructed by the convicting court, the driver is suspended for 'Failure to Pay' (FTP) pursuant to §56-25-20. With access to a motor vehicle record (permissible only under certain circumstances), someone would see that the driver was suspended for FTP. Since a violation of the laws cited above is what triggered the FTP suspension, in this example, a person would see the UTT number associated with that charge when seeing the FTP on a motor vehicle record.

Question 2: If so, for what purpose are these records kept?

In accordance with §56-7-20, the SCDMV maintains copies of UTTs for auditing purposes. Additionally, the SCDMV maintains records of citations to be able to provide copies of UTTs when requested by law enforcement or courts.

Question 3: Is this information ever reported or released to any entity outside of the agency?


No. Since these citations do not appear on South Carolinians' driving records, they are not reported or released to any entity outside of the agency.

When referring to drivers from other jurisdictions, however, the agency does share citation information with the respective driver's state. This is in accordance with the Nonresident Traffic Violator Compacts referenced in SC Code of Laws Title 56, Chapter 25.

If a driver with a North Carolina license, for example, is stopped in South Carolina and receives a UTT for violating §56-5-6520 *et seq.*, the SCDMV's Driver Services department reports to the state-of-record (North Carolina in this case) that a driver licensed in that jurisdiction received a UTT in South Carolina. It is then up to the state-of-record to determine whether that UTT is reported on the driver's motor vehicle record in accordance with that jurisdiction's laws. This process occurs twice-a-week and involves mailing the UTTs to the state-of-record.

Please let me know if I can be of further assistance.

Regards,



Kevin A. Shwedo
Executive Director
SCDMV