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COMMITTEE REPORT

January 28, 2021

**H. 3054**

Introduced by Reps. Hixon and Forrest

S. Printed 1/28/21--H.

Read the first time January 12, 2021.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (H. 3054) to amend Section 50‑5‑2510, Code of Laws of South Carolina, 1976, relating to the suspension of saltwater privileges for the accumulation of points, so as, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

DAVID R. HIOTT for Committee.

**A** **BILL**

TO AMEND SECTION 50‑5‑2510, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE SUSPENSION OF SALTWATER PRIVILEGES FOR THE ACCUMULATION OF POINTS, SO AS TO ALTER THE REQUIREMENTS FOR THE NOTICE OF SUSPENSION; TO AMEND SECTION 50‑5‑2515, RELATING TO THE NOTICE OF SUSPENSION OF SALTWATER PRIVILEGES, SO AS TO MAKE A CONFORMING CHANGE; TO AMEND SECTION 50‑9‑1140, RELATING TO THE SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO ALTER THE REQUIREMENTS FOR THE NOTICE OF SUSPENSION; TO AMEND SECTION 50‑9‑1150, RELATING TO THE NOTICE OF SUSPENSION OF HUNTING AND FISHING PRIVILEGES, SO AS TO PROVIDE THAT A PERSON OR ENTITY MAY APPEAL THE DECISION TO SUSPEND HUNTING AND FISHING PRIVILEGES UNDER THE ADMINISTRATIVE PROCEDURES ACT; TO REPEAL SECTION 50‑5‑2545 RELATING TO POINTS FOR VIOLATIONS OF MARINE RESOURCES LAWS RECEIVED PRIOR TO THE EFFECTIVE DATE OF THE MARINE RESOURCES ACT OF 2000; AND TO REPEAL SECTION 50‑9‑1160 RELATING TO JUDICIAL REVIEW OF A SUSPENSION OF HUNTING AND FISHING PRIVILEGES.

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

SECTION 1. Section 50‑5‑2510(B) of the 1976 Code is amended to read:

“(B) ~~Any suspension under this article begins the eleventh day after the person or entity receives written notice by mail, return receipt requested, of the suspension and ends the same day the following year~~ The notice of suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person at the address contained in the records of the department. The giving of notice by mail is complete ten days after the deposit of the notice, and ends the same day the following year. A certificate by the director of the department, or his designee, that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.”

SECTION 2. Section 50‑5‑2515 of the 1976 Code is amended to read:

“Section 50‑5‑2515. Upon determination by the department that a person or entity has accumulated sufficient points to warrant the suspension of any saltwater privilege, the department must notify the person or entity in writing~~, return receipt requested,~~ that his saltwater privilege has been suspended, and the person or entity must return all the suspended licenses, stamps, or permits in his name to the department within ten days.”

SECTION 3. Section 50‑9‑1140 of the 1976 Code is amended to read:

“Section 50‑9‑1140. The department shall suspend for one year the hunting and fishing privileges of a person who has eighteen or more points. ~~The suspension begins the eleventh day after the person receives written notice by mail, return receipt requested, of the suspension, and ends the same day the following year~~ The notice of the suspension must be given by the department by depositing the notice in the United States mail with postage prepaid addressed to the person at the address contained in the records of the department. The giving of notice by mail is complete ten days after the deposit of the notice and ends the same day the following year. A certificate by the director of the department or his designee that the notice has been sent as required in this section is presumptive proof that the requirements as to notice of suspension have been met even if the notice has not been received by the addressee.”

SECTION 4. Section 50‑9‑1150(B) and (C) of the 1976 Code is amended to read:

“(B) ~~The person may, within ten days after notice of suspension, request in writing a review, and upon receipt of the request, the department shall afford him a review. The department shall notify him of the date, time, and place of the review and the person shall have the right to have his attorney present with him if he so desires.~~

~~(C) If the person requests a review, the suspension shall be held in abeyance until the day of the final disposition of his review by the department and if the suspension is upheld, the suspension shall commence on the eleventh day thereafter and end on the same day of the following year. The review by the department shall be limited to a determination of the validity of the violations and points assessed. No probationary authority is given to the department by discretion or otherwise.~~

A person or entity whose privileges have been suspended may appeal the decision of the department under the Administrative Procedures Act.”

SECTION 5. Sections 50‑5‑2545 and 50‑9‑1160 of the 1976 Code are repealed.

SECTION 6. This act takes effect upon approval by the Governor.

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