

## Session 118 - (2009-2010)

### H 3136 General Bill, By Harrison and G.M. Smith

#### **Summary:** Officer of motor vehicle hearings

A BILL TO AMEND SECTION 56-1-286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE OR PERMIT, OR THE DENIAL OF THE ISSUANCE OF A LICENSE OR A PERMIT TO A PERSON UNDER THE AGE OF TWENTY-ONE WHO HAS OPERATED A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL, SO AS TO DELETE THE TERM "ADMINISTRATIVE HEARING" AND REPLACE IT WITH THE TERM "CONTESTED CASE HEARING", AND TO PROVIDE THAT A CONTESTED CASE HEARING MUST BE CONDUCTED BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS PURSUANT TO ITS RULES OF PROCEDURE; TO AMEND SECTION 56-5-2942, AS AMENDED, RELATING TO THE IMMOBILIZATION OF A MOTOR VEHICLE OWNED BY A PERSON WHO HAS BEEN CONVICTED OF DRIVING UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE, SO AS TO DELETE THE PROVISION THAT ALLOWS THE DEPARTMENT OF MOTOR VEHICLES TO CONDUCT A HEARING AND RECEIVE TESTIMONY REGARDING THE VERACITY OF CERTAIN AFFIDAVITS IT RECEIVES REGARDING THE RELEASE OF AN IMMOBILIZED VEHICLE, PROVIDE THAT THE DEPARTMENT MAY ISSUE A DETERMINATION PERMITTING OR DENYING THE RELEASE OF AN IMMOBILIZED VEHICLE BASED ON CERTAIN AFFIDAVITS, AND TO REVISE THE PROCEDURE TO OBTAIN RELIEF FROM A DEPARTMENTAL DETERMINATION THAT IMMOBILIZES A VEHICLE OR DENIES THE RELEASE OF A VEHICLE; AND TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S PRIVILEGE TO OPERATE A MOTOR VEHICLE, SO AS TO DELETE THE TERM "ADMINISTRATIVE HEARING" AND REPLACE IT WITH THE TERM "CONTESTED CASE HEARING", TO DELETE THE TERM "DEPARTMENT OF MOTOR VEHICLES" AND REPLACE IT WITH THE TERM "OFFICE OF MOTOR VEHICLE HEARINGS" AND TO PROVIDE THAT A CONTESTED CASE HEARING MUST BE CONDUCTED BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS.

**12/16/08 House Prefiled**

**12/16/08 House Referred to Committee on Judiciary**

**01/13/09 House Introduced and read first time HJ-61**

**01/13/09 House Referred to Committee on Judiciary HJ-62**