**South Carolina General Assembly**

120th Session, 2013-2014

**R72, H3907**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Willis, Owens, Stringer, Daning, Brannon, Rivers, Kennedy, King, Mitchell, Putnam, Wells and Wood

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Introduced in the House on April 9, 2013

Introduced in the Senate on May 1, 2013

Last Amended on April 30, 2013

Passed by the General Assembly on May 29, 2013

Governor's Action: June 10, 2013, Vetoed

Legislative veto action(s): Veto sustained

Summary: Department of Motor Vehicles

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/9/2013 House Introduced and read first time ([House Journal‑page 53](file:///h:\HJ%20Archive\2013\04-09-13.docx))

4/9/2013 House Referred to Committee on **Education and Public Works** ([House Journal‑page 53](file:///h:\HJ%20Archive\2013\04-09-13.docx))

4/24/2013 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 33](file:///h:\HJ%20Archive\2013\04-24-13.docx))

4/30/2013 House Amended ([House Journal‑page 49](file:///h:\HJ%20Archive\2013\04-30-13.docx))

4/30/2013 House Read second time ([House Journal‑page 49](file:///h:\HJ%20Archive\2013\04-30-13.docx))

4/30/2013 House Roll call Yeas‑108 Nays‑0 ([House Journal‑page 50](file:///h:\HJ%20Archive\2013\04-30-13.docx))

4/30/2013 House Reconsidered ([House Journal‑page 88](file:///h:\HJ%20Archive\2013\04-30-13.docx))

4/30/2013 House Amended ([House Journal‑page 88](file:///h:\HJ%20Archive\2013\04-30-13.docx))

4/30/2013 House Read second time ([House Journal‑page 88](file:///h:\HJ%20Archive\2013\04-30-13.docx))

4/30/2013 House Roll call Yeas‑112 Nays‑0 ([House Journal‑page 89](file:///h:\HJ%20Archive\2013\04-30-13.docx))

5/1/2013 House Read third time and sent to Senate ([House Journal‑page 6](file:///h:\HJ%20Archive\2013\05-01-13.docx))

5/1/2013 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h:\SJ%20Archive\2013\05-01-13.docx))

5/1/2013 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 4](file:///h:\SJ%20Archive\2013\05-01-13.docx))

5/16/2013 Senate Committee report: Favorable **Transportation** ([Senate Journal‑page 5](file:///h:\SJ%20Archive\2013\05-16-13.docx))

5/28/2013 Senate Read second time ([Senate Journal‑page 14](file:///h:\SJ%20Archive\2013\05-28-13.docx))

5/28/2013 Senate Roll call Ayes‑32 Nays‑0 ([Senate Journal‑page 14](file:///h:\SJ%20Archive\2013\05-28-13.docx))

5/29/2013 Senate Read third time and enrolled ([Senate Journal‑page 37](file:///h:\SJ%20Archive\2013\05-29-13.docx))

6/4/2013 Ratified R 72

6/10/2013 Vetoed by Governor

6/18/2013 House Veto sustained Yeas‑6 Nays‑98

**VERSIONS OF THIS BILL**

[4/9/2013](file:///p:\pprever\2013-14\3907_20130409.docx)

[4/24/2013](file:///p:\pprever\2013-14\3907_20130424.docx)

[4/30/2013](file:///p:\pprever\2013-14\3907_20130430.docx)

[5/16/2013](file:///p:\pprever\2013-14\3907_20130516.docx)

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(R72, H3907)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 6 TO CHAPTER 1, TITLE 56 SO AS TO AUTHORIZE THE DEPARTMENT OF MOTOR VEHICLES TO ACCEPT UNCERTIFIED CHECKS FOR PAYMENT FOR PRODUCTS OR SERVICES ISSUED BY THE DEPARTMENT, TO PROVIDE THAT THE DEPARTMENT MAY REFUSE TO PROVIDE A PERSON ANY PRODUCT OR SERVICE, EXCEPT AN IDENTIFICATION CARD, UNTIL THE PERSON HAS PAID ALL FEES OWED THE DEPARTMENT AS A RESULT OF A RETURNED CHECK, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A FEE SPECIFIED IN SECTION 34‑11‑70 TO COVER THE COSTS ASSOCIATED WITH THE COLLECTION OF FEES, TO PROVIDE THAT THESE PROVISIONS SHALL NOT INTERFERE WITH A BONA FIDE SALE OF A MOTOR VEHICLE BY A DEALER, TO PROVIDE THAT THE DEPARTMENT MAY CHARGE A PROCESSING FEE FOR THE USE OF CREDIT CARDS, AND TO PROVIDE THAT ALL PROCESSING FEES COLLECTED PURSUANT TO THIS ARTICLE MUST BE PLACED IN A SPECIAL RESTRICTED ACCOUNT TO BE USED BY THE DEPARTMENT TO DEFRAY ITS COSTS.**

Be it enacted by the General Assembly of the State of South Carolina:

**Acceptable methods of payment for Department of Motor Vehicle services**

SECTION 1. Chapter 1, Title 56 of the 1976 Code is amended by adding:

“Article 6

Methods of Payment for Department of Motor Vehicle Services

Section 56‑1‑1210. (A) The Department of Motor Vehicles in its discretion may accept uncertified checks in payment for fees, taxes, and other charges for any product or service issued by the department.

(B) In its discretion, the department may contract with banks or vendors to guarantee collection of funds paid by uncertified check.

Section 56‑1‑1220. (A) If a customer fails to properly remit full payment through noncertified funds for any product or service issued by the department, the department may take action on that customer at the discretion of its director. The department may refuse to provide that person any product or service issued by the department, including reinstatement or renewal of driving or registration privileges, until full payment for the product or service has been properly remitted by cash or certified funds. The person also shall pay to the department the fee specified in Section 34‑11‑70 to cover the processing costs associated with the collection of the fees. This subsection does not apply to the issuance of an identification card.

(B) If the department, in the discretion of its director, chooses to enforce an action pursuant to subsection (A) of this section, the department may not take additional action, such as suspension, cancellation, or revocation of a license, privilege, registration, license plate, decal or credential, for the failure to properly remit fees. This shall not limit the department’s ability to cancel, revoke or suspend a license, privilege, registration, license plate, decal or credential for another reason required by law. The department shall provide proper notice to the individual and upon written request, must make available to the individual the evidence of nonpayment upon which the department is basing its action. If the department cannot provide this evidence, then the department must remove the administrative stop from the customer’s record.

(C) Subsections (A) and (B) of this section shall not interfere with a bona fide sale of a motor vehicle by a dealer.

Section 56‑1‑1230. The department may charge customers an additional processing fee for the use of credit cards, up to the actual cost incurred by the department.

Section 56‑1‑1240. All processing fees collected pursuant to this article must be placed in a special restricted account by the Comptroller General to be used by the Department of Motor Vehicles.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 4th day of June, 2013.

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*President of the Senate*

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*Speaker of the House of Representatives*

Approved the \_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2013.

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*Governor*

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