**Tuesday, April 8, 2014**

**(Statewide Session)**

~~Indicates Matter Stricken~~

## Indicates New Matter

The Senate assembled at 12:00 Noon, the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

The prophet Micah writes:

“Do not rejoice over me, O my enemy; when I fall, I shall rise; when I sit in darkness, the Lord will be a light to me.”

(Micah 7:8)

Bow with me in prayer, please:

Holy God, inevitably there come those moments when these servants of our State truly feel themselves overwhelmed by the enormity of their responsibilities. And when those pressures befall the Senators and aides who serve in this place, may each person feel the same confidence that consumed the prophet: the clear knowledge that You are with them, just as You were there strengthening and leading Micah so long ago. Inspire each leader here as You alone can, O God, and bring about a sense of bold hopefulness to each one. This we pray in Your loving name, dear Lord. Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Nikki Randhawa Haley:

**Statewide Appointments**

Initial Appointment, South Carolina Crime Victim’s Ombudsman, with term coterminous with Governor

Director:

Veronica Swain Kunz, 14 Southpine Court, Columbia, SC 29212 *VICE* Deborah D. Curtis

Referred to the Committee on Judiciary.

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 20, 2014, and to expire March 20, 2018

Cosmetologist:

Eddie L. Jones, 7 Hilltopper Court, Blythewood, SC 29016 *VICE* Ms. Ruth Settles

Referred to the Committee on Labor, Commerce and Industry.

Initial Appointment, South Carolina State Board of Cosmetology, with the term to commence March 31, 2008, and to expire March 31, 2012

Cosmetologist:

Patricia Walters, 809 Michaelmas Ave., Cayce, SC 29033 *VICE* Ms. Katherine Webb

Referred to the Committee on Labor, Commerce and Industry.

**REGULATION RECEIVED**

The following was received and referred to the appropriate committee for consideration:

Document No. 4350

Agency: South Carolina Criminal Justice Academy

Chapter: 37

Statutory Authority: 1976 Code Sections 23-23-10 et seq. and 23-47-20(C)(15)

SUBJECT: Law Enforcement Officer and E-911 Officer Training and Certification

Received by Lieutenant Governor April 8, 2014

Referred to Judiciary Committee

Legislative Review Expiration March 15, 2015

**REGULATIONS RESUBMITTED**

The following were received:

Document No. 4369

Agency: South Carolina Criminal Justice Academy

Chapter: 37

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

SUBJECT: Allow E-911 Operators One Year to Attend Training at the Academy

Received by Lieutenant Governor May 1, 2013

Referred to Judiciary Committee

Legislative Review Expiration April 7, 2014

04/04/2014 Resubmitted

Document No. 4370

Agency: South Carolina Criminal Justice Academy

Chapter: 37

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

SUBJECT: Requirement of Good Character (E-911 Operators)

Received by Lieutenant Governor May 1, 2013

Referred to Judiciary Committee

Legislative Review Expiration April 7, 2014

04/04/2014 Resubmitted

Document No. 4374

Agency: South Carolina Criminal Justice Academy

Chapter: 37

Statutory Authority: 1976 Code Section 23-47-20(C)(15)

SUBJECT: Application for Issuance or Re-issuance of Certification

Received by Lieutenant Governor May 1, 2013

Referred to Judiciary Committee

Legislative Review Expiration April 7, 2014

04/04/2014 Resubmitted

**REGULATION WITHDRAWN**

The following was received:

Document No. 4436

Agency: Board of Registration for Foresters

Chapter: 53

Statutory Authority: 1976 Code Sections 40-1-70 and 48-27-80

SUBJECT: Board of Registration for Foresters

Received by Lieutenant Governor January 23, 2014

Referred to Fish, Game and Forestry Committee

Legislative Review Expiration: Permanently Withdrawn

04/03/2014 Permanently Withdrawn

**REGULATIONS WITHDRAWN AND RESUBMITTED**

The following were received:

Document No. 4445

Agency: Department of Labor, Licensing and Regulation - Office of State Fire Marshal

Chapter: 71

Statutory Authority: 1976 Code Sections 23-9-40, 23-9-60, 23-9-550, 23-35-45, and 23-36-80

SUBJECT: Office of State Fire Marshal

Received by Lieutenant Governor February 4, 2014

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 4, 2014

04/03/2014 Withdrawn and Resubmitted

Document No. 4446

Agency: Department of Labor, Licensing and Regulation - Office of Occupational Safety and Health

Chapter: 71

Statutory Authority: 1976 Code Sections 41-3-40 and 41-15-210

SUBJECT: Enforcement of Violations

Received by Lieutenant Governor February 4, 2014

Referred to Labor, Commerce and Industry Committee

Legislative Review Expiration June 4, 2014

04/03/2014 Withdrawn and Resubmitted

**Leave of Absence**

On motion of Senator PEELER, at 12:05 P.M., Senators CLEARY and MASSEY were granted a leave of absence for today.

**Expression of Personal Interest**

Senator SHANE MARTIN rose for an Expression of Personal Interest.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 204 Sens. Shane Martin, Grooms

S. 1100 Sen. Setzler

S. 139 Sen. Rankin

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 1203 -- Senator Alexander: A SENATE RESOLUTION TO DECLARE FRIDAY, JUNE 13, 2014, AS "CATHERINE DEVOE FISHER DAY" AND TO RECOGNIZE CATHERINE "CATIE" DEVOE FISHER ON HER MANY MUSICAL ACCOMPLISHMENTS.

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The Senate Resolution was introduced and referred to the Committee on Invitations.

S. 1204 -- Senator Bryant: A CONCURRENT RESOLUTION TO DECLARE THE "GAIN MOMENTUM: BUSINESS EXPO AND SHRIMP & GRITS COOK-OFF" EVENT, HOSTED BY THE ANDERSON AREA CHAMBER OF COMMERCE, AS THE OFFICIAL STATE SHRIMP & GRITS COOK-OFF.

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The Concurrent Resolution was introduced and referred to the Committee on Agriculture and Natural Resources.

S. 1205 -- Senators Matthews and Hutto: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE COURAGE AND SACRIFICE OF THE ELLOREE 21 IN ORANGEBURG COUNTY, A GROUP OF TEACHERS IN ELLOREE WHO CHANGED THE COURSE OF HISTORY OF THE CIVIL RIGHTS MOVEMENT IN SOUTH CAROLINA, AND TO COMMEND THEIR ROLE IN SECURING EQUALITY FOR AFRICAN-AMERICAN CITIZENS OF OUR STATE.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1206 -- Senator Alexander: A BILL TO AMEND SECTION 12-54-122, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO TAX LIENS, SO AS TO ALLOW THE DEPARTMENT OF REVENUE TO FILE TAX LIENS VALIDLY BY IMPLEMENTING AN INTERNET ACCESSIBLE NOTICE SYSTEM.

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Read the first time and referred to the Committee on Finance.

S. 1207 -- Medical Affairs Committee: A BILL TO AMEND SECTION 24-21-440, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERIODS OF PROBATION, SO AS TO TOLL THE PERIOD DURING PERIODS OF CIVIL COMMITMENT; TO AMEND SECTION 24-21-560, AS AMENDED, RELATING TO COMMUNITY SUPERVISION PROGRAMS, SO AS TO TOLL THE COMMUNITY SUPERVISION PERIOD DURING PERIODS OF CIVIL COMMITMENT; AND TO AMEND SECTION 24-21-670, RELATING TO PERIODS OF PAROLE, SO AS TO TOLL THE PAROLE PERIOD DURING PERIODS OF CIVIL COMMITMENT.

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Read the first time and ordered placed on the Calendar without reference.

S. 1208 -- Senator Matthews: A SENATE RESOLUTION TO HONOR MARGARET BERRY BAYLOR OF ORANGEBURG COUNTY FOR HER MANY YEARS OF DEDICATED COMMUNITY AND PUBLIC SERVICE AND TO WISH HER MUCH SUCCESS AND FULFILLMENT IN ALL HER FUTURE ENDEAVORS.

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The Senate Resolution was adopted.

S. 1209 -- Senators Courson, Peeler, Setzler and Jackson: A CONCURRENT RESOLUTION TO HONOR DR. DONALD L. FOWLER FOR HIS DISTINGUISHED CAREER IN PUBLIC SERVICE AND TO CONGRATULATE HIM ON A HALF CENTURY OF TEACHING AT THE UNIVERSITY OF SOUTH CAROLINA.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 1210 -- Senator McGill: A SENATE RESOLUTION TO CONGRATULATE THE WILLIAMSBURG ACADEMY "STALLIONS" FOOTBALL TEAM ON CAPTURING THE 2013 SOUTH CAROLINA INDEPENDENT SCHOOLS ASSOCIATION 1A STATE FOOTBALL CHAMPIONSHIP TITLE AND TO ALSO CONGRATULATE THEM ON AN OUTSTANDING FOOTBALL SEASON.

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The Senate Resolution was adopted.

S. 1211 -- Senators Thurmond, McElveen, Hembree and Setzler: A SENATE RESOLUTION TO RECOGNIZE THAT CHILDHOOD OBESITY HAS A PROFOUND IMPACT AND IS A SERIOUS HEALTH RISK FOR YOUTH IN THE STATE OF SOUTH CAROLINA AND TO ENCOURAGE ALL CITIZENS OF THIS GREAT STATE TO PARTICIPATE IN ACTIVITIES THAT PROMOTE HEALTHY EATING AND PHYSICAL ACTIVITY.

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The Senate Resolution was adopted.

H. 4499 -- Reps. Cole, Spires, Sottile, D. C. Moss, Tallon, Allison, Rivers, Finlay, M. S. McLeod, Hardee, Norrell, Brannon, Atwater, Bowen, Weeks, V. S. Moss, Neal, Whipper, Nanney, Gilliard, Anderson, Bales, G. A. Brown, R. L. Brown, Forrester, Hamilton, Mack, Wells, Willis and Wood: A BILL TO AMEND SECTION 56-1-140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF A DRIVER'S LICENSE, SO AS TO REMOVE THE ONE DOLLAR FEE CHARGED BY THE DEPARTMENT OF MOTOR VEHICLES FOR THE PLACEMENT OF A VETERAN DESIGNATION ON A DRIVER'S LICENSE.

Read the first time and referred to the Committee on Transportation.

H. 4650 -- Reps. Bannister, Bedingfield, Simrill, Burns and Henderson: A BILL TO AMEND SECTION 59-5-65, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO POWERS AND RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION, SO AS TO PROVIDE THE BOARD SHALL ESTABLISH BEFORE AUGUST 1, 2014, A PROFICIENCY-BASED SYSTEM AS AN ALTERNATIVE TO TRADITIONAL SEAT-TIME REQUIREMENTS FOR CHILDREN NOT EXEMPT FROM COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS, TO PROVIDE THE SYSTEM MUST BE OPTIONAL FOR SCHOOL DISTRICTS, AND TO DEFINE NECESSARY TERMS; AND TO AMEND SECTION 59-65-90, RELATING TO RULES AND REGULATIONS CONCERNING STUDENT ATTENDANCE REQUIREMENTS, SO AS TO MAKE A CONFORMING CHANGE.

Read the first time and referred to the Committee on Education.

H. 4802 -- Reps. Burns, Loftis, G. R. Smith and Willis: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION ERECT INDIVIDUAL SIGNS AT TWO MILE INTERVALS ALONG INTERSTATE HIGHWAY 385 FROM MILE MARKER 22 TO MILE MARKER 34 THAT CONTAIN THE WORDS "WORLD WAR I 1917-1918", "WORLD WAR II 1941-1945", "THE KOREAN WAR 1950-1953", "THE VIETNAM WAR 1956-1975", "SECOND PERSIAN GULF WAR 'OPERATION DESERT STORM' 1991", "AFGHANISTAN WAR OCTOBER 7, 2001 TO PRESENT", AND "THIRD PERSIAN GULF WAR MARCH 19, 2003 TO PRESENT".

The Concurrent Resolution was introduced and referred to the Committee on Transportation.

H. 4900 -- Reps. Gilliard, Whipper, Mack, Kennedy, Stavrinakis, Murphy, Willis, Harrell and Williams: A JOINT RESOLUTION TO DIRECT THE DEPARTMENT OF TRANSPORTATION TO CONDUCT A COST-BENEFIT STUDY TO DETERMINE THE FEASIBILITY OF ERECTING A PEDESTRIAN OVERPASS AT THE INTERSECTION OF THE SEPTIMA P. CLARK PARKWAY AND COMING STREET IN THE CITY OF CHARLESTON.

Read the first time and referred to the Committee on Transportation.

H. 4945 -- Rep. Goldfinch: A BILL TO AMEND SECTION 50-5-1705, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CATCH LIMITS IMPOSED ON THE TAKING OF CERTAIN FISH, SO AS TO IMPOSE CATCH LIMITS FOR TAKING OR POSSESSING IN ANY ONE DAY A COMBINATION OF SPOT, WHITING, AND ATLANTIC CROAKER.

Read the first time and referred to the Committee on Fish, Game and Forestry.

H. 5042 -- Reps. Horne, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb-Hunter, Cole, H. A. Crawford, K. R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, Norrell, R. L. Ott, Owens, Parks, Patrick, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO RECOGNIZE AND HONOR THE OUTSTANDING HEALTH CARE THAT NURSE PRACTITIONERS AND CERTIFIED NURSE MIDWIVES PROVIDE IN OUR STATE AND TO DECLARE THURSDAY, APRIL 3, 2014, THE COALITION FOR ACCESS TO HEALTH CARE'S ANNUAL "NURSE PRACTITIONER AND CERTIFIED NURSE MIDWIFE DAY" IN SOUTH CAROLINA.

The Concurrent Resolution was adopted, ordered returned to the House.

H. 5069 -- Rep. Hodges: A CONCURRENT RESOLUTION TO HONOR MARIAN WRIGHT EDELMAN, FOUNDER AND PRESIDENT OF THE CHILDREN'S DEFENSE FUND, ON HER LIFETIME OF SERVING AS AN AMBASSADOR FOR DISADVANTAGED AMERICANS AND TO CONGRATULATE HER ON BEING INDUCTED INTO THE SOUTH CAROLINA HALL OF FAME.

The Concurrent Resolution was adopted, ordered returned to the House.

**HOUSE CONCURRENCE**

S. 1153 -- Senator Courson: A CONCURRENT RESOLUTION TO AUTHORIZE PALMETTO GIRLS STATE TO USE THE CHAMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES ON FRIDAY, JUNE 13, 2014.

Returned with concurrence.

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

**CARRIED OVER**

S. 459 -- Senators Sheheen and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑1‑55, SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON WHO HOLDS A BEGINNER’S PERMIT OR A RESTRICTED DRIVER’S LICENSE TO DRIVE A MOTOR VEHICLE WHILE USING A CELLULAR TELEPHONE OR TEXT MESSAGING DEVICE; AND TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO DRIVE A MOTOR VEHICLE THROUGH A SCHOOL ZONE WHILE USING A CELLULAR TELEPHONE OR TEXT MESSAGING DEVICE WHEN THE SCHOOL ZONE’S WARNING LIGHTS HAVE BEEN ACTIVATED.

On motion of Senator MALLOY, the Bill was carried over.

S. 862 -- Senators Shealy and Turner: A BILL TO AMEND SECTION 40‑59‑260 OF THE 1976 CODE, RELATING TO THE EXCEPTION FOR PROJECTS BY A PROPERTY OWNER FOR PERSONAL USE, TO PROVIDE THAT AN OWNER OF RESIDENTIAL PROPERTY WHO IMPROVES THE PROPERTY OR WHO BUILDS OR IMPROVES THE STRUCTURES OR APPURTENANCES ON THE PROPERTY AT A COST OF MORE THAN TWO THOUSAND FIVE HUNDRED DOLLARS SHALL NOT WITHIN TWO YEARS AFTER COMPLETION OR ISSUANCE OF A CERTIFICATE OFFER THE STRUCTURE FOR SALE OR RENT, AND CONSTRUCTION OR IMPROVEMENTS TO THE STRUCTURE, GROUP OF STRUCTURES, OR APPURTENANCES THAT COST THE OWNER‑BUILDER LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS ARE NOT EVIDENCE OF “SALE” OR “RENT” FOR THE PURPOSES OF THIS SECTION.

On motion of Senator ALEXANDER, the Bill was carried over.

H. 3853 -- Reps. Owens, Patrick, Bedingfield, Loftis, Taylor, Allison, Anthony, Brannon, Southard, Bowen, Whitmire, Limehouse, Cole, Erickson, Forrester, Harrell, Herbkersman, Hixon, Lucas, D.C. Moss, Norman, Pitts, Pope, Putnam, Simrill, G.R. Smith, Sottile, Stringer, Wells and Willis: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑40‑111 SO AS TO AUTHORIZE AN ALTERNATIVE EDUCATION CAMPUS (AEC) TO BE ESTABLISHED BY A CHARTER SCHOOL SPONSOR WHICH SHALL CONSTITUTE A CHARTER SCHOOL SERVING A SPECIFIC STUDENT POPULATION, AND TO PROVIDE THE CRITERIA FOR A CHARTER SCHOOL TO BE DESIGNATED AS AN AEC; TO AMEND SECTION 59‑40‑55, RELATING TO A CHARTER SCHOOL SPONSOR’S POWERS AND DUTIES, SO AS TO FURTHER PROVIDE FOR THESE POWERS AND DUTIES INCLUDING THE ADOPTION OF NATIONAL INDUSTRY STANDARDS FOR THE SCHOOL, AND THE CLOSURE OF LOW PERFORMING SCHOOLS; TO AMEND SECTION 59‑40‑60, AS AMENDED, RELATING TO CHARTER SCHOOL APPLICATIONS AND THE FORMATION OF CHARTER SCHOOLS, SO AS TO PROVIDE THAT THE CHARTER SCHOOL APPLICATION MUST BE BASED ON AN APPLICATION TEMPLATE WITH COMPLIANCE GUIDELINES DEVELOPED BY THE DEPARTMENT OF EDUCATION, AND TO FURTHER PROVIDE FOR THE CONTENTS OF THE APPLICATION AND FOR LETTERS OF INTENT TO BE SUBMITTED BY AN APPLICANT AND A CHARTER COMMITTEE; TO AMEND SECTION 59‑40‑70, AS AMENDED, RELATING TO THE CHARTER SCHOOL ADVISORY COMMITTEE AND ITS DUTY TO REVIEW CHARTER SCHOOL APPLICATIONS, SO AS TO DELETE THE COMMITTEE, TO REVISE THE PROCEDURES REQUIRED OF A CHARTER SCHOOL APPLICANT IN REGARD TO A CHARTER SCHOOL APPLICATION, TO PROVIDE THAT THE DEPARTMENT OF EDUCATION SHALL PROVIDE GUIDANCE ON COMPLIANCE TO BOTH SPONSORS AND APPLICANTS, AND TO FURTHER PROVIDE FOR THE STANDARDS FOR A SCHOOL BOARD OF TRUSTEES OR AREA COMMISSION TO FOLLOW WHEN CONSIDERING THE DENIAL OF AN APPLICATION; TO AMEND SECTION 59‑40‑90, AS AMENDED, RELATING TO APPEAL OF FINAL DECISIONS OF A SCHOOL DISTRICT TO THE ADMINISTRATION LAW COURT, SO AS TO ALSO INCLUDE FINAL DECISIONS OF A PUBLIC OR INDEPENDENT INSTITUTION OF HIGHER LEARNING SPONSOR; TO AMEND SECTION 59‑40‑110, AS AMENDED, RELATING TO THE DURATION OF A CHARTER SCHOOL SPONSOR AND THE RENEWAL OR TERMINATION OF A CHARTER BY THE SPONSOR, SO AS TO FURTHER PROVIDE FOR THE CIRCUMSTANCES WHEN A CHARTER SCHOOL SHALL AUTOMATICALLY AND PERMANENTLY CLOSE, TO REVISE THE CRITERIA TO CONSIDER WHEN REVOKING OR NOT RENEWING A CHARTER, TO PROVIDE FOR WHEN A SPONSOR SUMMARILY MAY REVOKE A CHARTER, AND TO PROVIDE FOR THE MANNER IN WHICH STAYS OF THE REVOCATION OR NONRENEWAL OF THE CHARTER TAKE EFFECT OR MAY BE GRANTED; TO AMEND SECTION 59‑40‑115, AS AMENDED, RELATING TO THE TERMINATION OF A CHARTER SCHOOL’S CONTRACT WITH A SPONSOR, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE; AND TO AMEND SECTION 59‑40‑180, AS AMENDED, RELATING TO REGULATIONS AND GUIDELINES PERTAINING TO CHARTER SCHOOLS, SO AS TO DELETE A REFERENCE TO THE CHARTER SCHOOL ADVISORY COMMITTEE.

On motion of Senator MALLOY, the Bill was carried over.

S. 375 -- Senators Hutto, L. Martin, Johnson and Rankin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 38 TO TITLE 6 SO AS TO ENACT THE “DILAPIDATED BUILDINGS ACT”, TO PROVIDE DEFINITIONS, TO PROVIDE THAT A MUNICIPALITY MAY BRING A CAUSE OF ACTION AGAINST THE OWNER OF PROPERTY NOT IN SUBSTANTIAL COMPLIANCE WITH CERTAIN MUNICIPAL ORDINANCES, TO IDENTIFY WHO MAY SERVE AS A COURT‑APPOINTED RECEIVER FOR PROPERTY SUBJECT TO THIS CAUSE OF ACTION, TO DESIGNATE THE POWERS OF A COURT‑APPOINTED RECEIVER, TO ESTABLISH REPORTING REQUIREMENTS OF THE MUNICIPALITY CONCERNING A VIOLATION AGAINST WHICH THE MUNICIPALITY MAY BRING A CAUSE OF ACTION UNDER THIS ACT, AND TO PROVIDE CERTAIN REMEDIES AND PROCEDURES.

On motion of Senator SHANE MARTIN, the Bill was carried over.

H. 3124 -- Reps. Bingham, Taylor, Long and M.S. McLeod: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 63‑7‑315 SO AS TO PROHIBIT AN EMPLOYER FROM DISMISSING, DEMOTING, SUSPENDING, OR DISCIPLINING AN EMPLOYEE WHO REPORTS CHILD ABUSE OR NEGLECT, WHETHER REQUIRED OR PERMITTED TO REPORT; AND TO CREATE A CAUSE OF ACTION FOR REINSTATEMENT AND BACK PAY WHICH AN EMPLOYEE MAY BRING AGAINST AN EMPLOYER WHO VIOLATES THIS PROHIBITION.

On motion of Senator YOUNG, the Bill was carried over.

H. 3191 -- Reps. Cole and Tallon: A BILL TO AMEND SECTIONS 56‑5‑130 AND 56‑5‑140, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF THE TERMS “MOTOR VEHICLE” AND “MOTORCYCLE”, SO AS TO PROVIDE THAT MOPEDS ARE MOTOR VEHICLES AND NOT MOTORCYCLES.

On motion of Senator HUTTO, the Bill was carried over.

H. 4259 -- Reps. Goldfinch and Clemmons: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑17‑760 SO AS TO ENACT THE “SOUTH CAROLINA MILITARY SERVICE INTEGRITY AND PRESERVATION ACT”, TO PROVIDE THAT A PERSON WHO, WITH THE INTENT OF SECURING A TANGIBLE BENEFIT, KNOWINGLY AND FALSELY REPRESENTS HIMSELF TO HAVE SERVED IN THE ARMED FORCES OF THE UNITED STATES OR TO HAVE BEEN AWARDED A DECORATION, MEDAL, RIBBON, OR OTHER DEVICE AUTHORIZED BY CONGRESS OR PURSUANT TO FEDERAL LAW FOR THE ARMED FORCES OF THE UNITED STATES, IS GUILTY OF A MISDEMEANOR.

On motion of Senator SCOTT, the Bill was carried over.

H. 3631 -- Reps. Daning, Crosby, Sottile, Atwater, Sabb, Erickson, Newton and Herbkersman: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑3‑115 SO AS TO PROVIDE FOR THE ISSUANCE OF GOLF CART PERMITS, TO REGULATE THE OPERATION OF GOLF CARTS, AND TO PROVIDE A PENALTY; AND TO REPEAL SECTION 56‑2‑105 RELATING TO THE ISSUANCE OF GOLF CART PERMITS AND THE OPERATION OF GOLF CARTS.

On motion of Senator SCOTT, the Bill was carried over.

S. 894 -- Senators Massey and Alexander: A BILL TO AMEND CHAPTER 1, TITLE 14 OF THE 1976 CODE, RELATING TO GENERAL PROVISIONS APPLICABLE TO COURTS, BY ADDING SECTION 14‑1‑240, TO PROVIDE THAT A FIVE DOLLAR SURCHARGE TO FUND TRAINING AT THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY SHALL BE LEVIED ON ALL FINES, FORFEITURES, ESCHEATMENTS, OR OTHER MONETARY PENALTIES IMPOSED IN THE GENERAL SESSIONS COURT OR IN MAGISTRATES OR MUNICIPAL COURT FOR MISDEMEANOR TRAFFIC OFFENSES OR FOR NONTRAFFIC VIOLATIONS.

On motion of Senator BRIGHT, the Bill was carried over.

S. 1187 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE MANUFACTURED HOUSING BOARD, RELATING TO FINANCIAL RESPONSIBILITY, DESIGNATED AS REGULATION DOCUMENT NUMBER 4438, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator ALEXANDER, the Joint Resolution was carried over.

S. 1188 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE CONTRACTORS LICENSING BOARD, RELATING TO REGULATIONS ADMINISTERING FIRE PROTECTION SPRINKLER SYSTEMS ACT, DESIGNATED AS REGULATION DOCUMENT NUMBER 4418, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

On motion of Senator ALEXANDER, the Joint Resolution was carried over.

S. 919 -- Senator L. Martin: A BILL TO AMEND SECTION 43‑7‑60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FALSE CLAIMS, STATEMENTS, AND REPRESENTATIONS FOR PURPOSES OF QUALIFYING FOR AND RECEIVING PAYMENT FOR AND REIMBURSEMENT OF MEDICAID CLAIMS AND BENEFITS, SO AS TO PROHIBIT ANY PERSON FROM ENGAGING IN THE PROHIBITED CONDUCT AND TO EXPAND OFFENSES AND PENALTIES FOR VIOLATING THE PROVISIONS OF THE ARTICLE; AND TO AMEND SECTION 43‑7‑90, RELATING TO ENFORCEMENT OF THE ARTICLE, SO AS TO PROVIDE THE ATTORNEY GENERAL, OR A DESIGNEE, ADDITIONAL POWERS.

Senator HUTTO explained the Bill.

On motion of Senator MALLOY, the Bill was carried over.

**THIRD READING BILLS**

The following Bills were read the third time and ordered sent to the House of Representatives:

S. 1032 -- Senators Campsen, Verdin and Reese: A BILL TO AMEND SECTION 48‑39‑130 OF THE 1976 CODE, RELATING TO PERMITS REQUIRED FOR COASTAL ZONE CRITICAL AREAS, TO INCLUDE TEMPORARY QUALIFIED WAVE DISSIPATION DEVICES AS A TECHNIQUE TO BE USED IN THE BEACH/DUNE CRITICAL AREA TO PROTECT THE PUBLIC HEALTH AND SAFETY; TO AMEND SECTION 48‑39‑270, RELATING TO TERMS PERTAINING TO COASTAL TIDELANDS AND WETLANDS, TO DEFINE QUALIFIED WAVE DISSIPATION DEVICE; AND TO AMEND SECTION 48‑39‑290, RELATING TO CONSTRUCTION RESTRICTIONS SEAWARD OF THE BASELINE, TO PROVIDE AN EXCEPTION FOR QUALIFIED WAVE DISSIPATION DEVICES.

S. 1036 -- Senator Cleary: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 3 TO CHAPTER 15, TITLE 40 SO AS TO ENACT THE “DENTAL SEDATION ACT”, TO PROVIDE REQUIREMENTS CONCERNING THE PROVISION OF VARYING LEVELS OF SEDATION TO DENTAL PATIENTS; TO AMEND SECTION 40‑15‑85, RELATING TO DEFINITIONS IN THE DENTISTRY PRACTICE ACT, SO AS TO ADD NECESSARY DEFINITIONS; AND TO DESIGNATE THE EXISTING SECTIONS OF CHAPTER 15, TITLE 40 AS ARTICLE 1 “GENERAL PROVISIONS”.

S. 1085 -- Senators Campbell, Grooms, Matthews, McGill, O’Dell and Bennett: A BILL TO AMEND SECTION 4‑37‑30, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, RELATING TO THE USE OF LOCAL SALES AND USE TAX OR TOLL REVENUES TO FINANCE TRANSPORTATION INFRASTRUCTURE IN A COUNTY, SO AS TO PROVIDE A PROCEDURE FOR THE GOVERNING BODY OF A COUNTY IN WHICH THE TRANSPORTATION INFRASTRUCTURE LOCAL SALES AND USE TAX IS CURRENTLY IMPOSED FOR LESS THAN THE TWENTY‑FIVE YEAR MAXIMUM IMPOSITION PERIOD, UPON REFERENDUM APPROVAL, MAY EXTEND WITHOUT INTERRUPTION THE INITIAL IMPOSITION FOR AN IMPOSITION PERIOD IN THE AGGREGATE NOT TO EXCEED TWENTY‑FIVE YEARS, TO PROVIDE WHAT QUESTIONS MUST APPEAR ON THE REFERENDUM BALLOT, TO PROVIDE THAT A REFERENDUM FOR OTHER THAN THE INITIAL IMPOSITION OF THE TAX MAY BE HELD AT THE TIME OF EITHER A GENERAL OR SPECIAL ELECTION IN THE COUNTY, AS THE GOVERNING BODY OF THE COUNTY MAY DETERMINE, AND TO PROVIDE THAT THE GOVERNING BODY OF A COUNTY IN WHICH THE TRANSPORTATION INFRASTRUCTURE LOCAL SALES AND USE TAX IS CURRENTLY IMPOSED, WITHIN TWO YEARS OF THE TERMINATION OF THE TAX OR THE ANTICIPATED TERMINATION OF THE TAX AND UPON REFERENDUM APPROVAL, MAY RENEW WITHOUT INTERRUPTION THE IMPOSITION OF THE TAX AND PROVIDE THAT NO MORE THAN ONE REFERENDUM RELATING TO THIS TAX BE HELD IN A CALENDAR YEAR.

**S. 1085--Recorded Vote**

Senators BRYANT, SHANE MARTIN and BRIGHT desired to be recorded as voting against the third reading of the Bill.

S. 1099 -- Senators Sheheen and Bryant: A BILL TO AMEND SECTION 41‑27‑260 OF THE 1976 CODE, RELATING TO EXEMPTIONS FROM THE DEFINITION OF EMPLOYMENT FOR UNEMPLOYMENT BENEFIT PURPOSES, TO PROVIDE AN EXEMPTION FOR MOTOR CARRIERS THAT UTILIZE INDEPENDENT CONTRACTORS.

S. 1100 -- Senators Bryant, Sheheen, Young and Setzler: A BILL TO AMEND ARTICLE 3, CHAPTER 27, TITLE 41 OF THE 1976 CODE, RELATING TO DEFINITIONS CONCERNING UNEMPLOYMENT BENEFITS AND CLAIMS, BY ADDING SECTION 41‑27‑265, TO PROVIDE THAT CORPORATE OFFICERS ARE EXEMPT FROM UNEMPLOYMENT BENEFITS UNLESS THE EMPLOYER ELECTS COVERAGE, AND TO PROVIDE FOR THE PROCESS OF ELECTING COVERAGE, AND TO PROVIDE FOR FEDERALLY REQUIRED EXEMPTIONS FROM THE PROVISIONS OF THIS SECTION FOR INDIVIDUALS EMPLOYED BY AN INDIAN TRIBE AND RELIGIOUS, CHARITABLE, EDUCATIONAL, OR OTHER FEDERALLY DEFINED ORGANIZATIONS.

**COMMITTEE AMENDMENT ADOPTED**

**CARRIED OVER**

S. 1178 -- Senators Hembree and Campsen: A BILL TO AMEND ARTICLE 10, CHAPTER 11, TITLE 50 OF THE 1976 CODE, RELATING TO WILDLIFE MANAGEMENT AREAS, TO PROVIDE THAT A HUNTER’S PRIVILEGE TO PARTICIPATE IN LOTTERY HUNTS MAY BE REVOKED IF A DEPARTMENT OF NATURAL RESOURCES ENFORCEMENT OFFICER WITNESSES, OR HAS PROBABLE CAUSE TO BELIEVE THAT, A VIOLATION OF THE ARTICLE HAS OCCURRED; AND TO PROVIDE FOR REMEDIES IF THE HUNTER IS NOT CONVICTED OF VIOLATIONS OF THIS ARTICLE ARISING FROM THE LOTTERY HUNT.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Fish, Game and Forestry.

The Committee on Fish, Game and Forestry proposed the following amendment (1178R001.GEC), which was adopted:

Amend the bill, as and if amended, page 1, by striking line 36 and inserting:

/ arising from the occurrence precipitating the revocation of his /

Renumber sections to conform.

Amend title to conform.

Senator HEMBREE explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

On motion of Senator HEMBREE, the Bill was carried over.

**COMMITTED**

S. 1186 -- Labor, Commerce and Industry Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION - OFFICE OF OCCUPATIONAL SAFETY AND HEALTH, RELATING TO ENFORCEMENT OF VIOLATIONS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4446, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator ALEXANDER moved to commit the Joint Resolution to the Committee on Labor, Commerce and Industry.

The Joint Resolution was committed to the Committee on Labor, Commerce and Industry.

**AMENDED, READ THE SECOND TIME**

H. 4644 -- Rep. Sandifer: A BILL TO AMEND SECTION 40‑60‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND SECTIONS 40‑60‑31, 40‑60‑33, 40‑60‑34, 40‑60‑35, AS AMENDED, 40‑60‑36, 40‑60‑37, 40‑60‑38, 40‑60‑80, AND 40‑60‑220, ALL RELATING TO THE SOUTH CAROLINA REAL ESTATE APPRAISERS LICENSE AND CERTIFICATION ACT, SO AS TO CONFORM THE PROVISIONS TO CERTAIN REVISED NATIONAL UNIFORM STANDARDS FOR LICENSING, CERTIFYING, AND RECERTIFYING REAL ESTATE APPRAISERS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment as follows.

Senator HUTTO proposed the following amendment (4644MW1), which was adopted:

Amend the bill, as and if amended, page 4, by striking Section 40-60-31(2)(C) and inserting:

/ (c) a bachelor’s degree or its equivalent as promulgated by the board through regulation to become a state-certified residential appraiser or state-certified general appraiser; /

Further amend the bill, as and if amended, page 5, by striking Section 40-60-33(2) and inserting:

/ (2) To qualify as a state-licensed appraiser, an applicant shall: /

Further amend the bill, as and if amended, page 6, by striking Section 40-60-33(3) and inserting:

/ (3) To qualify as a state-certified residential appraiser, an applicant shall: /

Further amend the bill, as and if amended, page 6, by striking Section 40-60-33(4) and inserting:

/ (4) To qualify as a state-certified general appraiser an applicant shall: /

Further amend the bill, as and if amended, by striking Section 40-60-33(5) and inserting:

/ (5) To qualify as a licensed mass appraiser, state-certified residential mass appraiser, or state-certified general mass appraiser, the applicant shall satisfy the requirements enumerated in this section, and any other applicable provisions of this chapter to qualify, respectively, as a licensed appraiser, state-certified residential appraiser, and state-certified general appraiser, with the exception that one hundred percent of the required experience hours for the mass appraiser designations may be in the area of mass appraisals.” /

Further amend the bill, as and if amended, page 12, by striking Section 40-60-220 and inserting:

/ “Section 40‑60‑220. A person who is licensed as a licensed appraiser, licensed mass appraiser, state-certified residential appraiser, state-certified residential mass appraiser, state-certified general appraiser, or state-certified general mass appraiser on December 31, ~~2007~~ 2014, may continue licensure in that category without meeting the requirements of Section 40‑60‑31 and Section 40‑60‑33, so long as the person is otherwise authorized to hold ~~such~~ the license.” /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the amendment.

The amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 36; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Corbin Courson

Cromer Davis Fair

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Leatherman Malloy

*Martin, Larry Martin, Shane* Matthews

McElveen McGill Nicholson

O'Dell Peeler Scott

Setzler Sheheen Thurmond

Turner Verdin Young

**Total--36**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 356 -- Senators Alexander and Reese: A BILL TO AMEND CHAPTER 1, TITLE 26, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NOTARIES PUBLIC, SO AS TO DEFINE TERMS, TO MAKE GRAMMATICAL CORRECTIONS, TO PROVIDE THAT TO BE QUALIFIED FOR A NOTARIAL COMMISSION, A PERSON MUST BE REGISTERED TO VOTE AND READ AND WRITE IN THE ENGLISH LANGUAGE, TO AUTHORIZE AND PROHIBIT CERTAIN ACTS OF A NOTARY PUBLIC, TO PROVIDE MAXIMUM FEE A NOTARY MAY CHARGE, TO PROVIDE THE PROCESS FOR GIVING A NOTARIAL CERTIFICATE, TO SPECIFY CHANGES FOR WHICH A NOTARY MUST NOTIFY THE SECRETARY OF STATE, TO PROVIDE THE ELEMENTS AND PENALTIES OF CERTAIN CRIMES RELATING TO NOTARIAL ACTS, AND TO PROVIDE THE FORM FOR A NOTARIZED DOCUMENT SENT TO ANOTHER STATE, AMONG OTHER THINGS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0356.003), which was adopted:

Amend the bill, as and if amended, by striking Section 26-1-160, beginning on line 8 on page 14 and inserting:

/ Section 26‑1‑160. (A) Except as otherwise permitted by law, a person who commits one of the following acts is guilty of a misdemeanor:

(1) holding one’s self out to the public as a notary if the person does not have a commission;

(2) performing a notarial act if the person’s commission has expired or been suspended or restricted; or

(3) performing a notarial act before the person had taken the oath of office.

(B) A notary is guilty of a misdemeanor if the notary takes:

(1) an acknowledgment or administers an oath or affirmation without the principal appearing in person before the notary;

(2) a verification or proof without the subscribing witness appearing in person before the notary;

(3) an acknowledgment or administers an oath or affirmation without personal knowledge or satisfactory evidence of the identity of the principal;

(4) a verification or proof without personal knowledge or satisfactory evidence of the identity of the subscribing witness; or

(5) an acknowledgment or a verification or proof or administers an oath or affirmation if the notary knows it is false or fraudulent.

C) It is a misdemeanor for a person to perform notarial acts in this State with the knowledge that he is not commissioned pursuant to this chapter.

(D) A person who without authority obtains, uses, conceals, defaces, or destroys the seal or notarial records of a notary is guilty of a misdemeanor.

(E) A person who knowingly solicits, coerces, or in a material way influences a notary to commit official misconduct is guilty of aiding and abetting and is subject to the same level of punishment as the notary.

(F) The sanctions and remedies of this chapter supplement other sanctions and remedies provided by law.

(G) A notary public convicted under the provisions of this section must forfeit his commission and must not be issued another commission. The court in which the notary public is convicted shall notify the Secretary of State within ten days after conviction.

(H) A person who violates the provisions of subsections (A), (B), (C), (D), or (E) is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than thirty days. /

To further amend the bill, as and if amended, by striking Section 26-1-230(B), beginning on line 38 on page 16 and inserting:

/ (B) The Secretary shall not issue a certificate of authority or an Apostille if:

(1) a seal or signature cannot be authenticated by either the Secretary or another official;

(2) the seal or signature is of a foreign official; or

(3) the document is a facsimile, photocopy, photographic, or other reproduction of a signature or seal. /

To further amend the bill, as and if amended, by striking SECTION 2, line 13 on page 17 and inserting:

/ SECTION 2. The provisions of this act are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the act, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor./ Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 38; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Corbin Courson

Cromer Davis Fair

Grooms Hayes Hembree

Hutto Jackson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* McElveen

McGill Nicholson O'Dell

Peeler Pinckney Rankin

Reese Scott Setzler

Sheheen Thurmond Turner

Verdin Young

**Total--38**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

H. 4604 -- Reps. Sandifer, Mack and Toole: A BILL TO AMEND SECTION 40‑22‑280, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EXEMPTIONS FROM THE LICENSURE REQUIREMENT TO PRACTICE ENGINEERING, SO AS TO PROVIDE AN EXEMPTION FOR CERTAIN ACTIVITIES PERFORMED BY FULL‑TIME EMPLOYEES OR OTHER PERSONNEL OF A MANUFACTURING COMPANY, AND TO DEFINE NECESSARY TERMS.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

Senator O’DELL explained the Bill.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 39; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Corbin Courson

Cromer Davis Fair

Grooms Hayes Hembree

Hutto Johnson Kimpson

Leatherman Lourie Malloy

*Martin, Larry Martin, Shane* Matthews

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Sheheen Thurmond

Turner Verdin Young

**Total--39**

**NAYS**

**Total--0**

The Bill was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 779 -- Senator Davis: A BILL TO AMEND CHAPTER 19, TITLE 16 OF THE 1976 CODE, RELATING TO GAMBLING AND LOTTERIES, BY ADDING SECTION 16-19-60, TO PROVIDE THAT CERTAIN SOCIAL CARD AND DICE GAMES ARE NOT UNLAWFUL.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0779.004), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting the following:

/ SECTION 1. Chapter 19, Title 16 of the 1976 Code is amended by adding:

“Section 16‑19‑60. Notwithstanding any other provision of law to the contrary, it is not unlawful for persons who are members of a club or other social organization to gather for the purpose of engaging in games of tiles, cards, or dice, including, but not limited to, canasta, mahjong, and bridge, where the games are played among members in a private residence, home, or community clubhouse or similar structure; no mechanical or electronic devices or machines of any kind, slot machines, pull tabs, punch boards, pull boards, or video games, devices, or machines of any kind are used or incorporated in any way; no person or entity of any kind receives any direct or indirect economic, financial, or monetary benefit of any kind; the host of the game or owner or lessee of the location in which the games are played does not receive any direct or indirect economic, financial, or monetary benefit of any kind; there is no betting, wagering, or gambling of any kind; a bona fide social relationship among the participants exists; and, except for the advantage of skill or luck, the risks of losing or winning are the same for all parties.”

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

Renumber sections to conform.

Amend title to conform.

Senator DAVIS explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 39; Nays 0; Present 1**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Coleman Corbin

Courson Cromer Davis

Fair Grooms Hembree

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

McElveen McGill Nicholson

O'Dell Peeler Pinckney

Rankin Reese Scott

Setzler Sheheen Thurmond

Turner Verdin Young

**Total--39**

**NAYS**

**Total--0**

**PRESENT**

Hayes

**Total--1**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 813 -- Senators Hayes, Peeler, O’Dell, Alexander, McElveen, McGill, Pinckney, Johnson, Williams and Verdin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16‑11‑625 SO AS TO PROVIDE A PERSON WHO, WITHOUT LEGAL CAUSE OR GOOD EXCUSE, ENTERS A PUBLIC LIBRARY AFTER HAVING BEEN WARNED BY AN EMPLOYEE, AGENT, OR REPRESENTATIVE OF THE LIBRARY NOT TO DO SO OR WITHOUT HAVING BEEN WARNED FAILS AND REFUSES, WITHOUT GOOD CAUSE OR GOOD EXCUSE, TO LEAVE IMMEDIATELY UPON BEING ORDERED OR REQUESTED TO DO SO IS GUILTY OF A MISDEMEANOR TRIABLE IN A MUNICIPAL OR MAGISTRATES COURT, AND TO PROVIDE THE PROVISIONS OF THIS SECTION MUST BE CONSTRUED AS IN ADDITION TO, AND NOT AS SUPERSEDING, ANOTHER STATUTE RELATING TO TRESPASS OR UNLAWFUL ENTRY ON LANDS OF ANOTHER.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Judiciary.

The Committee on Judiciary proposed the following amendment (JUD0813.001), which was adopted:

Amend the bill, as and if amended, by striking SECTION 1 and inserting:

/ SECTION 1. Article 7, Chapter 11, Title 16 of the 1976 Code is amended by adding:

“Section 16‑11‑625. (A)(1) A person who enters a public library, without legal cause or good excuse, after having been warned not to do so by the library director, the branch manager, or the acting branch manager of the library in consultation with the library director is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or be imprisoned not more than thirty days.

(2) A copy of the warning provided for by subsection (A)(1) must be given to the person in writing, in the presence of a law enforcement officer, and must state:

(a) the alleged criminal law violation or the alleged violation of the library’s code of conduct promulgated by the library’s board of trustees under the authority provided by Section 4-9-37(b);

(b) the duration of the prohibition to return; and

(c) the procedure by which the person may appeal the warning to the library board of trustees.

(B) A person who fails and refuses to leave the library immediately, without good cause or good excuse, upon being ordered or requested to do so by law enforcement, the library director, the branch manager, or the acting branch manager of the library in consultation with the library director is guilty of a misdemeanor and, upon conviction, must be fined not more than two hundred dollars or be imprisoned not more than thirty days. A previous written warning is not required to enforce the provisions of this subsection.

(C) A violation of the provisions of this section is triable in the appropriate municipal or magistrates court with jurisdiction over the offense. Any law enforcement officer of this State or a subdivision of this State may enforce the provisions of this section within their respective jurisdictions.

(D) The provisions of this section must be construed as in addition to, and not as superseding, another statute relating to trespass or unlawful entry on lands of another.” /

Renumber sections to conform.

Amend title to conform.

Senator LARRY MARTIN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 32; Nays 6**

**AYES**

Alexander Allen Campbell

Coleman Courson Cromer

Davis Fair Gregory

Grooms Hayes Hutto

Johnson Kimpson Leatherman

Lourie Malloy *Martin, Larry*

*Martin, Shane* McElveen McGill

Nicholson O'Dell Peeler

Pinckney Reese Scott

Setzler Sheheen Thurmond

Turner Young

**Total--32**

**NAYS**

Bennett Bright Bryant

Corbin Hembree Verdin

**Total--6**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED**

**READ THE SECOND TIME**

S. 1084 -- Senators Nicholson, Scott, Williams, Hutto, Cromer, Campbell, O’Dell, Reese, Lourie, Coleman, Kimpson and Sheheen: A BILL TO AMEND SECTIONS 44‑29‑150 AND 44‑29‑160, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO PERSONS APPLYING FOR EMPLOYMENT IN SCHOOLS, KINDERGARTENS, NURSERY, OR DAYCARE CENTERS TO BE TESTED FOR AND FREE FROM ACTIVE TUBERCULOSIS AND PROVIDING THAT RETESTING OF CONSECUTIVELY RETURNING EMPLOYEES IS NOT REQUIRED, SO AS TO REQUIRE INDIVIDUALS RETURNING TO EMPLOYMENT IN CONSECUTIVE YEARS IN THESE SETTINGS TO BE TESTED AND FREE FROM TUBERCULOSIS IN AN ACTIVE STAGE.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Medical Affairs.

Senator HUTTO proposed the following amendment (S-1084 AMENDMENT1), which was adopted:

Amend the committee amendment, as and if amended, page [1084-2] by striking lines 9-20 and inserting:

/ SECTION 2. This act takes effect upon approval by the Governor, and beginning with the 2014-2015 school year applies to individuals applying for employment. Provided that all existing employees, and employees returning to employment in consecutive years in public or private schools, kindergartens, nurseries, or childcare facilities for infants and children of the State have until the beginning of the 2015-2016 school year to be appropriately evaluated for tuberculosis. And further provided that all existing employees and employees returning to employment in consecutive years who possess a health certificate dated within five years prior to the effective date of this act from a licensed physician certifying that such person does not have tuberculosis in an active state are exempt from the requirement to be tested prior to the 2014-2015 school year. /

Renumber sections to conform.

Amend title to conform.

Senator NICHOLSON explained the amendment.

The amendment was adopted.

The Committee on Medical Affairs proposed the following amendment (S-1083), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Sections 44-29-150 and 44-29-160 of the 1976 Code are amended to read:

"Section 44-29-150. ~~No person will be~~ An individual must not be initially hired or enter into a full time contract to work in any public or private school, kindergarten, nursery, or ~~day care center~~ childcare facility for infants and children until appropriately evaluated for tuberculosis according to guidelines approved by the Board of Health and Environmental Control. ~~Re‑evaluation will not be required for employment in consecutive years unless otherwise indicated by such guidelines.~~ Public or private schools, kindergartens, nurseries, or childcare facilities shall require employees or full time contracted workers to be reevaluated for tuberculosis every five years. These evaluations shall be kept on file with the custodian of records. As a condition of continued employment, any employee or contracted worker testing positive for tuberculosis, shall secure a health certificate from a licensed physician certifying that such person does not have tuberculosis in an active stage.

Section 44-29-160. ~~Any person~~ An individual applying for a position in ~~any of~~ the public or private schools, kindergartens, nurseries, or ~~day care centers~~ childcare facilities for infants and children of the State shall, as a prerequisite to employment, secure a health certificate from a licensed physician certifying that such person does not have tuberculosis in an active stage."

SECTION 2. This act takes effect upon approval by the Governor, and beginning with the 2014-2015 school year, applies to individuals applying for employment, to all existing employees, and to employees returning to employment in consecutive years in public or private schools, kindergartens, nurseries, or childcare facilities for infants and children of the State. Provided that all existing employees and employees returning to employment in consecutive years who possess a health certificate dated within five years prior to the effective date of this act from a licensed physician certifying that such person does not have tuberculosis in an active state are exempt from the requirement to be tested prior to the 2014-2015 school year. /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 37; Nays 0**

**AYES**

Allen Bennett Bright

Bryant Campbell Campsen

Coleman Corbin Courson

Cromer Davis Fair

Gregory Grooms Hayes

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

McElveen McGill Nicholson

Peeler Rankin Reese

Scott Setzler Sheheen

Thurmond Turner Verdin

Young

**Total--37**

**NAYS**

**Total--0**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT ADOPTED**

**READ THE SECOND TIME**

S. 1096 -- Senators Campsen and Cromer: A BILL TO AMEND SECTION 50‑5‑1705 OF THE 1976 CODE, RELATING TO CATCH LIMITS IMPOSED ON THE TAKING OF CERTAIN FISH, TO IMPOSE CATCH LIMITS FOR TAKING OR POSSESSING IN ANY ONE DAY A COMBINATION OF SPOT, WHITING, AND ATLANTIC CROAKER.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Fish, Game and Forestry.

The Committee on Fish, Game and Forestry proposed the following amendment (1096R001.GEC), which was adopted:

Amend the bill, as and if amended, page 2, by striking lines 4‑7 and inserting:

/ (J) It is unlawful for a person to take or possess in any one day more than forty‑five of a combination of the following: spot (Leiostomus xanthurus), whiting (Menticirrhus spp.), and Atlantic croaker (Micropogonias undulatus) taken by hook and line. /

Renumber sections to conform.

Amend title to conform.

Senator CAMPSEN explained the committee amendment.

The committee amendment was adopted.

The question then was second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 36; Nays 1**

**AYES**

Alexander Allen Bennett

Bryant Campbell Campsen

Coleman Corbin Cromer

Davis Fair Gregory

Grooms Hayes Hembree

Hutto Jackson Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

McElveen McGill Nicholson

Peeler Rankin Reese

Scott Setzler Thurmond

Turner Verdin Young

**Total--36**

**NAYS**

Bright

**Total--1**

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**READ THE SECOND TIME**

S. 1198 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO WATER POLLUTION CONTROL PERMITS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4444, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

The Senate proceeded to a consideration of the Joint Resolution, the question being the second reading of the Joint Resolution.

Senator HUTTO explained the Joint Resolution.

The question then was second reading of the Joint Resolution.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 38; Nays 0**

**AYES**

Alexander Allen Bennett

Bright Bryant Campbell

Campsen Coleman Corbin

Courson Cromer Davis

Fair Gregory Grooms

Hayes Hutto Johnson

Kimpson Leatherman Lourie

Malloy *Martin, Larry Martin, Shane*

McElveen McGill Nicholson

Peeler Pinckney Rankin

Reese Scott Setzler

Sheheen Thurmond Turner

Verdin Young

**Total--38**

**NAYS**

**Total--0**

The Joint Resolution was read the second time and ordered placed on the Third Reading Calendar.

**COMMITTEE AMENDMENT ADOPTED**

**RESOLUTION ADOPTED AS AMENDED**

H. 3968 -- Reps. Hamilton, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bannister, Barfield, Bedingfield, Bernstein, Bingham, Bowen, Bowers, Branham, Brannon, G.A. Brown, R.L. Brown, Burns, Chumley, Clemmons, Clyburn, Cobb‑Hunter, Cole, H.A. Crawford, K.R. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Edge, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hardee, Hardwick, Harrell, Hart, Hayes, Henderson, Herbkersman, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, M.S. McLeod, W.J. McLeod, Merrill, Mitchell, D.C. Moss, V.S. Moss, Munnerlyn, Murphy, Nanney, Neal, Newton, Norman, H.L. Ott, Owens, Parks, Patrick, Pitts, Pope, Powers Norrell, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson‑Simpson, Rutherford, Ryhal, Sabb, Sandifer, Sellers, Simrill, Skelton, G.M. Smith, G.R. Smith, J.E. Smith, J.R. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Toole, Vick, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Wood: A CONCURRENT RESOLUTION TO PROCLAIM MAY 16, 2013, AS SENIOR HUNGER AWARENESS DAY IN SOUTH CAROLINA, TO ENCOURAGE ALL SOUTH CAROLINIANS TO LEARN MORE ABOUT THE IMPACT OF HUNGER AND MALNUTRITION ON THE HEALTH OF OUR CITIZENS AND ON THE PROGRESS OF OUR STATE, AND TO WORK TOGETHER FOR A HUNGER‑FREE SOUTH CAROLINA.

The Senate proceeded to a consideration of the Concurrent Resolution, the question being the adoption of the Resolution.

The Committee on Medical Affairs proposed the following amendment (NBD\3968C002.NBD.AC14), which was adopted:

Amend the concurrent resolution, as and if amended, page 2, line 19 by deleting / May 16, 2013 / and inserting / May 9, 2014 /.

Amend the concurrent resolution further, by deleting the title on page 1, lines 11-17 and inserting:

/ TO PROCLAIM MAY 9, 2014, AS SENIOR HUNGER AWARENESS DAY IN SOUTH CAROLINA, TO ENCOURAGE ALL SOUTH CAROLINIANS TO LEARN MORE ABOUT THE IMPACT OF HUNGER AND MALNUTRITION ON THE HEALTH OF OUR CITIZENS AND ON THE PROGRESS OF OUR STATE, AND TO WORK TOGETHER FOR A HUNGER‑FREE SOUTH CAROLINA. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO explained the committee amendment.

The committee amendment was adopted.

There being no further amendments, the Concurrent Resolution was adopted and ordered returned to the House with amendments.

**Privilege of the Chamber**

On motion of Senator BRYANT, on behalf of Senator MATTHEWS, with unanimous consent, the Privilege of the Chamber, to that area behind the rail, was extended to Dr. and Mrs. Henry Tisdale of Claflin University on the occasion of being named People of the Year by the *Times and Democrat* Newspaper.

**Expression of Personal Interest**

Senator BRIGHT rose for an Expression of Personal Interest.

**THE CALL OF THE UNCONTESTED CALENDAR HAVING BEEN COMPLETED, THE SENATE PROCEEDED TO THE MOTION PERIOD.**

**MOTION ADOPTED**

At 1:48 P.M., on motion of Senator PEELER, the Senate agreed to dispense with the balance of the Motion Period.

**HAVING DISPENSED WITH THE MOTION PERIOD, THE SENATE PROCEEDED TO A CONSIDERATION OF BILLS AND RESOLUTIONS RETURNED FROM THE HOUSE.**

**AMENDMENT PROPOSED, CARRIED OVER**

S. 137 -- Senators Lourie, L. Martin, Hayes, Fair, Davis, Ford, Cromer, Grooms and Alexander: 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 OF A PERSON UNDER THE AGE OF TWENTY‑ONE FOR HAVING AN UNLAWFUL ALCOHOL CONCENTRATION, SO AS TO REVISE THE PENALTIES TO INCLUDE REQUIRING AN OFFENDER WHO OPERATES A VEHICLE TO HAVE AN IGNITION INTERLOCK DEVICE INSTALLED ON THE VEHICLE; TO AMEND SECTION 56‑1‑400, AS AMENDED, RELATING TO THE SUSPENSION OF A LICENSE, A LICENSE RENEWAL OR ITS RETURN, AND ISSUANCE OF A LICENSE THAT RESTRICTS THE DRIVER TO ONLY OPERATING A VEHICLE WITH AN IGNITION INTERLOCK DEVICE INSTALLED.

The Senate proceeded to a consideration of the Bill, the question being concurrence in the House amendments.

**Amendment No. RFH-1**

Senator MALLOY proposed the following amendment (JUD0137.025):

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. This act may be cited as “Emma’s Law”.

SECTION 2. Section 56-1-286 of the 1976 Code is amended to read:

“Section 56-1-286. (A) The Department of Motor Vehicles ~~must~~ shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to a person under the age of twenty‑one who drives a motor vehicle and has an alcohol concentration of two one‑hundredths of one percent or more. In cases in which a law enforcement officer initiates suspension proceedings for a violation of this section, the officer has elected to pursue a violation of this section and is subsequently prohibited from prosecuting the person for a violation of Section 63‑19‑2440, 63‑19‑2450, 56‑5‑2930, or 56‑5‑2933, arising from the same incident.

(B) A person under the age of twenty‑one who drives a motor vehicle in this State is considered to have given consent to chemical tests of ~~his~~ the person’s breath or blood for the purpose of determining the presence of alcohol.

(C) A law enforcement officer who has arrested a person under the age of twenty‑one for a violation of Chapter 5 of this title (Uniform Act Regulating Traffic on Highways), or any other traffic offense established by a political subdivision of this State, and has reasonable suspicion that the person under the age of twenty‑one has consumed alcoholic beverages and driven a motor vehicle may order the testing of the person arrested to determine the person's alcohol concentration.

A law enforcement officer may detain and order the testing of a person to determine the person's alcohol concentration if the officer has reasonable suspicion that a motor vehicle is being driven by a person under the age of twenty‑one who has consumed alcoholic beverages.

(D) A test must be administered at the direction of the primary investigating law enforcement officer. At the officer’s direction ~~of the officer~~, the person first must be offered a breath test to determine the person's alcohol concentration. If the person physically is unable to provide an acceptable breath sample because ~~he~~ the person has an injured mouth or is unconscious or dead, or for any other reason considered acceptable by licensed medical personnel, a blood sample may be taken. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to ~~SLED~~ the State Law Enforcement Division’s policies. The primary investigating officer may administer the test. Blood samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, or other medical personnel trained to obtain these samples in a licensed medical facility. Blood samples must be obtained and handled in accordance with procedures approved by the division. The division shall administer the provisions of this subsection and shall promulgate regulations necessary to carry out ~~its~~ the subsection’s provisions. The costs of the tests administered at the officer’s direction ~~of the officer~~ must be paid from the State’s general fund ~~of the State~~. However, if the person is subsequently convicted of violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, then, upon conviction, the person ~~must~~ shall pay twenty‑five dollars for the costs of the tests. The twenty‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

The person tested or giving samples for testing may have a qualified person of ~~his~~ the person’s choice conduct additional tests at the person's expense and must be notified in writing of that right. A person's request or failure to request additional blood tests is not admissible against the person in any proceeding. The person’s failure or inability ~~of the person tested~~ to obtain additional tests does not preclude the admission of evidence relating to the tests or samples taken at the officer’s direction ~~of the officer~~. The officer ~~must~~ shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance shall, at a minimum, include providing transportation for the person to the nearest medical facility which provides blood tests to determine a person's alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood to determine the person's alcohol concentration, ~~SLED must~~ the State Law Enforcement Division shall test the blood and provide the result to the person and to the officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in ~~any~~ a judicial or administrative proceeding.

(E) A qualified person and ~~his~~ the person’s employer who obtain samples or administer the tests or assist in obtaining samples or administering of tests at the ~~direction of the~~ primary investigating ~~officer~~ officer’s direction are immune from civil and criminal liability unless the obtaining of samples or the administering of tests is performed in a negligent, reckless, or fraudulent manner. A person may not be required by the officer ordering the tests to obtain or take any sample of blood or urine.

(F) ~~If~~ Except as provided in subsection (H), if a person refuses upon the ~~request of the~~ primary investigating ~~officer~~ officer’s request to submit to chemical tests as provided in subsection (C), the department ~~must~~ shall suspend ~~his~~ the person’s license, permit, or ~~any~~ nonresident operating privilege, or deny the issuance of a license or permit to ~~him~~ the person for:

(1) six months; or

(2) one year, if the person, within the ~~five~~ three years preceding the violation of this section, has been previously convicted of violating Section 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs, or the person has had a previous suspension imposed pursuant to Section 56‑1‑286, ~~56‑5‑2950, or~~ 56‑5‑2951, or 56-5-2990.

(G) ~~If~~ Except as provided in subsection (H), if a person submits to a chemical test and the test result indicates an alcohol concentration of two one‑hundredths of one percent or more, the department ~~must~~ shall suspend ~~his~~ the person’s license, permit, or ~~any~~ nonresident operating privilege, or deny the issuance of a license or permit to ~~him~~ the person for:

(1) three months; or

(2) six months, if the person, within the ~~five~~ three years preceding the violation of this section, has been previously convicted of violating Section 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs, or the person has had a previous suspension imposed pursuant to Section 56‑1‑286, ~~56‑5‑2950, or~~ 56‑5‑2951, or 56-5-2990.

(H) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

~~(H)~~(I) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension ~~under~~ pursuant to subsection (F) or (G), or ignition interlock restricted license requirement pursuant to subsection (H), has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program in which ~~he~~ the person is enrolled. After the person's driving privilege is restored, ~~he must~~ the person shall continue to participate in the Alcohol and Drug Safety Action Program in which ~~he~~ the person is enrolled. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until ~~he~~ the person completes the Alcohol and Drug Safety Action Program. A person ~~must~~ shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 before ~~his~~ the person’s driving privilege ~~can~~ may be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

~~(I)~~(J) A test may not be administered or samples taken unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(1) ~~he~~ the person does not have to take the test or give the samples but that ~~his~~ the person’s privilege to drive must be suspended or denied for at least six months with the option of ending the suspension or denial if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person refuses to submit to the tests, and that ~~his~~ the person’s refusal may be used against ~~him~~ the person in court;

(2) ~~his~~ the person’s privilege to drive must be suspended for at least three months with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person takes the test or gives the samples and has an alcohol concentration of two one‑hundredths of one percent or more;

(3) ~~he~~ the person has the right to have a qualified person of ~~his~~ the person’s own choosing conduct additional independent tests at ~~his~~ the person’s expense;

(4) ~~he~~ the person has the right to request ~~an administrative~~ a contested case hearing within thirty days of the issuance of the notice of suspension; and

(5) ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program within thirty days of the issuance of the notice of suspension if ~~he~~ the person does not request ~~an administrative~~ a contested case hearing or within thirty days of the issuance of notice that the suspension has been upheld at the ~~administrative~~ contested case hearing.

The primary investigating officer ~~must notify promptly~~ shall promptly notify the department of ~~the~~ a person’s refusal ~~of a person~~ to submit to a test requested pursuant to this section as well as the test result of ~~any~~ a person who submits to a test pursuant to this section and registers an alcohol concentration of two one‑hundredths of one percent or more. The notification must be in a manner prescribed by the department.

~~(J)~~(K) If the test registers an alcohol concentration of two one‑hundredths of one percent or more or if the person refuses to be tested, the primary investigating officer ~~must~~ shall issue a notice of suspension, and the suspension is effective beginning on the date of the alleged violation of this section. The person, within thirty days of the issuance of the notice of suspension, ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 if ~~he~~ the person does not request an administrative hearing. If the person does not request an administrative hearing and does not enroll in an Alcohol and Drug Safety Action Program within thirty days, the suspension remains in effect, and a temporary alcohol license must not be issued. If the person drives a motor vehicle during the period of suspension without a temporary alcohol license, the person must be penalized for driving while ~~his~~ the person’s license is suspended pursuant to Section 56‑1‑460.

~~(K)~~(L) Within thirty days of the issuance of the notice of suspension the person may:

(1) obtain a temporary alcohol license by filing with the Department of Motor Vehicles a form for this purpose. A one‑hundred‑dollar fee must be assessed for obtaining a temporary alcohol license. Twenty‑five dollars of the fee collected by the Department of Motor Vehicles must be distributed to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses. The temporary alcohol license allows the person to drive a motor vehicle without any restrictive conditions pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter; and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure.

At the contested case hearing if:

(a) the suspension is upheld, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program and ~~his~~ the person’s driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension periods provided for in subsections (F) and (G); or

(b) the suspension is overturned, the ~~person must have his~~ person’s driver's license, permit, or nonresident operating privilege must be reinstated.

~~(L)~~(M) The periods of suspension provided for in subsections (F) and (G) begin on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continue until the person applies for a temporary alcohol license and requests an administrative hearing.

~~(M)~~(N) If a person does not request a contested case hearing, ~~he shall have~~ the person has waived ~~his~~ the person’s right to the hearing and ~~his~~ the person’s suspension must not be stayed but shall continue for the periods provided for in subsections (F) and (G).

~~(N)~~(O) The notice of suspension must advise the person of the requirement to enroll in an Alcohol and Drug Safety Action Program and of ~~his~~ the person’s right to obtain a temporary alcohol license and to request a contested case hearing. The notice of suspension also must advise the person that, if ~~he~~ the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program, and ~~he~~ the person waives ~~his~~ the person’s right to the contested case hearing, and the suspension continues for the periods provided for in subsections (F) and (G).

~~(O)~~(P) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

(1) was lawfully arrested or detained;

(2) was given a written copy of and verbally informed of the rights enumerated in subsection ~~(I)~~(J);

(3) refused to submit to a test pursuant to this section; or

(4) consented to taking a test pursuant to this section, and the:

(a) reported alcohol concentration at the time of testing was two one‑hundredths of one percent or more;

(b) individual who administered the test or took samples was qualified pursuant to this section;

(c) test administered and samples taken were conducted pursuant to this section; and

(d) the machine was operating properly.

Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person requesting the contested case hearing or the person's attorney appears at the contested case hearing.

A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days ~~his~~ the person’s license was suspended before ~~he~~ the person received a temporary alcohol license and requested the contested case hearing.

~~(P)~~(Q) A contested case hearing is a contested proceeding under the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with its appellate rules. The filing of an appeal shall stay the suspension until a final decision is issued.

~~(Q)~~(R) A person who is unconscious or otherwise in a condition rendering him incapable of refusal is considered to be informed and not to have withdrawn the consent provided for in subsection (B) of this section.

~~(R)~~(S) When a nonresident's privilege to drive a motor vehicle in this State has been suspended under the procedures of this section, the department shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license or permit.

~~(S)~~(T) A person required to submit to a test must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any proceeding in which the results of the tests are used as evidence. A person who obtains additional tests shall furnish a copy of the time, method, and results of any additional tests to the officer before any trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

~~(T)~~(U) A person whose driver's license or permit is suspended under this section is not required to file proof of financial responsibility.

~~(U)~~(V) The department shall administer the provisions of this section, not including subsection (D), and shall promulgate regulations necessary to carry out its provisions.

~~(V)~~(W) Notwithstanding any other provision of law, no suspension imposed pursuant to this section is counted as a demerit or result in any insurance penalty for automobile insurance purposes if at the time ~~he~~ the person was stopped, the person whose license is suspended had an alcohol concentration that was less than eight one‑hundredths of one percent.”

SECTION 3. Section 56-1-400 of the 1976 Code is amended to read:

“Section 56-1-400. (A) The Department of Motor Vehicles, upon suspending or revoking a license, shall require that ~~such~~ the license ~~shall~~ be surrendered to the ~~Department of Motor Vehicles~~ department. At the end of the suspension period ~~of suspension~~, other than a suspension for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or pursuant to the point system ~~such license so surrendered shall be returned to the licensee, or in the discretion of the Department of Motor Vehicles~~, the department shall issue a new license ~~issued~~ to ~~him~~ the person. ~~The Department of Motor Vehicles~~ If the person has not held a license within the previous nine months, the department shall not ~~return nor~~ issue or restore a permanent or temporary license which has been suspended for reckless driving, driving under the influence of intoxicants, driving with an unlawful alcohol concentration, felony driving under the influence of intoxicants, or for violations under the point system, until the person has filed an application for a new license, submitted to an examination as upon an original application, and ~~has~~ satisfied the ~~Department of Motor Vehicles~~ department, after an investigation of the person's ~~character, habits, and~~ driving ability ~~of the person~~, that it would be safe to grant ~~him~~ the person the privilege of driving a motor vehicle on the public highways. ~~Provided, the Department of Motor Vehicles~~ The department, in ~~its~~ the department's discretion, where the suspension is for a violation under the point system, may waive ~~such~~ the examination, application, and investigation. A record of the suspension ~~shall~~ must be endorsed on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person, showing the grounds of ~~such~~ the suspension. ~~In the case of a license suspended for driving under the influence of intoxicants~~ If a person is permitted to operate a motor vehicle only with an ignition interlock device installed pursuant to Section 56-5-2941, the restriction on the license ~~returned to the licensee, or the new license~~ issued to the ~~licensee~~ person~~,~~ must conspicuously identify the ~~licensee~~ person as a person who may only drive a motor vehicle with an ignition interlock device installed, and the restriction must be maintained on the license for the duration of the period for which the ignition interlock device must be maintained pursuant to Section ~~56-5-2941~~ 56-1-286, 56-5-2945, 56-5-2947, 56-5-2951, or 56-5-2990. For purposes of Title 56, the license must be referred to as an ignition interlock restricted license. The fee for an ignition interlock restricted license is one hundred dollars, which shall be placed into a special restricted account by the Comptroller General to be used by the Department of Motor Vehicles to defray the department's expenses. Unless the person establishes that ~~he~~ the person is entitled to the exemption set forth in subsection (B), no ignition interlock restricted license ~~containing an ignition interlock device restriction shall~~ may be issued by the ~~Department of Motor Vehicles~~ department without written notification from the authorized ignition interlock service provider that the ignition interlock device has been installed and confirmed to be in working order. If a person chooses to not have an ignition interlock device installed when required by law, the license will remain suspended ~~for three years from the date the suspension for driving under the influence of intoxicants ends~~ indefinitely. If ~~during this three-year period~~ the person subsequently decides to have the ignition interlock device installed, the device must be installed for the ~~full suspension period or until the end of the three-year period, whichever comes first~~ length of time set forth in Section 56-1-286, 56-5-2945, 56-5-2947, 56-5-2951, or 56-5-2990. This provision ~~shall~~ does not affect nor bar the reckoning of prior offenses for reckless driving and driving under the influence of intoxicating liquor or narcotic drugs, as provided in Article 23 of Chapter 5 of this title.

(B)(1) A person who does not own a vehicle, as shown in the Department of Motor Vehicles' records, and who certifies that ~~he~~ the person:

(a) cannot obtain a vehicle owner's permission to have an ignition interlock device installed on a vehicle;

(b) will not be driving ~~any~~ a vehicle other than ~~the one~~ a vehicle owned by ~~his~~ the person's employer; and

(c) ~~that he~~ will not own a vehicle during the interlock period, may petition the ~~Department of Motor Vehicles~~ department, on a form provided by ~~it~~ the department, for issuance of ~~a~~ an ignition interlock restricted license ~~containing an ignition interlock device restriction,~~ that permits the person to operate a vehicle specified by the employee according to the employer's needs as contained in the employer's statement during the days and hours specified in the employer's statement without having to show that an ignition interlock device has been installed.

(2) The form must contain:

(a) identifying information about the employer's noncommercial vehicles that the person will be operating;

(b) a statement that explains the circumstances in which the person will be operating the employer's vehicles; and (c) the notarized signature of the person's employer.

(3) This subsection does not apply to a person who is self-employed or to a person who is employed by a business owned in whole or in part by the person or a member of the person's household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

(4) Whenever the person operates the employer's vehicle pursuant to this subsection, the person shall have with the person a copy of the form specified by this subsection.

(5) The determination of eligibility for ~~this~~ the waiver is subject to periodic review at the discretion of the ~~Department of Motor Vehicles~~ department. The ~~Department of Motor Vehicles must~~ department shall revoke a ~~license~~ waiver issued pursuant to this exemption if ~~it~~ the department determines that the person has been driving a vehicle other than the ~~one~~ vehicle owned by ~~his~~ the person's employer or has been operating the person's employer's vehicle outside the locations, days, or hours specified by the employer in the department's records. The person may seek relief from the ~~Department of Motor Vehicle's~~ department's determination by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings. However, the filing of a request for a contested case hearing will not stay the revocation of the waiver pending the hearing.

(C) ~~Any~~ A person whose license has been suspended or revoked for an offense within the jurisdiction of the court of general sessions shall provide the ~~Department of Motor Vehicles~~ department with proof that the fine owed by the person has been paid before the ~~Department of Motor Vehicles~~ department may ~~return or~~ issue the person a license. Proof that the fine has been paid may be a receipt from the clerk of court of the county in which the conviction occurred stating that the fine has been paid in full.”

SECTION 4. Section 56-1-460 of the 1976 Code is amended to read:

“Section 56-1-460. (A)(1) Except as provided in item (2), a person who drives a motor vehicle on ~~any~~ a public highway of this State when ~~his~~ the person’s license to drive is canceled, suspended, or revoked must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for up to thirty days, or both;

(b) for a second offense, fined six hundred dollars or imprisoned for up to sixty consecutive days, or both; and

(c) for a third ~~and~~ or subsequent offense, fined one thousand dollars, and imprisoned for up to ninety days or confined to a person's place of residence pursuant to the Home Detention Act for ~~not less than~~ up to ninety days ~~nor more than six months~~. No portion of a term of imprisonment or confinement under home detention may be suspended by the trial judge except when the court is suspending a term of imprisonment upon successful completion of the terms and conditions of confinement under home detention. For purposes of this item, a person sentenced to confinement pursuant to the Home Detention Act is required to pay for the cost of such confinement.

(d) Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense punishable under this item may be tried in magistrates or municipal court.

(e)(i) A person convicted of a first or second offense of this item, as determined by the records of the department, and who is employed or enrolled in a college or university at any time while ~~his~~ the person’s driver's license is suspended pursuant to this item, may apply for a route restricted driver's license permitting ~~him~~ the person to drive only to and from work or ~~his~~ the person’s place of education and in the course of ~~his~~ the person’s employment or education during the period of suspension. The department may issue the route restricted driver's license only upon a showing by the person that ~~he~~ the person is employed or enrolled in a college or university and that ~~he~~ the person lives further than one mile from ~~his~~ the person’s place of employment or place of education.

(ii) When the department issues a route restricted driver's license, it shall designate reasonable restrictions on the times during which and routes on which the person may operate a motor vehicle. A person holding a route restricted driver's license pursuant to this item ~~must~~ shall report to the department immediately any change in ~~his~~ the person’s employment hours, place of employment, status as a student, or residence.

(iii) The fee for a route restricted driver's license issued pursuant to this item is one hundred dollars, but no additional fee is due when changes occur in the place and hours of employment, education, or residence. Of this fee, eighty dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses. The remainder of the fees collected pursuant to this item must be credited to the Department of Transportation State Non‑Federal Aid Highway Fund.

(iv) The operation of a motor vehicle outside the time limits and route imposed by a route restricted license ~~by the person issued that license~~ is a violation of subsection (A)(1).

(2) A person who drives a motor vehicle on ~~any~~ a public highway of this State when ~~his~~ the person’s license has been suspended or revoked pursuant to the provisions of Section 56‑5‑2990 or 56-5-2945 must, upon conviction, be punished as follows:

(a) for a first offense, fined three hundred dollars or imprisoned for not less than ten nor more than thirty days;

(b) for a second offense, fined six hundred dollars or imprisoned for not less than sixty days nor more than six months;

(c) for a third ~~and~~ or subsequent offense, fined one thousand dollars and imprisoned for not less than six months nor more than three years;

~~(d)~~ ~~no~~No portion of the minimum sentence imposed ~~under~~ pursuant to this item may be suspended.

(B) The Department of Motor Vehicles, upon receiving a record of ~~the conviction of any person under~~ a person’s conviction pursuant to this section upon a charge of driving a vehicle while ~~his~~ the person’s license was suspended for a definite period of time, shall extend the suspension period ~~of the suspension~~ for an additional like period. If the original period of suspension has expired or terminated before trial and conviction, the department shall again suspend the person’s license ~~of the person~~ for an additional like period of time. If the suspension is not for a definite period of time, the suspension must be for an additional three months. If the license of a person cited for a violation of this section is suspended solely pursuant to the provisions of Section 56‑25‑20, the additional period of suspension pursuant to this section is thirty days, and the person does not have to offer proof of financial responsibility as required ~~under~~ pursuant to Section 56‑9‑500 prior to ~~his~~ the person’s license being reinstated. If the conviction was for a charge of driving while a license was revoked, the department shall not issue a new license for an additional period of one year from the date the person could otherwise have applied for a new license. Only those violations which occurred within a period of five years including and immediately preceding the date of the last violation constitute prior violations within the meaning of this section.

(C) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.”

SECTION 5. Section 56-1-748 of the 1976 Code is amended to read:

“Section 56‑1‑748. (A) No person issued a restricted driver’s license under the provisions of Section ~~56‑1‑170(B)~~ 56‑1‑170, ~~Section 56‑1‑320(A)~~ 56‑1‑320, ~~Section 56‑1‑740(B)~~ 56‑1‑740, 56‑1‑745, ~~Section 56‑1‑746 (D)~~ 56‑1‑746, ~~Section 56‑5‑750(G)~~ 56‑5‑750, ~~Section 56‑9‑430(B)~~ 56‑9‑430, ~~Section 56‑10‑260(B)~~ 56‑10‑260, ~~Section 56‑10‑270(C)~~ 56‑10‑270, ~~or Section 56‑5‑2951(H)~~ 56‑5‑2951 shall subsequently be eligible for issuance of a restricted driver’s license under these provisions.

(B) A person who obtains a route restricted driver’s license and who is required to attend an Alcohol and Drug Safety Action Program or a court ordered drug program as a condition of reinstatement of the person’s driving privileges may use the route restricted driver’s license to attend the Alcohol and Drug Safety Action Program classes or court ordered drug program in addition to the other permitted uses of the route restricted driver’s license.”

SECTION 6. Section 56-1-1310 of the 1976 Code is repealed.

SECTION 7. Section 56-1-1320 of the 1976 Code is amended to read:

“Section 56-1-1320. (A) A person with a South Carolina driver's license, a person who had a South Carolina driver's license at the time of the offense referenced below, or a person exempted from the licensing requirements by Section 56‑1‑30, who is or has been convicted of a first offense violation of ~~an ordinance of~~ a ~~municipality, or~~ a law of this State~~,~~ that prohibits a person from operating a vehicle while under the influence of intoxicating liquor, drugs, or narcotics, including ~~Section~~ Sections 56‑5‑2930 and ~~Section~~ 56‑5‑2933, and whose license is not presently suspended for any other reason, may apply to the Department of Motor Vehicles to obtain a provisional driver's license of a design to be determined by the department to operate a motor vehicle. This section does not apply to a person who refused to submit to a breath test pursuant to Section 56-5-2950 or submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of twelve one hundredths of one percent or more. The person shall enter an Alcohol and Drug Safety Action Program ~~as provided for in~~ pursuant to Section 56‑1‑1330, ~~shall furnish proof of responsibility as provided for in Section 56‑1‑1350~~, and shall pay to the department a fee of one hundred dollars for the provisional driver's license. The provisional driver's license is not valid for more than six months from the date of issue shown on the license. ~~The determination of whether or not a provisional driver's license may be issued pursuant to the provisions of this article as well as reviews of cancellations or suspensions under Sections 56‑1‑370 and 56‑1‑820 must be made by the director of the department or his designee.~~

(B) Ninety‑five dollars of the collected fee must be credited to the State’s General Fund ~~of the State~~ for use of the Department of Public Safety in the hiring, training, and equipping of members of the South Carolina Highway Patrol and Transportation Police and in the operations of the South Carolina Highway Patrol and Transportation Police.”

SECTION 8. Section 56-1-1350 of the 1976 Code is repealed.

SECTION 9. Section 56-5-2941 of the 1976 Code is amended to read:

“Section 56-5-2941. (A) ~~Except as otherwise provided in this section, in addition to the penalties required and authorized to be imposed against a person violating the provisions of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or violating the provisions of another law of any other another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs the~~ The Department of Motor Vehicles ~~must~~ shall require ~~the~~ a person~~, if he is a subsequent offender and~~ who is a resident of this State~~,~~ and who has violated the provisions of Section 56-5-2930, 56-5-2933, 56-5-2945, 56-5-2947, or a law of another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, to have installed on any motor vehicle the person drives an ignition interlock device designed to prevent driving of the motor vehicle if the person has consumed alcoholic beverages. This section does not apply to a person convicted of a first offense violation of Section 56-5-2930 or 56-5-2933, unless the person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of twelve one hundredths of one percent or more. The ~~Department of Motor Vehicles~~ department may waive the requirements of this section if ~~it finds~~ the department determines that the ~~offender~~ person has a medical condition that makes ~~him~~ the person incapable of properly operating the installed device. If the department grants a medical waiver, the department shall suspend the person’s driver’s license for the length of time that the person would have been required to hold an ignition interlock restricted license. The department may withdraw the waiver at any time that the department becomes aware that the person’s medical condition has improved to the extent that the person has become capable of properly operating an installed device. The department also shall require a person who has enrolled in the Ignition Interlock Device Program in lieu of the remainder of a driver’s license suspension or denial of the issuance of a driver’s license or permit to have an ignition interlock device installed on any motor vehicle the person drives.

The length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle ~~following the completion of a period of license suspension imposed on the offender person is two years for a second offense, three years for a third offense, and the remainder of the offender's person’s life for a fourth or subsequent offense~~ is set forth in Sections 56-1-286, 56-5-2945, 56-5-2947, 56-5-2951, and 56-5-2990.

(B) Notwithstanding the pleadings, for purposes of a second or a subsequent offense, the specified length of time that ~~an interlock~~ a device is required to be affixed to a motor vehicle is based on the Department of Motor Vehicle's records for offenses pursuant to Section 56-1-286, 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, 56-5-2947, 56-5-2950, or 56-5-2951.

~~(B)~~(C) If a ~~person who is a subsequent offender and a~~ resident of this State is convicted of violating ~~the provisions of~~ a law of ~~any other~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or other drugs, and, as a result of the conviction, the person is subject to an ignition interlock device requirement in the other state, the person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

~~(C)~~(D) If a person from another state becomes a resident of South Carolina while subject to an ignition interlock device requirement in another state, the person may only obtain a South Carolina driver's license if the person enrolls in the South Carolina ~~ignition interlock device program~~ Ignition Interlock Device Program pursuant to this section. The person is subject to the requirements of this section for the length of time that would have been required for an offense committed in South Carolina, or for the length of time that is required by the other state, whichever is longer.

~~(D)~~(E) The ~~offender shall~~ person must be subject to an Ignition Interlock Device Point System managed by the Department of Probation, Parole and Pardon Services. ~~An offender receiving~~ A person accumulating a total of:

(1) two points or more, but less than three points, ~~will~~ must have ~~their~~ the length of time that the ~~interlock~~ device is required extended by two months~~.~~;

(2) ~~An offender receiving a total of~~ three points or more, but less than four points, ~~will~~ must have ~~their~~ the length of time that the ~~interlock~~ device is required extended by four months, ~~and must~~ shall submit to a substance abuse assessment pursuant to Section 56‑5‑2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. Should the ~~individual~~ person not complete the recommended plan, or not make progress toward completing the plan, the Department of Motor Vehicles ~~must~~ shall suspend the ~~individual's driver’s~~ person’s ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan~~.~~;

(3) ~~An offender receiving a total of~~ four points or more ~~shall~~ must have ~~their~~ the person’s ignition interlock restricted license suspended for a period of ~~one year~~ six months, ~~and~~ shall submit to a substance abuse assessment pursuant to Section 56‑5‑2990, and shall successfully complete the plan of education and treatment, or both, as recommended by the certified substance abuse program. ~~Completion of the plan is mandatory as a condition of reinstatement of the person's driving privileges~~ Should the person not complete the recommended plan or not make progress toward completing the plan, the Department of Motor Vehicles shall leave the person’s ignition interlock restricted license in suspended status, or, if the license has already been reinstated following the six-month suspension, shall resuspend the person’s ignition interlock restricted license until the plan is completed or progress is being made toward completing the plan. The Department of Alcohol and Other Drug Abuse Services is responsible for notifying the Department of Motor Vehicles of ~~an individual's~~ a person’s completion and compliance with education and treatment programs. Upon reinstatement of driving privileges following the six-month suspension, the Department of Probation, Parole and Pardon Services shall reset the person’s point total to zero points, and the person shall complete the remaining period of time on the ignition interlock device.

~~(E)~~(F) The cost of the ~~interlock~~ device must be borne by the ~~offender~~ person. However, if the ~~offender~~ ~~believes he~~ person is indigent and cannot afford the cost of the ~~ignition interlock~~ device, the ~~offender~~ person may submit an affidavit of indigency to the Department of Probation, Parole and Pardon Services for a determination of indigency as it pertains to the cost of the ~~ignition interlock~~ device. The affidavit of indigency form must be made publicly accessible on the Department of Probation, Parole and Pardon Services' Internet web site. If the Department of Probation, Parole and Pardon Services determines that the ~~offender~~ person is indigent as it pertains to the ~~ignition interlock~~ device, ~~it~~ the Department of Probation, Parole and Pardon Services may authorize ~~an interlock~~ a device to be affixed to the motor vehicle and the cost of the initial installation and standard use of the ~~ignition interlock~~ device to be paid for by the Ignition Interlock Device Fund managed by the Department of Probation, Parole and Pardon Services. Funds remitted to the Department of Probation, Parole and Pardon Services for the Ignition Interlock Device Fund also may be used by the Department of Probation, Parole and Pardon Services to support the Ignition Interlock Device Program. For purposes of this section, a person is indigent if the person is financially unable to afford the cost of the ignition interlock device. In making a determination whether a person is indigent, all factors concerning the person's financial conditions should be considered including, but not limited to, income, debts, assets, number of ~~dependants~~ dependents claimed for tax purposes, living expenses, and family situation. A presumption that the person is indigent is created if the person's net family income is less than or equal to the poverty guidelines established and revised annually by the United States Department of Health and Human Services published in the Federal Register. ‘Net income’ means gross income minus deductions required by law. The determination of indigency is subject to periodic review at the discretion of the Department of Probation, Parole and Pardon Services.

~~(F)~~(G) The ignition interlock service provider ~~must~~ shall collect and remit monthly to the Ignition Interlock Device Fund a fee as determined by the Department of Probation, Parole and Pardon Services not to exceed ~~three hundred sixty~~ thirty dollars per ~~year~~ month for each ~~year~~ month the person is required to drive a vehicle with ~~an ignition interlock~~ a device. ~~Any~~ A ~~ignition~~ service provider ~~failing~~ who fails to properly remit funds to the Ignition Interlock Device Fund may be decertified as ~~an ignition interlock~~ a service provider by the Department of Probation, Parole and Pardon Services. If a service provider is decertified for failing to remit funds to the Ignition Interlock Device Fund, the cost for removal and replacement of ~~an ignition interlock~~ a device must be borne by the service provider.

~~(G)~~(H)(1) The ~~offender must~~ person shall have the ~~interlock~~ device inspected every sixty days to verify that the device is affixed to the motor vehicle and properly operating, and to allow for the preparation of an ignition interlock device inspection report by the service provider indicating the ~~offender's~~ person’s alcohol content at each attempt to start and running ~~re-test~~ retest during each sixty‑day period. Failure of the person to have the interlock device inspected every sixty days must result in one ignition interlock device point.

(2) Only a service provider authorized by the Department of Probation, Parole and Pardon Services to perform inspections on ignition interlock devices may conduct inspections. The service provider immediately ~~must~~ shall report ~~any~~ devices that fail inspection to the Department of Probation, Parole and Pardon Services. The report must contain the person’s name ~~of the offender~~, identify the vehicle upon which the failed device is installed, and the reason for the failed inspection~~, and~~.

(3) If the inspection report reflects that the person has failed to complete a running retest, the person must be assessed one ignition interlock device point.

(4) The inspection report must indicate the ~~offender's~~ person’s alcohol content at each attempt to start and running ~~re‑test~~ retest during each sixty‑day period. ~~Failure of the offender to have the interlock device inspected every sixty days will result in one ignition interlock device point. Upon review of the ignition interlock device inspection report, if the report reflects that the offender attempted to start the motor vehicle with an alcohol concentration of two one‑hundredths of one percent or more, the offender is assessed one‑half interlock device point. Upon review of the interlock device inspection report, if~~ If the report reflects that the ~~offender~~ person violated a running ~~re‑test~~ retest by having an alcohol concentration of:

(a) ~~between~~ two one‑hundredths of one percent or more ~~and~~ but less than four one‑hundredths of one percent, the ~~offender is~~ person must be assessed one‑half ignition interlock device point~~.~~;

(b) ~~Upon review of the interlock device inspection report, if the report reflects that the offender person violated a running re‑test retest by having an alcohol concentration between~~ four one‑hundredths of one percent or more ~~and~~ but less than fifteen one‑hundredths of one percent, the ~~offender is~~ person must be assessed one ignition interlock device point~~.~~; or

(c) ~~Upon review of the interlock device inspection report, if the report reflects that the offender person violated a running re‑test retest by having an alcohol concentration above~~ fifteen one‑hundredths of one percent or more, the ~~offender is~~ person must be assessed two ignition interlock device points.

(5) ~~An individual~~ A person may appeal ~~any~~ interlock device points received to an administrative hearing officer with the Department of Probation, Parole and Pardon Services through a process established by the Department of Probation, Parole and Pardon Services. The administrative hearing officer's decision on appeal ~~shall be~~ is final and no appeal ~~from such decision shall be~~ is allowed.

~~(H)~~(I) ~~Ten~~ Five years from the date of the person's ~~last conviction~~ driver’s license reinstatement and every five years thereafter a fourth or subsequent offender whose license has been reinstated pursuant to Section 56‑1‑385 may apply to the Department of Probation, Parole and Pardon Services for removal of the ignition interlock device and the removal of the restriction from ~~his~~ the person’s driver's license. The Department of Probation, Parole and Pardon Services may, for good cause shown, ~~remove the device and remove the restriction~~ notify the Department of Motor Vehicles that the person is eligible to have the restriction removed from the ~~offender's~~ person’s license.

~~(I)~~(J)(1) Except as otherwise provided in this section, it is unlawful for a person ~~issued a driver's license with an ignition interlock restriction~~ who is subject to the provisions of this section to drive a motor vehicle that is not equipped with a properly operating, certified ignition interlock device. A person who violates this ~~section must be punished in the manner provided by law~~ subsection:

(a) for a first offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than one thousand dollars or imprisoned not more than one year. The person must have the length of time that the ignition interlock device is required extended by six months;

(b) for a second offense, is guilty of a misdemeanor, and, upon conviction, must be fined not less than five thousand dollars or imprisoned not more than three years. The person must have the length of time that the ignition interlock device is required extended by one year; and

(c) for a third or subsequent offense, is guilty of a felony, and, upon conviction, must be fined not less than ten thousand dollars or imprisoned not more than ten years. The person must have the length of time that the ignition interlock device is required extended by three years.

(2) No portion of the minimum sentence imposed pursuant to this subsection may be suspended.

(3) Notwithstanding any other provision of law, a first or second offense punishable pursuant to this subsection may be tried in summary court.

~~(J)~~(K)(1) ~~An offender that~~ A person who is required in the course and scope of ~~his~~ the person’s employment to drive a motor vehicle owned by the ~~offender's~~ person’s employer may drive ~~his~~ the employer's motor vehicle without installation of an ignition interlock device, provided that the ~~offender's~~ person’s use of the employer's motor vehicle is solely for the employer's business purposes. This subsection does not apply to ~~an offender~~ a person who is self‑employed or to ~~an offender~~ a person who is employed by a business owned in whole or in part by the ~~offender~~ person or a member of the ~~offender's~~ person’s household or immediate family unless during the defense of a criminal charge, the court finds that the vehicle's ownership by the business serves a legitimate business purpose and that titling and registration of the vehicle by the business was not done to circumvent the intent of this section.

(2) Whenever the person operates the employer’s vehicle pursuant to this subsection, the person shall have with the person a copy of the Department of Motor Vehicle’s form specified by Section 56-1-400(B).

(3) This subsection will be construed in parallel with the requirements of subsection 56-1-400(B). A waiver issued pursuant to this subsection will be subject to the same review and revocation as described in subsection 56-1-400(B).

~~(K)~~(L) It is unlawful for a person to tamper with or disable, or attempt to tamper with or disable, an ignition interlock device installed on a motor vehicle pursuant to this section. Obstructing or obscuring the camera lens of an ignition interlock device constitutes tampering. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(L)~~(M) It is unlawful for a person to knowingly rent, lease, or otherwise provide ~~an offender~~ a person who is subject to this section with a motor vehicle without a properly operating, certified ignition interlock device. This subsection does not apply if the person began the lease contract period for the motor vehicle prior to the person’s arrest for a first offense violation of Section 56-5-2930 or Section 56-5-2933. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(M)~~(N) It is unlawful for ~~an offender~~ a person who is subject to the provisions of this section to solicit or request another person, or for a person to solicit or request another person on behalf of ~~an offender~~ a person who is subject to the provisions of this section, to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(N)~~(O) It is unlawful for another person to engage an ignition interlock device to start a motor vehicle with a device installed pursuant to this section. A person who violates this subsection is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days, or both.

~~(O)~~(P) Only ignition interlock devices certified by the Department of Probation, Parole and Pardon Services may be used to fulfill the requirements of this section.

(1) The Department of Probation, Parole and Pardon Services ~~must~~ shall certify whether a device meets the accuracy requirements and specifications provided in guidelines or regulations adopted by the National Highway Traffic Safety Administration, as amended from time to time. All devices certified to be used in South Carolina must be set to prohibit the starting of a motor vehicle when an alcohol concentration of two one‑hundredths of one percent or more is measured and all running ~~re‑tests~~ retests must record violations of an alcohol concentration of two one‑hundredths of one percent or more, and must capture a photographic image of the driver as the driver is operating the ignition interlock device. The photographic images recorded by the ignition interlock device may be used by the Department of Probation, Parole and Pardon Services to aid in the Department of Probation, Parole and Pardon Services’ management of the Ignition Interlock Device Program; however, neither the Department of Probation, Parole and Pardon Services, the Department of Probation, Parole and Pardon Services’ employees, nor any other political subdivision of this State may be held liable for any injury caused by a driver or other person who operates a motor vehicle after the use or attempted use of an ignition interlock device.

(2) The Department of Probation, Parole and Pardon Services shall maintain a current list of certified ignition interlock devices and ~~their~~ manufacturers. The list must be updated at least quarterly. If a particular certified device fails to continue to meet federal requirements, the device must be decertified, may not be used until it is compliant with federal requirements, and must be replaced with a device that meets federal requirements. The cost for removal and replacement must be borne by the manufacturer of the noncertified device.

(3) Only ignition interlock installers certified by the Department of Probation, Parole and Pardon Services may install and service ignition interlock devices required pursuant to this section. The Department of Probation, Parole and Pardon Services shall maintain a current list of vendors that are certified to install the devices.

~~(P)~~(Q) In addition to availability under the Freedom of Information Act, any Department of Probation, Parole and Pardon Services policy concerning ignition interlock devices must be made publicly accessible on the Department of Probation, Parole and Pardon ~~Service's~~ Services’ Internet web site. Information obtained by the Department of Probation, Parole and Pardon Services and ignition interlock service providers regarding a person’s participation in the Ignition Interlock Device Program is to be used for internal purposes only and is not subject to the Freedom of Information Act. A person participating in the Ignition Interlock Device Program or the person’s family member may request that the Department of Probation, Parole and Pardon Services provide the person or family member with information obtained by the department and ignition interlock service providers. The Department of Probation, Parole and Pardon Services may release the information to the person or family member at the department’s discretion. The Department of Probation, Parole and Pardon Services and ignition interlock service providers may retain information regarding a person’s participation in the Ignition Interlock Device Program for a period not to exceed eighteen months from the date of the person’s completion of the Ignition Interlock Device Program.

~~(Q)~~(R) The Department of Probation, Parole and Pardon Services shall develop policies including, but not limited to, the certification, use, maintenance, and operation of ignition interlock devices and the Ignition Interlock Device Fund.”

SECTION 10. Section 56-5-2942 of the 1976 Code is amended to read:

“Section 56-5-2942. (A) A person who is convicted of or pleads guilty or nolo contendere to a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 must have all motor vehicles owned by or registered to ~~him~~ the person immobilized if the person is a resident of this State, unless the vehicle has been confiscated pursuant to Section 56‑5‑6240 or the person is a holder of a valid ignition interlock restricted license.

(B) For purposes of this section, ‘immobilized’ and ‘immobilization’ mean suspension and surrender of the registration and motor vehicle license plate.

(C) Upon receipt of a conviction by the department from the court for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, the department ~~must~~ shall determine all vehicles registered to the ~~convicted~~ person, both solely and jointly, and suspend all vehicles registered to the person, unless the person is a holder of a valid ignition interlock restricted license.

(D) Upon notification by a court in this State or ~~by any other~~ another state of a conviction for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, the department ~~must~~ shall require the person, unless the person is a holder of a valid ignition interlock restricted license, ~~convicted~~ to surrender all license plates and vehicle registrations subject to immobilization pursuant to this section. The immobilization is for a period of thirty days to take place during the driver's license suspension pursuant to a conviction for a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945. The department ~~must~~ shall maintain a record of all vehicles immobilized pursuant to this section.

(E) An immobilized motor vehicle must be released to the holder of a bona fide lien on the motor vehicle when possession of the motor vehicle is requested, as provided by law, by the lienholder for the purpose of foreclosing on and satisfying the lien.

(F) An immobilized motor vehicle may be released by the department without legal or physical restraints to a person who has not been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, if that person is a registered owner of the motor vehicle or a member of the household of a registered owner. The vehicle must be released if an affidavit is submitted by that person to the department stating that:

(1) ~~he~~ the person regularly drives the motor vehicle subject to immobilization;

(2) the immobilized motor vehicle is necessary to ~~his~~ the person’s employment, transportation to an educational facility, or for the performance of essential household duties;

(3) no other motor vehicle is available for the person's use;

(4) the person will not authorize the use of the motor vehicle by any other person known by ~~him~~ the person to have been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945; or

(5) the person will report immediately to a local law enforcement agency any unauthorized use of the motor vehicle by a person known by ~~him~~ the person to have been convicted of a second or subsequent violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(G) The department may issue a determination permitting or denying the release of the vehicle based on the affidavit submitted pursuant to subsection (F). A person may seek relief from a department determination immobilizing a motor vehicle or denying the release of the motor vehicle by filing a request for a contested case hearing with the Office of Motor Vehicle Hearings pursuant to the Administrative Procedures Act and the rules of procedure for the Office of Motor Vehicle Hearings.

(H) A person who drives an immobilized motor vehicle except as provided in subsections (E) and (F) is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(I) A person who fails to surrender registrations and license plates pursuant to this section is guilty of a misdemeanor, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(J) A fee of fifty dollars must be paid to the department for each motor vehicle that was suspended before any of the suspended registrations and license plates may be registered or before the motor vehicle may be released pursuant to subsection (F). This fee must be placed by the Comptroller General into a special restricted interest bearing account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses.

(K) For purposes of this article, a conviction of or plea of nolo contendere to Section 56‑5‑2933 is considered a prior offense of Section 56‑5‑2930.”

SECTION 11. Section 56-5-2945 of the 1976 Code is amended to read:

“Section 56-5-2945. (A) A person who, while under the influence of alcohol, drugs, or the combination of alcohol and drugs, drives a motor vehicle and when driving a motor vehicle does any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle, which act or neglect proximately causes great bodily injury or death to ~~a~~ another person ~~other than himself~~, is guilty of the offense of felony driving under the influence, and, upon conviction, must be punished:

(1) by a mandatory fine of not less than five thousand one hundred dollars nor more than ten thousand one hundred dollars and mandatory imprisonment for not less than thirty days nor more than fifteen years when great bodily injury results;

(2) by a mandatory fine of not less than ten thousand one hundred dollars nor more than twenty‑five thousand one hundred dollars and mandatory imprisonment for not less than one year nor more than twenty‑five years when death results.

A part of the mandatory sentences required to be imposed by this section must not be suspended, and probation must not be granted for any portion.

(B) As used in this section, ‘great bodily injury’ means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(C)(1) The Department of Motor Vehicles ~~must~~ shall suspend the driver's license of a person who is convicted ~~or who receives sentence upon a plea of guilty or nolo contendere~~ pursuant to this section ~~for a period to include a period of incarceration plus three years for a conviction of Section 56‑5‑2945 when ‘great bodily injury’ occurs and five years when a death occurs. This period of incarceration shall must not include any portion of a suspended sentence such as probation, parole, supervised furlough, or community supervision.~~ For suspension purposes of this section, convictions arising out of a single incident shall must run concurrently.

(2) After the person is released from prison, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three years when ‘great bodily injury’ results and five years when a death occurs.

~~(C)~~(D) One hundred dollars of each fine imposed pursuant to this section must be placed by the Comptroller General into a special restricted account to be used by the Department of Public Safety for the Highway Patrol.”

SECTION 12. Section 56-5-2947 of the 1976 Code is amended to read:

“Section 56-5-2947. (A) A person eighteen years of age or ~~over~~ older is guilty of child endangerment when:

(1) the person ~~is in violation of~~ violates:

(a) Section 56‑5‑750;

(b) Section 56‑5‑2930;

(c) Section 56‑5‑2933; or

(d) Section 56‑5‑2945; and

(2) the person has one or more passengers ~~under~~ younger than sixteen years of age in the motor vehicle when the violation occurs.

If more than one passenger ~~under~~ younger than sixteen years of age is in the vehicle when a violation ~~of subsection (A)(1)~~ occurs, the person may be charged with only one violation of this section.

(B) Upon conviction, the person must be ~~punished by~~:

(1) ~~a fine of~~ fined not more than one‑half of the maximum fine allowed for committing the violation ~~enumerated~~ in subsection (A)(1), when the person is fined for that offense;

(2) ~~a term of imprisonment of~~ imprisoned not more than one‑half of the maximum term of imprisonment allowed for committing the violation ~~enumerated~~ listed in subsection (A)(1), when the person is imprisoned for the offense; or

(3) ~~both a fine and imprisonment~~ fined and imprisoned as prescribed in items (1) and (2) when the person is fined and imprisoned for the offense.

(C) No portion of the penalty assessed ~~under~~ pursuant to subsection (B) may be suspended or revoked and probation may not be awarded.

(D)(1) In addition to imposing the penalties for offenses ~~enumerated~~ listed in subsection (A)(1) and the penalties contained in subsection (B), the Department of Motor Vehicles ~~must~~ shall suspend the person's driver's license ~~for sixty days~~.

(2) The person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for three months.

(3) Sections 56‑1‑1320 and 56‑5‑2990 as they relate to enrollment in an alcohol and drug safety action program and to the issuance of a provisional driver's license will not be effective until the ~~sixty‑day suspension~~ ignition interlock restricted license period is completed.

(E) A person may be convicted ~~under~~ pursuant to this section for child endangerment in addition to being convicted for an offense ~~enumerated~~ listed in subsection (A)(1).

(F) The court that has jurisdiction over an offense ~~enumerated~~ listed in subsection (A)(1) has jurisdiction over the offense of child endangerment.

(G) A first offense charge for a violation of this section may not be used as the only evidence for taking a child into protective custody pursuant to Sections 63‑7‑620(A) and 63‑7‑660.”

SECTION 13. Section 56-5-2950 of the 1976 Code is amended to read:

“Section 56-5-2950. (A) A person who drives a motor vehicle in this State is considered to have given consent to chemical tests of ~~his~~ the person’s breath, blood, or urine for the purpose of determining the presence of alcohol, ~~or~~ drugs, or the combination of alcohol and drugs, if arrested for an offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs. A breath test must be administered at the direction of a law enforcement officer who has arrested a person for driving a motor vehicle in this State while under the influence of alcohol, drugs, or a combination of alcohol and drugs. At the direction of the arresting officer, the person first must be offered a breath test to determine the person's alcohol concentration. If the person is physically unable to provide an acceptable breath sample because ~~he~~ the person has an injured mouth, is unconscious or dead, or for any other reason considered acceptable by the licensed medical personnel, the arresting officer may request a blood sample to be taken. If the officer has reasonable suspicion that the person is under the influence of drugs other than alcohol, or is under the influence of a combination of alcohol and drugs, the officer may order that a urine sample be taken for testing. A breath sample taken for testing must be collected within two hours of the arrest. Any additional tests to collect other samples must be collected within three hours of the arrest. The breath test must be administered by a person trained and certified by the South Carolina Criminal Justice Academy, pursuant to SLED policies. Before the breath test is administered, an eight one‑hundredths of one percent simulator test must be performed and the result must reflect a reading between 0.076 percent and 0.084 percent. Blood and urine samples must be obtained by physicians licensed by the State Board of Medical Examiners, registered nurses licensed by the State Board of Nursing, and other medical personnel trained to obtain the samples in a licensed medical facility. Blood and urine samples must be obtained and handled in accordance with procedures approved by SLED.

(B) No tests may be administered or samples obtained unless, upon activation of the video recording equipment and prior to the commencement of the testing procedure, the person has been given a written copy of and verbally informed that:

(1) ~~he~~ the person does not have to take the test or give the samples, but that ~~his~~ the person’s privilege to drive must be suspended or denied for at least six months with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person refuses to submit to the test, and that ~~his~~ the person’s refusal may be used against ~~him~~ the person in court;

(2) ~~his~~ the person’s privilege to drive must be suspended for at least one month with the option of ending the suspension if the person enrolls in the Ignition Interlock Device Program, if ~~he~~ the person takes the test or gives the samples and has an alcohol concentration of fifteen one‑hundredths of one percent or more;

(3) ~~he~~ the person has the right to have a qualified person of ~~his~~ the person’s own choosing conduct additional independent tests at ~~his~~ the person’s expense;

(4) ~~he~~ the person has the right to request ~~an administrative~~ a contested case hearing within thirty days of the issuance of the notice of suspension; and

(5) if ~~he~~ the person does not request ~~an administrative~~ a contested case hearing or if ~~his~~ the person’s suspension is upheld at the ~~administrative~~ contested case hearing, ~~he must~~ the person shall enroll in an Alcohol and Drug Safety Action Program.

(C) A hospital, physician, qualified technician, chemist, or registered nurse who obtains the samples or conducts the test or participates in the process of obtaining the samples or conducting the test in accordance with this section is not subject to a cause of action for assault, battery, or another cause alleging that the drawing of blood or taking samples at the request of the arrested person or a law enforcement officer was wrongful. This release from liability does not reduce the standard of medical care required of the person obtaining the samples or conducting the test. This qualified release also applies to the employer of the person who conducts the test or obtains the samples.

(D) The person tested or giving samples for testing may have a qualified person of ~~his~~ the person’s own choosing conduct additional tests at ~~his~~ the person’s expense and must be notified in writing of that right. A person's request or failure to request additional blood or urine tests is not admissible against the person in the criminal trial. The failure or inability of the person tested to obtain additional tests does not preclude the admission of evidence relating to the tests or samples obtained at the direction of the law enforcement officer.

(E) The arresting officer ~~must~~ shall provide affirmative assistance to the person to contact a qualified person to conduct and obtain additional tests. Affirmative assistance, at a minimum, includes providing transportation for the person to the nearest medical facility which performs blood tests to determine a person's alcohol concentration. If the medical facility obtains the blood sample but refuses or fails to test the blood sample to determine the person's alcohol concentration, SLED ~~must~~ shall test the blood sample and provide the result to the person and to the arresting officer. Failure to provide affirmative assistance upon request to obtain additional tests bars the admissibility of the breath test result in ~~any~~ a judicial or administrative proceeding.

SLED ~~must~~ shall administer the provisions of this subsection and ~~must~~ shall make regulations necessary to carry out ~~its~~ this subsection’s provisions. The costs of the tests administered at the direction of the law enforcement officer must be paid from the State’s general fund ~~of the state~~. However, if the person is subsequently convicted of violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, then, upon conviction, the person ~~must~~ shall pay twenty‑five dollars for the costs of the tests. The twenty‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the State Law Enforcement Division to offset the costs of administration of the breath testing devices, breath testing site video program, and toxicology laboratory.

(F) A qualified person who obtains samples or administers the tests or assists in obtaining samples or the administration of tests at the direction of a law enforcement officer is released from civil and criminal liability unless the obtaining of samples or tests is performed in a negligent, reckless, or fraudulent manner. No person may be required by the arresting officer, or by another law enforcement officer, to obtain or take any sample of blood or urine.

(G) In the criminal prosecution for a violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945 the alcohol concentration at the time of the test, as shown by chemical analysis of the person's breath or other body fluids, gives rise to the following:

(1) if the alcohol concentration was at that time five one‑hundredths of one percent or less, it is conclusively presumed that the person was not under the influence of alcohol;

(2) if the alcohol concentration was at that time in excess of five one‑hundredths of one percent but less than eight one‑hundredths of one percent, this fact does not give rise to any inference that the person was or was not under the influence of alcohol, but this fact may be considered with other evidence in determining the guilt or innocence of the person; or

(3) if the alcohol concentration was at that time eight one‑hundredths of one percent or more, it may be inferred that the person was under the influence of alcohol.

The provisions of this section must not be construed as limiting the introduction of any other evidence bearing upon the question of whether or not the person was under the influence of alcohol, drugs, or a combination of ~~them~~ alcohol and drugs.

(H) A person who is unconscious or otherwise in a condition rendering ~~him~~ the person incapable of refusal is considered to be informed and not to have withdrawn the consent provided by subsection (A) of this section.

(I) A person required to submit to tests by the arresting law enforcement officer must be provided with a written report including the time of arrest, the time of the tests, and the results of the tests before any trial or other proceeding in which the results of the tests are used as evidence. A person who obtains additional tests ~~must~~ shall furnish a copy of the time, method, and results of ~~any tests~~ such tests to the officer before ~~any~~ a trial, hearing, or other proceeding in which the person attempts to use the results of the additional tests as evidence.

(J) Policies, procedures, and regulations promulgated by SLED may be reviewed by the trial judge or hearing officer on motion of either party. The failure to follow ~~any of these~~ policies, procedures, and regulations, or the provisions of this section, shall result in the exclusion from evidence of any test results, if the trial judge or hearing officer finds that this failure materially affected the accuracy or reliability of the test results or the fairness of the testing procedure and the court trial judge or hearing officer rules specifically as to the manner in which the failure materially affected the accuracy or reliability of the test results or the fairness of the procedure.

(K) If a state employee charged with the maintenance of breath testing devices in this State and the administration of breath testing policy is required to testify at ~~an administrative~~ a contested case hearing or court proceeding, the entity employing the witness may charge a reasonable fee to the defendant for ~~these~~ such services.”

SECTION 14. Section 56-5-2951 of the 1976 Code is amended to read:

“Section 56-5-2951. (A) The Department of Motor Vehicles ~~must~~ shall suspend the driver's license, permit, or nonresident operating privilege of, or deny the issuance of a license or permit to, a person who drives a motor vehicle and refuses to submit to a test provided for in Section 56‑5‑2950 or has an alcohol concentration of fifteen one‑hundredths of one percent or more. The arresting officer ~~must~~ shall issue a notice of suspension which is effective beginning on the date of the alleged violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(B) Within thirty days of the issuance of the notice of suspension, the person may:

(1) obtain a temporary alcohol license ~~by filing with~~ from the Department of Motor Vehicles ~~a form for this purpose~~. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty‑five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy‑five dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~its~~ the Department of Motor Vehicle’s expenses. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F) or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer's decision and the Department of Motor Vehicles sends notice to the person that ~~he~~ the person is eligible to receive a restricted license pursuant to subsection (H); and

(2) request a contested case hearing before the Office of Motor Vehicle Hearings in accordance with ~~its~~ the Office of Motor Vehicle Hearings’ rules of procedure.

At the contested case hearing if:

(a) the suspension is upheld, the person's driver's license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990;

(b) the suspension is overturned, the person must have ~~his~~ the person’s driver's license, permit, or nonresident operating privilege reinstated.

The provisions of this subsection do not affect the trial for a violation of Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945.

(C) The period of suspension provided for in subsection (I) begins on the day the notice of suspension is issued, or at the expiration of any other suspensions, and continues until the person applies for a temporary alcohol license and requests a contested case hearing.

(D) If a person does not request a contested case hearing, ~~he~~ the person waives ~~his~~ the person’s right to the hearing, and ~~his~~ the person’s suspension must not be stayed but continues for the period provided for in subsection (I).

(E) The notice of suspension must advise the person:

(1) of ~~his~~ the person’s right to obtain a temporary alcohol driver's license and to request a contested case hearing before the Office of Motor Vehicle Hearings~~.~~;

(2) ~~The notice of suspension also must advise the person~~ that, if ~~he~~ the person does not request a contested case hearing within thirty days of the issuance of the notice of suspension, ~~he~~ the person waives ~~his~~ the person’s right to the ~~administrative~~ contested case hearing, and the suspension continues for the period provided for in subsection (I)~~.~~; and

(3) ~~The notice of suspension also must advise the person~~ that if the suspension is upheld at the contested case hearing or ~~if he~~ the person does not request a contested case hearing, ~~he~~ the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program.

(F) A contested case hearing must be held after the request for the hearing is received by the Office of Motor Vehicle Hearings. The scope of the hearing is limited to whether the person:

(1) was lawfully arrested or detained;

(2) was given a written copy of and verbally informed of the rights enumerated in Section 56‑5‑2950;

(3) refused to submit to a test pursuant to Section 56‑5‑2950; or

(4) consented to taking a test pursuant to Section 56‑5‑2950, and the:

(a) reported alcohol concentration at the time of testing was fifteen one‑hundredths of one percent or more;

(b) individual who administered the test or took samples was qualified pursuant to Section 56‑5‑2950;

(c) tests administered and samples obtained were conducted pursuant to Section 56‑5‑2950; and

(d) machine was working properly.

Nothing in this section prohibits the introduction of evidence at the contested case hearing on the issue of the accuracy of the breath test result.

A written order must be issued to all parties either reversing or upholding the suspension of the person's license, permit, or nonresident's operating privilege, or denying the issuance of a license or permit. If the suspension is upheld, the person must receive credit for the number of days ~~his~~ the person’s license was suspended before ~~he~~ the person received a temporary alcohol license and requested the contested case hearing.

The Department of Motor Vehicles and the arresting officer shall have the burden of proof in contested case hearings conducted pursuant to this section. If neither the Department of Motor Vehicles nor the arresting officer appears at the contested case hearing, the hearing officer shall rescind the suspension of the person's license, permit, or nonresident's operating privilege regardless of whether the person requesting the contested case hearing or the person's attorney appears at the contested case hearing.

(G) A contested case hearing is governed by the Administrative Procedures Act, and a person has a right to appeal the decision of the hearing officer pursuant to that act to the Administrative Law Court in accordance with ~~its~~ the Administrative Law Court’s appellate rules. The filing of an appeal stays the suspension until a final decision is issued on appeal.

(H)(1) If the person did not request a contested case hearing or the suspension is upheld at the ~~administrative~~ contested case hearing, the person ~~must~~ shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990, and may apply for a restricted license if ~~he~~ the person is employed or enrolled in a college or university. The restricted license permits ~~him~~ the person to drive only to and from work and ~~his~~ the person’s place of education and in the course of ~~his~~ the person’s employment or education during the period of suspension. The restricted license also permits ~~him~~ the person to drive to and from the Alcohol Drug Safety Action Program classes or to a court‑ordered drug program. The department may issue the restricted license only upon showing by the ~~individual~~ person that ~~he~~ the person is employed or enrolled in a college or university, that ~~he~~ the person lives further than one mile from ~~his~~ the person’s place of employment, place of education, or location of ~~his~~ the person’s Alcohol and Drug Safety Action Program classes, or the location of ~~his~~ the person’s court‑ordered drug program, and that there is no adequate public transportation between ~~his~~ the person’s residence and ~~his~~ the person’s place of employment, ~~his~~ the person’s place of education, the location of ~~his~~ the person’s Alcohol and Drug Safety Action Program classes, or the location of ~~his~~ the person’s court‑ordered drug program.

(2) If the department issues a restricted license pursuant to this subsection, ~~it must~~ the department shall designate reasonable restrictions on the times during which and routes on which the ~~individual~~ person may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of attendance of ~~his~~ the person’s court‑ordered drug program, or residence must be reported immediately to the department by the ~~licensee~~ person.

(3) The fee for a restricted license is one hundred dollars, but no additional fee may be charged because of changes in the place and hours of employment, education, or residence. Twenty dollars of this fee must be deposited in the ~~state~~ state’s general fund, and eighty dollars must be placed by the Comptroller General into a special restricted account to be used by the Department of Motor Vehicles to defray ~~the expenses of~~ the Department of Motor ~~Vehicles~~ Vehicle’s expenses.

(4) Driving a motor vehicle outside the time limits and route imposed by a restricted license ~~by the person issued that license~~ is a violation of Section 56‑1‑460.

(I)(1) ~~The~~ Except as provided in subsection (I)(3), the period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, an arrested person who has no previous convictions for violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or ~~any other~~ a law of ~~this State or~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs within the ten years preceding a violation of this section, and who has had no previous suspension imposed pursuant to Section ~~56‑5‑2950~~ 56-1-286, ~~or~~ 56‑5‑2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) six months for a person who refuses to submit to a test pursuant to Section 56‑5‑2950; or

(b) one month for a person who takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more.

(2) The period of a driver's license, permit, or nonresident operating privilege suspension for, or denial of issuance of a license or permit to, ~~an arrested~~ a person who has been convicted previously for violating Section 56‑5‑2930, 56‑5‑2933, or 56‑5‑2945, or ~~any other~~ another law of this State or another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or another drug within the ten years preceding a violation of this section, or who has had a previous suspension imposed pursuant to Section ~~56‑5‑2950~~ 56-1-286, ~~or~~ 56‑5‑2951, or 56-5-2990, within the ten years preceding a violation of this section is:

(a) for a second offense, nine months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950, or two months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more;

(b) for a third offense, twelve months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950, or three months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more; and

(c) for a fourth or subsequent offense, fifteen months if ~~he~~ the person refuses to submit to a test pursuant to Section 56‑5‑2950, or four months if ~~he~~ the person takes a test pursuant to Section 56‑5‑2950 and has an alcohol concentration of fifteen one‑hundredths of one percent or more.

(3) In lieu of serving the remainder of a suspension or denial of the issuance of a license or permit, a person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension or denial of the issuance of a license or permit, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension or denial of the issuance of a license or permit. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(J) A person's driver's license, permit, or nonresident operating privilege must be restored when the person's period of suspension or ignition interlock restricted license requirement ~~under~~ pursuant to subsection (I) has concluded, even if the person has not yet completed the Alcohol and Drug Safety Action Program ~~in which he is enrolled~~. After the person's driving privilege is restored, ~~he must~~ the person shall continue the services of the Alcohol and Drug Safety Action Program ~~in which he is enrolled~~. If the person withdraws from or in any way stops making satisfactory progress toward the completion of the Alcohol and Drug Safety Action Program, the person's license must be suspended until the completion of the Alcohol and Drug Safety Action Program. A person ~~must~~ shall be attending or have completed an Alcohol and Drug Safety Action Program pursuant to Section 56‑5‑2990 before ~~his~~ the person’s driving privilege can be restored at the conclusion of the suspension period or ignition interlock restricted license requirement.

(K) When a nonresident's privilege to drive a motor vehicle in this State has been suspended ~~under~~ pursuant to the provisions of this section, the department ~~must~~ shall give written notice of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which ~~he~~ the person has a license or permit.

(L) The department ~~must~~ shall not suspend the privilege to drive of a person under the age of twenty‑one pursuant to Section 56‑1‑286, if the person's privilege to drive has been suspended ~~under~~ pursuant to this section arising from the same incident.

(M) A person whose driver's license or permit is suspended pursuant to this section is not required to file proof of financial responsibility.

(N) An insurer ~~may~~ shall not increase premiums on, add surcharges to, or cancel the automobile insurance of a person charged with a violation of Section 56‑1‑286, 56‑5‑2930, 56‑5‑2933, ~~or~~ 56‑5‑2945, or ~~another~~ a law of ~~this State~~ another state that prohibits a person from driving a motor vehicle while under the influence of alcohol or ~~another drug~~ other drugs based solely on the violation unless ~~he~~ the person is convicted of the violation.

(O) The department ~~must~~ shall administer the provisions of this section ~~and must promulgate regulations necessary to carry out its provisions~~.

~~(P)~~ ~~If a person does not request a contested case hearing within the thirty‑day period as authorized pursuant to this section, the person may file with the department a form after enrolling in a certified Alcohol and Drug Safety Action Program to apply for a restricted license. The restricted license permits him to drive only to and from work and his place of education and in the course of his employment or education during the period of suspension. The restricted license also permits him to drive to and from Alcohol and Drug Safety Action Program classes or a court‑ordered drug program. The department may issue the restricted license at any time following the suspension upon a showing by the individual that he is employed or enrolled in a college or university, that he lives further than one mile from his place of employment, place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court‑ordered drug program, and that there is no adequate public transportation between his residence and his place of employment, his place of education, the location of his Alcohol and Drug Safety Action Program classes, or the location of his court‑ordered drug program. The department must designate reasonable restrictions on the times during which and routes on which the individual may drive a motor vehicle. A change in the employment hours, place of employment, status as a student, status of attendance of Alcohol and Drug Safety Action Program classes, status of his court‑ordered drug program, or residence must be reported immediately to the department by the licensee. The route restrictions, requirements, and fees imposed by the department for the issuance of the restricted license issued pursuant to this item are the same as those provided in this section had the person requested a contested case hearing. A restricted license is valid until the person successfully completes a certified Alcohol and Drug Safety Action Program, unless the person fails to complete or make satisfactory progress to complete the program.~~”

SECTION 15. Section 56-5-2990 of the 1976 Code is amended to read:

“Section 56-5-2990. (A)(1) The Department of Motor Vehicles shall suspend the driver's license of a person who is convicted~~, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted~~ for a violation of Section 56‑5‑2930, 56‑5‑2933, or ~~for the violation of another law or ordinance of this State or of a municipality of this State~~ a law of another state that prohibits a person from driving a motor vehicle while under the influence of ~~intoxicating liquor, drugs, or narcotics for six months for the first conviction, plea of guilty or nolo contendre, or forfeiture of bail; one year for the a second conviction, plea of guilty or of nolo contendere, or forfeiture of bail; two years for the a third conviction, plea of guilty or of nolo contendere, or forfeiture of bail; and a permanent revocation of the driver's license for the a fourth or subsequent conviction, plea of guilty or of nolo contendere, or forfeiture of bail. Only those violations which occurred within ten years including and immediately preceding the date of the last violation shall constitute prior violations within the meaning of this section. However, if the third conviction occurs within five years from the date of the first offense, then the department shall suspend the driver's license for four years. A person whose license is revoked following conviction for a fourth offense as provided in this section is forever barred from being issued any license by the Department of Motor Vehicles to operate a motor vehicle except as provided in Section 56‑1‑385~~ alcohol or other drugs.

(2) For a first offense:

(a) If a person refused to submit to a breath test pursuant to Section 56-5-2950, the person’s driver’s license must be suspended six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(b) If a person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of less than twelve one hundredths of one percent, the person’s driver’s license must be suspended six months. The person is eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56. In lieu of serving the remainder of the suspension, the person may enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle equal to the length of time remaining on the person’s suspension. If the length of time remaining is less than three months, the ignition interlock device is required to be affixed to the motor vehicle for three months. Once a person has enrolled in the Ignition Interlock Device Program and obtained an ignition interlock restricted license, the person is subject to Section 56-5-2941 and cannot subsequently choose to serve the suspension.

(c) If a person submitted to a breath test pursuant to Section 56-5-2950 and had an alcohol concentration of twelve one hundredths of one percent or more, the person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for six months. The person is not eligible for a provisional license pursuant to Article 7, Chapter 1, Title 56.

(3) For a second offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for two years.

(4) For a third offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56‑5‑2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56‑1‑400. The ignition interlock device is required to be affixed to the motor vehicle for three years. If the third offense occurs within five years from the date of the first offense, the ignition interlock device is required to be affixed to the motor vehicle for four years.

(5) For a fourth or subsequent offense, a person shall enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941, end the suspension, and obtain an ignition interlock restricted license pursuant to Section 56-1-400. The ignition interlock device is required to be affixed to the motor vehicle for life.

(6) Except as provided in subsection (A)(4), only those offenses which occurred within ten years, including and immediately preceding the date of the last offense, shall constitute prior offenses within the meaning of this section.

(B) A person whose license is suspended ~~under the provisions~~ pursuant to this section, Section 56‑1‑286, Section 56‑5‑2945, or Section 56‑5‑2951 must be notified by the department of the suspension and of the requirement to enroll in and successfully complete an Alcohol and Drug Safety Action Program certified by the Department of Alcohol and Other Drug Abuse Services. ~~A person who must complete an Alcohol and Drug Safety Action Program as a condition of reinstatement of his driving privileges or a court‑ordered drug program may use the route restricted or special restricted driver’s license to attend the Alcohol and Drug Safety Action Program classes or court‑ordered drug program in addition to the other permitted uses of a route restricted driver’s license or a special restricted driver’s license.~~ An assessment of the extent and nature of the alcohol and drug abuse problem, if any, of the ~~applicant~~ person must be prepared and a plan of education or treatment, or both, must be developed for the ~~applicant~~ person. Entry into and successful completion of the services, if the services are necessary, recommended in the plan of education or treatment, or both, developed for the ~~applicant~~ person is a mandatory requirement of the issuance of an ignition interlock restricted license and restoration of driving privileges to the ~~applicant~~ person whose license is suspended pursuant to this section. The Alcohol and Drug Safety Action Program shall determine if the ~~applicant~~ person has successfully completed the services. Alcohol and Drug Safety Action Programs shall meet at least once a month. The person whose license is suspended ~~must~~ shall attend the first Alcohol and Drug Safety Action Program available after the date of enrollment.

(C) The Department of Alcohol and Other Drug Abuse Services shall determine the cost of services provided by each certified Alcohol and Drug Safety Action Program. Each ~~applicant~~ person shall bear the cost of services recommended in the ~~applicant’s~~ person's plan of education or treatment. The cost may not exceed five hundred dollars for education services, two thousand dollars for treatment services, and two thousand five hundred dollars in total for all services. No ~~applicant~~ person may be denied services due to an inability to pay. Inability to pay for services may not be used as a factor in determining if the ~~applicant~~ person has successfully completed services. ~~An applicant~~ A person who is unable to pay for services shall perform fifty hours of community service as arranged by the Alcohol and Drug Safety Action Program, which may use the completion of this community service as a factor in determining if the ~~applicant~~ person has successfully completed services. The Department of Alcohol and Other Drug Abuse Services ~~will~~ shall report annually to the House Ways and Means Committee and Senate Finance Committee on the number of first and multiple offenders completing the Alcohol and Drug Safety Action Program, the amount of fees collected and expenses incurred by each Alcohol and Drug Safety Action Program, and the number of community service hours performed in lieu of payment.

(D) If the ~~applicant~~ person has not successfully completed the services as directed by the Alcohol and Drug Safety Action Program within one year of enrollment, a hearing must be provided by the Alcohol and Drug Safety Action Program whose decision is appealable to the Department of Alcohol and Other Drug Abuse Services. If the ~~applicant~~ person is unsuccessful in the Alcohol and Drug Safety Action Program, the Department of Motor Vehicles may ~~restore the privilege to drive a motor vehicle~~ waive the successful completion of the program as a mandatory requirement of the issuance of an ignition interlock restricted license upon the recommendation of the Medical Advisory Board as utilized by the ~~department~~ Department of Motor Vehicles, if ~~it~~ the Medical Advisory Board determines public safety and welfare of the ~~petitioner~~ person may not be endangered.

(E) The Department of Motor Vehicles and the Department of Alcohol and Other Drug Abuse Services shall develop procedures necessary for the communication of information pertaining to relicensing, or otherwise. These procedures must be consistent with the confidentiality laws of the State and the United States. If ~~the drivers~~ a person’s driver’s license ~~of any a person~~ is suspended ~~by authority of~~ pursuant to this section, ~~no~~ an insurance company ~~may~~ shall not refuse to issue insurance to cover the remaining members of ~~his~~ the person’s family, but the insurance company is not liable for any actions of the person whose license has been suspended or who has voluntarily turned ~~his~~ the person’s license in to the Department of Motor Vehicles.

~~(F)~~ ~~Except as provided for in Section 56‑1‑365(D) and (E), the driver's license suspension periods under this section begin on the date the person is convicted, receives sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted for the a violation of Section 56‑5‑2930, 56‑5‑2933, or for the violation of any other a law of this State or ordinance of a county or municipality of this State that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, or narcotics; however, a person is not prohibited from filing a notice of appeal and receiving a certificate which entitles him to operate a motor vehicle for a period of sixty days after the conviction, plea of guilty or nolo contendere, or bail forfeiture pursuant to Section 56‑1‑365(F).~~”

SECTION 16. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 17. This act takes effect on October 1, 2014. /

Renumber sections to conform.

Amend title to conform.

Senator HUTTO spoke on the Bill.

Senator LARRY MARTIN spoke on the Bill.

On motion of Senator MALLOY, the Bill was carried over.

**Expression of Personal Interest**

Senators BRYANT and LOURIE rose for an Expression of Personal Interest.

**Motion Adopted**

On motion of Senator COURSON, the Senate stood adjourned until 11:15 A.M. tomorrow to attend the Joint Assembly and at the conclusion of the Joint Assembly, the Senate would reconvene at 2:00 P.M.

**MOTION ADOPTED**

On motion of Senator CAMPBELL, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Michael C. Macklen of Myrtle Beach, S.C. Mr. Macklen was the owner of Macklen Septic Tank Service and the brother-in-law of Senator CLEARY. Michael loved NASCAR racing and cooking. He lived everyday like it was his last. Michael was a loving husband and devoted father who will be dearly missed.

and

**MOTION ADOPTED**

On motion of Senator HUTTO, with unanimous consent, the Senate stood adjourned out of respect to the memory of the Honorable Norman E. Fogle of Neeses, S.C. Norman was born in rural Orangeburg County, a son of the late Anthony and Lila Flake Fogle. He was a prominent local attorney and had served as First Circuit Solicitor until his medical retirement in 1983. Norman was a devoted church leader of Calvary Baptist Church and a faithful community servant. He also served in the U.S. Army and was an avid USC supporter. Norman was a loving husband to Emma Caughman Fogle. He was a devoted father and doting grandfather who will be dearly missed.

**ADJOURNMENT**

At 2:49 P.M., on motion of Senator COURSON, the Senate adjourned to meet tomorrow at 11:15 A.M.

**Recorded Vote**

Senator BRIGHT desired to be recorded as voting against the motion to adjourn.

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