**A** **BILL**

TO AMEND CHAPTER 21, TITLE 50 OF THE 1976 CODE, RELATING TO EQUIPMENT AND OPERATION OF WATERCRAFT, TO ENACT “HAILEY’S LAW”, BY ADDING SECTION 50‑21‑118, TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE A BOAT IN EXCESS OF THE NO WAKE‑IDLE SPEED ON CERTAIN LAKES AND RESERVOIRS AFTER DARK; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

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

SECTION 1. This act may be referred to as “Hailey’s Law”.

SECTION 2. Chapter 21, Title 50 of the 1976 Code is amended by adding:

“Section 50‑21‑118. (A) It is unlawful for a person to operate a boat in excess of the no wake‑idle speed between one half hour after official sundown of a day and one half hour before official sunrise the following day on any of the lakes identified in Section 5‑1‑50(132) through (164).

(B)(1) Except as provided in subsection (C), a person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than one hundred dollars nor more than two hundred dollars or imprisoned for not more than thirty days; or both.

(2) The department shall require a person who is convicted, pleads guilty, or pleads nolo contendre to a violation of this section to attend and complete a boating safety education program approved by the department. The person required to attend the program shall reimburse the department for the expense of the program. A person’s privilege to operate a water device within this State shall be suspended until successful completion of the required program.

(3) The department shall suspend a person’s privilege to operate a boat within this State for a period of thirty days upon his conviction, guilty plea, or plea of nolo contendere to a second offense of this section within a five‑year period. The department shall suspend a person’s privilege to operate a boat within this State for a period of ninety days upon his conviction, guilty plea, or plea of nolo contendere to a third or subsequent offense of this section within a five‑year period. Following a suspension, the person’s privilege shall remain suspended until successful completion of a boating safety education program approved by the department. The person required to attend the program shall reimburse the department for the expense of the program.

(4) The suspensions under this subsection shall be imposed in addition to and not in lieu of any other civil remedies or criminal penalties.

(C)(1) A person who violates the provisions of this section and causes damage to property other than his own, or injury other than great bodily injury to a person other than himself, is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than five hundred dollars nor more than one thousand dollars or imprisonment for not more than thirty days, or both.

(2) A person who violates the provisions of this section and causes great bodily injury or death of a person other than himself, is guilty of a felony and, upon conviction, must be punished by a mandatory fine of not less than:

(a) five thousand dollars nor more than ten thousand dollars and mandatory imprisonment for not less than thirty days nor more than fifteen years when great bodily injury results; or

(b) ten thousand dollars nor more than twenty‑five thousand dollars and mandatory imprisonment for not less than one year nor more than twenty‑five years when death results.

(3) The department shall suspend the privilege of a person who is convicted or who pleads guilty or nolo contendere under this subsection to operate a boat within this State for a period to include any term of imprisonment plus:

(a) three years in the case of death or great bodily injury; or

(b) one year in the case of property damage or injury other than great bodily injury.

(4) The suspensions under this subsection are in addition to and not in lieu of any other civil remedies or criminal penalties.

(5) No part of the mandatory sentences required to be imposed by this subsection may be suspended, and probation may not be granted for any portion.

(6) As used in this subsection ‘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.”

SECTION 3. This act takes effect upon approval by the Governor.

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