**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3788**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Willis and Moore

Document Path: l:\council\bills\gt\5635cm19.docx

Companion/Similar bill(s): 106, 117, 4793

Introduced in the House on January 29, 2019

Currently residing in the House Committee on **Judiciary**

Summary: Driver of motor vehicle

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/29/2019 House Introduced and read first time ([House Journal‑page 19](file:///h:\hj\20190129.docx))

1/29/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 19](file:///h:\hj\20190129.docx))

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**VERSIONS OF THIS BILL**

[1/29/2019](file:///p:\pprever\2019-20\3788_20190129.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56‑5‑2925 SO AS TO PROVIDE THAT THE DRIVER OF A MOTOR VEHICLE WHO COMMITS ANY ACT FORBIDDEN BY LAW OR NEGLECTS ANY DUTY IMPOSED BY LAW RELATED TO DRIVING A MOTOR VEHICLE, IF THE ACT OR NEGLECT RESULTS IN GREAT BODILY HARM TO ANOTHER PERSON, IS GUILTY OF A MISDEMEANOR, TO PROVIDE THAT THE DRIVER OF A MOTOR VEHICLE WHO COMMITS ANY ACT FORBIDDEN BY LAW OR NEGLECTS ANY DUTY IMPOSED BY LAW RELATED TO DRIVING A MOTOR VEHICLE, IF THE ACT OR NEGLECT RESULTS IN THE DEATH OF ANOTHER PERSON, IS GUILTY OF A FELONY, AND TO PROVIDE APPROPRIATE PENALTIES; AND TO AMEND SECTION 56‑5‑2946, RELATING TO SUBMISSION TO TESTING FOR ALCOHOL OR DRUGS, SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO TESTING FOR ALCOHOL OR DRUGS IF THE PERSON COMMITS ANY ACT FORBIDDEN BY LAW OR NEGLECTS ANY DUTY IMPOSED BY LAW IN THE DRIVING OF A MOTOR VEHICLE AND THE ACT OR NEGLECT PROXIMATELY CAUSES GREAT BODILY INJURY OR DEATH TO ANOTHER PERSON.

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

SECTION 1. Article 23, Chapter 5, Title 56 of the 1976 Code is amended by adding:

“Section 56‑5‑2925. (A) If the driver of a motor vehicle commits any act forbidden by law or neglects any duty imposed by law related to the driving of a motor vehicle and if the act or neglect proximately causes great bodily injury to another person, then the driver is guilty of a misdemeanor and, upon conviction, must be fined not less than five hundred dollars and not more than one thousand five hundred dollars, imprisoned for not more than one year, or both. For the purposes of this subsection, ‘great bodily injury’ means bodily injury that creates a substantial risk of death or that causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(B) If the driver of a motor vehicle commits any act forbidden by law or neglects any duty imposed by law related to the driving of a motor vehicle and if the death of a person ensues within three years as a proximate result of an injury received as a result of the driver’s act or neglect, then the driver is guilty of a felony and, upon conviction, must be fined not less than one thousand dollars and not more than five thousand dollars, imprisoned not more than five years, or both.”

SECTION 2. Section 56‑5‑2946(A) of the 1976 Code is amended to read:

“(A) Notwithstanding any other provision of law, a person must submit to either one or a combination of chemical tests of his breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or a combination of alcohol and drugs if:

(1) there is probable cause to believe that the person violated or is under arrest for a violation of Section 56‑5‑2945; or

(2) the person when driving a motor vehicle commits any act forbidden by law or neglects any duty imposed by law in the driving of the motor vehicle and the act or neglect proximately causes great bodily injury or death to another person. For the purposes of this item, ‘great bodily injury’ means bodily injury that creates a substantial risk of death or that 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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