~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 20, 2022

**H. 3100**

Introduced by Reps. Bennett and Hosey

S. Printed 1/20/22--H. [SEC 1/24/22 4:43 PM]

Read the first time January 12, 2021.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3100) to amend Section 56‑5‑2780, Code of Laws of South Carolina, 1976, relating to penalties associated with unlawfully passing a stopped school bus, so as to, etc., respectfully

**REPORT:**

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

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

/ SECTION 1. Section 56-5-2780 of the 1976 Code is amended to read:

“Section 56-5-2780. (A) A driver of a vehicle violating Section 56‑5‑2770 (A) or (C) is guilty of a misdemeanor and, upon conviction~~, entry of a plea of guilty or nolo contendere, or forfeiture of bail~~ for a first offense must be fined not less than ~~five hundred dollars or imprisoned not more than thirty days. In lieu of imprisonment, the court may require that the individual~~ one thousand dollars and not more than two thousand dollars and required to complete an appropriate term of community service of not fewer than ~~ten~~ twenty days upon terms and conditions the court considers proper. Notwithstanding any other provision of law, a first offense for a violation of Section 56‑5‑2770 (A) or (C) may be tried in ~~magistrate’s~~ magistrates court.

(B) Upon conviction~~, entry of a plea of guilty or nolo contendere, or forfeiture of bail~~ for a second or subsequent violation of Section 56‑5‑2770 (A) or (C), a person is guilty of a misdemeanor and must be fined not less than two thousand five hundred dollars ~~or~~ and not more than five thousand dollars ~~or~~ and either imprisoned for ~~not fewer than~~ thirty days ~~and not more than sixty~~ or have his license suspended for thirty days.

~~(B)~~(C) If a driver of a vehicle violates Section 56‑5‑2770 (A) or (C), and the violation proximately causes great bodily injury or death to a pedestrian, the person is guilty of a felony and, upon conviction, ~~entry of a plea of guilty or nolo contendere, or forfeiture of bond,~~ the person must be:

(1) fined not less than ~~five thousand~~ seven thousand five hundred dollars or more than ten thousand dollars and imprisoned for not less than ~~sixty~~ ninety days ~~or~~ and not more than one year when great bodily injury results;

(2) fined not less than ten thousand dollars ~~or~~ and not more than twenty‑five thousand dollars and imprisoned for not less than one year ~~or~~ and not more than five years when death results.

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.

The Department of Motor Vehicles shall suspend the driver’s license of a person who is convicted ~~or who receives a sentence upon a plea of guilty or nolo contendere~~ pursuant to this subsection for the term of imprisonment plus one year. A violation of the provisions of this subsection also requires successful completion of a classroom course in driver’s safety before reinstatement of driving privileges.

(D) All fines collected pursuant to this section shall be received and administered by the South Carolina Department of Education for the purchase of extended school bus stop arms and other school bus equipment.

(E) The month of August of each year is declared ‘School Bus Safety Month’ in South Carolina.”

SECTION 2. Article 3, Chapter 67, Title 59 of the 1976 Code is amended by adding:

“Section 59‑67‑512. The State Superintendent of Education has the discretion to overrule the decision of a local school district regarding the placement of a student school bus stop. The exercise of this discretion is limited to school bus stops that the Superintendent determines to be dangerous.”

SECTION 3. This act takes effect ninety days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill revises the penalty schedule for unlawfully passing a stopped school bus.  Currently, a driver who commits this act as a first offense must be fined not less than $500 or imprisoned for not more than thirty days.  Under the provisions of this bill, a first offense is punishable by a fine of not less than $1,000 nor more than $2,000, a prison term of not more than thirty days, and a thirty-day driver’s license suspension.  If the individual is imprisoned, his driver’s license suspension must run for the term of imprisonment plus thirty days.

A second or subsequent offense is currently a misdemeanor punishable by a fine of not less than $2,000 nor more than $5,000 or imprisonment for not fewer than thirty days nor more than sixty days.  Under the provisions of the bill, a second or subsequent offense is punishable by a fine of not less than $5,000 nor more than $10,000, imprisonment for not fewer than six months nor more than one year, and a six-month driver’s license suspension.  If the individual is imprisoned, his driver’s license suspension must run for the term of imprisonment plus six months.

This bill also increases the penalties associated with great bodily injury or death of a pedestrian. Currently, the offense for great bodily injury of a pedestrian is punishable by a fine of not less than $5,000 nor more than $10,000 and imprisonment for not less than sixty days nor more than one year. This bill changes the fine for great bodily injury of a pedestrian to not less than $10,000 nor more than $15,000 and imprisonment to not less than six months nor more than one year. Further, the offense for death of a pedestrian is currently punishable by a fine of not less than $10,000 nor more than $25,000 and imprisonment for not less than one year nor more than five years. This bill changes the fine for death of a pedestrian to not less than $15,000 nor more than $25,000. The bill does not change the imprisonment term for death of pedestrian.

A violation of the provisions of this bill requires successful completion of a classroom course in driver’s safety before reinstatement of driving privileges.

Additionally, this bill allows the State Superintendent of Education to overrule the decision of a local school district regarding the placement of a student school bus stop. This is limited to school bus stops that the Superintendent determines to be dangerous.

**State Department of Education.** The provision allowing the overruling of the placement of a school bus stop will have no expenditure impact on SDE as written since any expenses associated with overruling the decision on placement of a student school bus stop can be managed within current appropriations.

However, SDE indicates a concern that the fines collected pursuant to this bill, which are expected to total at least, $42,334 will not be sufficient to cover the cost of the digital recording devices and extended stop arms if the intent is to require the agency to install the equipment on its total bus fleet. Further, SDE indicates that while some districts may have purchased digital recording devices, the state has not purchased digital recording devices for its fleet of buses. SDE estimates that it would cost approximately $10,640,000 to install the extended stop arms on the state’s total bus fleet. This estimate assumes a cost of $1,900 per extended stop arm and does not account for the cost of the digital recording devices, which would further increase the total expenditures by an undetermined amount. SDE further indicates that the agency would not be able to manage the difference between the revenue from the fines and the cost for the digital recording devices and extended stop arms within current appropriations if the agency is required to install the equipment on all buses.

**Judicial Department.** This bill increases the penalties for unlawfully passing, unlawfully overtaking, or failing to stop for a school bus and provides that all fines collected for such violations will be received and administered by SDE. The department reports that fifty-one individuals were tried and found guilty of unlawfully passing a stopped school bus in FY 2019-20. Fines collected from those offenses totaled $21,167, and court fees totaled $24,395. The department indicates that the bill will have a minimal expenditure impact on general sessions, magistrate, and municipal caseloads and expects to manage any associated increase in costs with existing appropriations. Therefore, this bill will have no expenditure impact on the department.

**Department of Motor Vehicles.** DMV indicates that approximately twelve hours of programming are needed to add the violation, suspension of license, and requirements related to unlawfully passing a stopped school bus. At $110 per hour, this bill will increase expenses of DMV by $1,320 in FY 2021-22.

**Department of Corrections.** The bill requires the department to perform activities that will be conducted in the normal course of agency business. As such, this bill will have no expenditure impact on the department.

**State Revenue**

This bill allocates all fines collected pursuant to the bill to SDE for the purchase of digital recording devices and extended school bus stop arms.

South Carolina law currently states that the revenue collected from any fines must be retained by the jurisdiction that heard or processed the case and paid to the State Treasurer’s Office within thirty days of receipt. The Judicial Department reports that fifty-one individuals were tried and found guilty of unlawfully passing a stopped school bus in FY 2019-20. Fines collected from those offenses totaled $21,167, and court fees totaled $24,395. Based upon the data provided by the Judicial Department, assuming a similar number of individuals are found guilty in the next fiscal year, and accounting for the increase in the fines, we anticipate that revenue from these fines will increase to at least $42,000 in FY 2021-22 and court fees and assessments will increase by approximately $23,000. Therefore, we expect this bill will decrease revenue retained by county governments from fines by $21,000 in FY 2021-22 and increase other funds revenue of SDE by $42,000 in FY 2021-22 for the purchase of digital recording devices to be mounted on school buses and for school bus extended stop arms. Additionally, existing law distributes revenue generated from court assessments imposed for convictions among the general fund, specified state agencies and programs, and local governments, which are expected to increase by a total of $23,000 in FY 2021-22.

**Local Revenue**

This bill allocates all fines collected pursuant to the bill to SDE for the purchase of digital recording devices and extended school bus stop arms.

Based upon the data provided by the Judicial Department, we anticipate that this bill will decrease revenue retained by county governments by $21,000 in FY 2021-22. Additionally, existing law distributes revenue generated from court assessments imposed for convictions among the general fund, specified state agencies and programs, and local governments, which are expected to increase by a total of $23,000 in FY 2021-22.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 56‑5‑2780, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PENALTIES ASSOCIATED WITH UNLAWFULLY PASSING A STOPPED SCHOOL BUS, SO AS TO REVISE THE PENALTIES, TO PROVIDE ALL FINES MUST BE USED TO PURCHASE DIGITAL RECORDING DEVICES MOUNTED ON SCHOOL BUSES AND EXTENDED SCHOOL BUS STOP ARMS, TO PROVIDE THE MONTH OF AUGUST IS DECLARED “SCHOOL BUS SAFETY MONTH”, AND MAKE TECHNICAL CHANGES; AND BY ADDING SECTION 59‑67‑512 SO AS TO PROVIDE THE STATE SUPERINTENDENT OF EDUCATION MAY OVERRULE THE DECISION OF A LOCAL SCHOOL DISTRICT REGARDING THE PLACEMENT OF CERTAIN STUDENT SCHOOL BUS STOPS.

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

SECTION 1. Section 56‑5‑2780 of the 1976 Code is amended to read:

“Section 56‑5‑2780. (A) A driver of a vehicle violating Section 56‑5‑2770 (A) or (C) is guilty of a misdemeanor and, upon conviction~~, entry of a plea of guilty or nolo contendere, or forfeiture of bail~~ for a first offense, must be fined not less than ~~five hundred~~ one thousand dollars ~~or~~ and not more than two thousand dollars and imprisoned not more than thirty days. In lieu of imprisonment, the court may require that the individual complete an appropriate term of community service of not fewer than ten days upon terms and conditions the court considers proper. Notwithstanding any other provision of law, a first offense for a violation of Section 56‑5‑2770 (A) or (C) may be tried in ~~magistrate’s court~~ magistrates court. The Department of Motor Vehicles shall suspend the driver’s license of a person convicted pursuant to this subsection for thirty days. If he is imprisoned, the suspension shall run for the term of imprisonment plus thirty days.

(B) Upon conviction~~, entry of a plea of guilty or nolo contendere, or forfeiture of bail~~ for a second or subsequent violation of Section 56‑5‑2770 (A) or (C), a person is guilty of a misdemeanor and must be fined not less than ~~two~~ five thousand dollars or more than ~~five~~ ten thousand dollars ~~or~~ and imprisoned for not fewer than ~~thirty days~~ six months and not more than ~~sixty days~~ one year.

The Department of Motor Vehicles shall suspend the driver’s license of a person convicted pursuant to this subsection for six months. If the person is imprisoned, the suspension shall run for the term of imprisonment plus six months.

~~(B)~~(C) If a driver of a vehicle violates Section 56‑5‑2770 (A) or (C), and the violation proximately causes great bodily injury or death to a pedestrian, the person is guilty of a felony and, upon conviction, ~~entry of a plea of guilty or nolo contendere, or forfeiture of bond,~~ the person must be:

(1) fined not less than ~~five~~ ten thousand dollars or more than ~~ten~~ fifteen thousand dollars and imprisoned for not less than ~~sixty days~~ six months or more than one year when great bodily injury results;

(2) fined not less than ~~ten~~ fifteen thousand dollars or more than twenty‑five thousand dollars and imprisoned for not less than one year or more than five years when death results.

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.

The Department of Motor Vehicles shall suspend the driver’s license of a person ~~who is~~ convicted ~~or who receives a sentence upon a plea of guilty or nolo contendere~~ pursuant to this subsection for the term of imprisonment plus one year.

(D) A violation of the provisions of this section also requires successful completion of a classroom course in driver’s safety before reinstatement of driving privileges.

(E) All fines collected pursuant to this section shall be received and administered by the South Carolina Department of Education for the purchase of digital recording devices mounted on school buses as provided in Section 56‑5‑2770 and school bus extended stop arms.

(F) The month of August of each year is declared ‘School Bus Safety Month’ in South Carolina.

(G) All fines collected pursuant to this section shall be received and administered by the South Carolina Department of Education for the purchase of digital recording devices mounted on school buses as provided in Section 56‑5‑2770 and extended school bus stop arms.

(H) The month of August of each year is declared ‘School Bus Safety Month’ in South Carolina.”

SECTION 2. Article 3, Chapter 67, Title 59 of the 1976 Code is amended by adding:

“Section 59‑67‑512. The State Superintendent of Education has the discretion to overrule the decision of a local school district regarding the placement of a student school bus stop. The exercise of this discretion is limited to school bus stops that the Superintendent determines to be dangerous.”

SECTION 3. This act takes effect ninety days after approval by the Governor.

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