

## Session 119 - (2011-2012)

### H 3342 General Bill, By Harrison and Weeks

**Similar (H 5026)**

**Summary:** DUI hearings

A BILL TO AMEND SECTION 56-1-286, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OR DENIAL OF ISSUANCE OF A DRIVER'S LICENSE OR PERMIT TO OPERATE A MOTOR VEHICLE TO CERTAIN PERSONS WHO DRIVE A MOTOR VEHICLE WITH AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM "ADMINISTRATIVE HEARING" AND REPLACE IT WITH THE TERM "CONTESTED CASE HEARING", TO PROVIDE THAT A CONTESTED CASE HEARING MUST BE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS PURSUANT TO ITS RULES OF PROCEDURE, AND TO DELETE THE TERM "DIVISION OF MOTOR VEHICLE HEARINGS" AND REPLACE IT WITH THE TERM "OFFICE OF MOTOR VEHICLE HEARINGS"; TO AMEND SECTION 56-5-2942, AS AMENDED, RELATING TO VEHICLE IMMOBILIZATION AFTER A CONVICTION FOR DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER ILLEGAL SUBSTANCE, SO AS TO REVISE THE PROCEDURE WHEREBY THE DEPARTMENT OF MOTOR VEHICLES MAY RELEASE AN IMMOBILIZED VEHICLE REGISTERED TO A PERSON WHO HAS NOT BEEN CONVICTED OF DRIVING A VEHICLE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANOTHER UNLAWFUL SUBSTANCE; TO AMEND SECTION 56-5-2951, AS AMENDED, RELATING TO THE SUSPENSION OF A PERSON'S DRIVER'S LICENSE OR PERMIT FOR HIS REFUSAL TO SUBMIT TO A TEST TO DETERMINE HIS LEVEL OF ALCOHOL CONCENTRATION, SO AS TO DELETE THE TERM "ADMINISTRATIVE HEARING" AND REPLACE IT WITH THE TERM "CONTESTED CASE HEARING", TO PROVIDE THAT ADMINISTRATIVE HEARINGS ARE HELD BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS AND NOT THE DEPARTMENT OF MOTOR VEHICLES, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES IS RESPONSIBLE FOR SENDING A HEARING OFFICER'S DECISION TO A PERSON WHO IS ELIGIBLE TO RECEIVE A RESTRICTED LICENSE PURSUANT TO THIS SECTION; AND TO AMEND SECTION 56-5-2952, AS AMENDED, RELATING TO THE FILING FEE TO REQUEST A CONTESTED CASE HEARING BEFORE THE OFFICE OF MOTOR VEHICLE HEARINGS, SO AS TO INCREASE THE FEE, TO DELETE THE TERM "ADMINISTRATIVE LAW COURT" AND REPLACE IT WITH THE TERM "OFFICE OF MOTOR VEHICLE HEARINGS", AND REVISE THE PROCEDURE FOR DISTRIBUTING FUNDS GENERATED FROM THE COLLECTION OF THESE FEES.

01/18/11	House	Introduced and read first time (House Journal-page 5)
01/18/11	House	Referred to Committee on Judiciary (House Journal-page 6)
03/29/11		Scrivener's error corrected
04/06/11	House	Member(s) request name added as sponsor: Weeks
04/06/11	House	Committee report: Favorable Judiciary (House Journal-page 2)
04/11/11		Scrivener's error corrected
04/12/11	House	Requests for debate-Rep(s). Howard, Ott, JH Neal, Sellers, Cobb-Hunter, Jefferson, King, Sabb, McEachern, Hosey, RL Brown, Gilliard, Bedingfield, Brantley, Erickson, Crawford, Forrester, Lowe, Atwater, and JR Smith (House Journal-page 20)
04/13/11	House	Debate adjourned until Thursday, April 14, 2011 (House Journal-page 85)
04/27/11	House	Amended (House Journal-page 31)
04/27/11	House	Read second time (House Journal-page 31)
04/27/11	House	Roll call Yeas-64 Nays-44 (House Journal-page 31)
04/28/11	House	Read third time and sent to Senate (House Journal-page 44)
05/03/11	Senate	Introduced and read first time (Senate Journal-page 20)
05/03/11	Senate	Referred to Committee on Transportation (Senate Journal-page 20)
05/05/11	Senate	Recalled from Committee on Transportation (Senate Journal-page 12)
05/05/11	Senate	Committed to Committee on Judiciary (Senate Journal-page 12)
01/09/12	Senate	Referred to Subcommittee: Hutto (ch), Rose, Shoopman
02/22/12	Senate	Committee report: Favorable Judiciary (Senate Journal-page 17)
06/06/12	Senate	Read second time (Senate Journal-page 115)
06/07/12	Senate	Amended (Senate Journal-page 88)
06/07/12	Senate	Roll call Ayes-41 Nays-0 (Senate Journal-page 88)
06/07/12	Senate	Read third time and returned to House with amendments (Senate Journal-page 88)