

## Session 117 - (2007-2008)

**S 0485 General Bill, By Hayes, Lourie, Fair, Vaughn, Gregory, Cleary, Verdin, McGill, Ryberg, Bryant, Mescher, Campsen, Cromer, Thomas, Leatherman and Alexander**

**Similar (H 3496)**

**Summary:** DUI

A BILL TO AMEND SECTION 56-1-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITION OF TERMS WITH REGARD TO THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO REVISE THE DEFINITION OF THE TERMS "OPERATOR", "MOTOR VEHICLE", AND "DRIVER"; TO AMEND SECTION 56-1-286, AS AMENDED, 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 SUBSTITUTE THE TERM "OPERATES" FOR THE TERM "DRIVES", THE TERM "REASONABLE SUSPICION" FOR THE TERM "PROBABLE CAUSE TO BELIEVE", AND THE TERM "INFORMED" FOR THE TERM "NOTIFIED IN WRITING", TO DELETE A REFERENCE TO SECTION 56-5-2933, TO DELETE THE PROVISION THAT REQUIRES THE RECORDING OF THE PERIOD PRIOR TO THE ADMINISTRATION OF A BREATH TEST, TO REVISE THE PERIOD OF TIME A PERSON'S PRIVILEGE TO DRIVE MUST BE SUSPENDED WHEN HE REFUSES TO SUBMIT TO A CHEMICAL TEST TO DETERMINE WHETHER HE WAS OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE OR SUBMITS TO THE TEST AND THE TEST RESULTS INDICATE CERTAIN LEVELS OF ALCOHOL CONCENTRATION, TO MAKE TECHNICAL CHANGES, TO REVISE THE CONTENT OF THE INFORMATION THAT MUST BE PROVIDED TO A PERSON BEFORE A BREATH TEST MAY BE ADMINISTERED, TO DELETE THE PROVISION THAT REQUIRES A PERSON'S PRIVILEGES TO OPERATE A VEHICLE BE REINSTATED WHEN THE DIVISION OF MOTOR VEHICLE HEARINGS DOES NOT ISSUE A WRITTEN ORDER OR FAILS TO NOTIFY A PERSON OF A NEW HEARING DATE, TO DELETE THE PROVISION THAT REQUIRES THE DIVISION OF MOTOR VEHICLE HEARINGS TO ISSUE ITS WRITTEN ORDERS WITHIN THIRTY DAYS AFTER THE CONCLUSION OF AN ADMINISTRATIVE HEARING, AND TO REVISE THE DEFINITION OF THE TERM "INFORMED"; TO AMEND SECTION 56-1-748, RELATING TO PERSONS WHO ARE INELIGIBLE TO RECEIVE A SPECIAL RESTRICTED DRIVER'S LICENSE, SO AS TO PROVIDE THAT A PERSON WHO IS ISSUED A RESTRICTED LICENSE PURSUANT TO SECTION 56-5-2951 MAY NOT OBTAIN A SPECIAL RESTRICTED DRIVER'S LICENSE UNDER THIS PROVISION, AND TO SUBSTITUTE THE TERM "RESTRICTED DRIVER'S LICENSE" FOR THE TERM "SPECIAL RESTRICTED DRIVER'S LICENSE"; TO AMEND SECTION 56-5-2930, AS AMENDED, RELATING TO THE UNLAWFUL OPERATION OF A MOTOR VEHICLE BY A PERSON UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO SUBSTITUTE THE TERM "OPERATE A MOTOR VEHICLE" FOR THE TERM "DRIVE A MOTOR VEHICLE", TO PROVIDE FOR THE PROSECUTION OF AND PENALTIES FOR PERSONS CONVICTED OF DRIVING WHILE IMPAIRED AT VARIOUS LEVELS OF ILLEGAL ALCOHOL CONCENTRATIONS; TO AMEND SECTION 56-5-2934, RELATING TO THE RIGHT TO COMPULSORY PROCESS, SO AS TO DELETE A REFERENCE TO SECTION 56-5-2933, TO DELETE THE DEFINITION OF THE TERM "DOCUMENTS", AND TO DELETE CERTAIN DUTIES THAT A LAW ENFORCEMENT OFFICER MUST PERFORM WHEN HE ARRESTS A PERSON FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE; TO AMEND SECTION 56-5-2942, 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 A REFERENCE TO SECTION 56-5-2933, TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MUST DETERMINE THE VEHICLES THAT MUST BE IMMOBILIZED INSTEAD OF THE COURT, TO MAKE TECHNICAL CHANGES, TO DELETE THE OFFENSE OF FALSIFYING A REPORT CONCERNING VEHICLES OWNED OR REGISTERED TO A PERSON, TO INCREASE THE FEE FOR REREGISTERING AN IMMOBILIZED MOTOR VEHICLE, AND TO PROVIDE A DEFINITION FOR THE TERM "PRIOR OFFENSE"; TO AMEND SECTION 56-5-2945, RELATING TO THE OFFENSE OF CAUSING GREAT BODILY INJURY OR DEATH BY OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL, SO AS TO SUBSTITUTE THE TERM "OPERATING A MOTOR VEHICLE" FOR THE TERM "DRIVING A MOTOR VEHICLE", TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT A PERSON CONVICTED UNDER THIS PROVISION IS GUILTY OF THE OFFENSE OF DRIVING WHILE IMPAIRED; TO AMEND SECTION 56-5-2950, RELATING TO A DRIVER'S IMPLIED CONSENT TO TESTING FOR ALCOHOL OR DRUGS, SO AS TO SUBSTITUTE THE TERM "OPERATES" FOR THE TERM "DRIVES", TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT PROHIBITS AN OFFICER FROM REQUIRING ADDITIONAL BREATH TESTS AND THE PROVISION THAT ALLOWS AN OFFICER TO ADMINISTER A BREATH TEST IF THE ARRESTEE'S CONDUCT DURING THE PRETEST PERIOD IS VIDEOTAPED, TO REVISE THE CONTENT OF THE INFORMATION THAT MUST BE PROVIDED TO A PERSON WHO IS SCHEDULED TO UNDERGO A

BREATH TEST, TO PROVIDE THAT EVIDENCE REGARDING THE QUALIFICATION OF A PERSON WHO WITHDRAWS A BLOOD SAMPLE MAY BE PROVIDED AT TRIAL BY TESTIMONY OF THE OFFICER WHO HAS CHARGED A DEFENDANT OF DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, TO DELETE A REFERENCE TO SECTION 56-5-2933, TO SUBSTITUTE THE TERM "IMPAIRED BY ALCOHOL" FOR THE TERM "UNDER THE INFLUENCE OF ALCOHOL", AND TO REVISE THE PROCEDURE FOR THE EXCLUSION FROM EVIDENCE OF TEST RESULTS; 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 SUBSTITUTE THE TERM "OPERATES" FOR THE TERM "DRIVES", TO DELETE A REFERENCE TO SECTION 56-5-2933, TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT CONTAINS THE DUTIES OF THE DIVISION OF MOTOR VEHICLE HEARINGS WHEN IT FAILS TO HOLD CERTAIN HEARINGS WITHIN A THIRTY-FIVE DAY PERIOD, TO SUBSTITUTE THE TERM "INFORMED" FOR THE TERM "ADVISED IN WRITING", TO DELETE THE PROVISION THAT PROVIDES A DEADLINE FOR THE ISSUANCE OF AN ORDER BY THE DIVISION OF MOTOR VEHICLE HEARINGS, TO DELETE THE PROVISION THAT RESTRICTS THE CLASS OF PERSON WHOSE PRIVILEGE TO OPERATE A MOTOR VEHICLE MUST BE DENIED FOR REFUSING TO SUBMIT TO A BREATH TEST OR DRIVING WITH AN ILLEGAL ALCOHOL CONCENTRATION, TO INCREASE THE PERIOD OF TIME THE PERSON'S PRIVILEGE IS DENIED, AND TO REVISE THE LEVEL OF ALCOHOL CONCENTRATION WHICH IS CONSIDERED ILLEGAL; TO AMEND SECTION 56-5-2953, RELATING TO VIDEOTAPING OF A PERSON CHARGED WITH DRIVING UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE AT THE INCIDENT SITE AND THE BREATH TESTING SITE, SO AS TO DELETE A REFERENCE TO SECTION 56-5-2933, TO MAKE TECHNICAL CHANGES, TO DELETE THE PROVISION THAT PROVIDES WHEN THE VIDEO RECORDINGS MUST END AND BE COMPLETED, AND TO REVISE THE SUBJECT MATTER THAT MUST BE CONTAINED IN THE RECORDINGS; TO AMEND SECTION 56-5-2954, RELATING TO BREATH TESTING SITES, SO AS TO PROVIDE WHEN THE PROVISIONS OF THIS SECTION ARE SATISFIED, AND TO PROVIDE WHEN CERTAIN MOTIONS RELATING TO MATTERS CONTAINED UNDER ARTICLE 23, CHAPTER 5, TITLE 56 MUST BE MADE; AND TO REPEAL SECTIONS 56-5-2933, 56-5-2940, AND 56-5-3000 RELATING TO DRIVING WITH AN UNLAWFUL ALCOHOL CONCENTRATION, PENALTIES FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE, AND THE PUBLICATION OF THE NAMES OF DRIVERS WHOSE LICENSES HAVE BEEN SUSPENDED.

**02/22/07 Senate Introduced and read first time SJ-4**

**02/22/07 Senate Referred to Committee on Judiciary SJ-4**

**03/01/07 Senate Referred to Subcommittee: Hutto (ch), Jackson, Knotts, Bryant**