**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3200**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Collins, Carter, McCravy and Henegan

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Introduced in the House on January 10, 2023

Currently residing in the House Committee on **Education and Public Works**

Summary: Foster Youth

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Education and Public Works**

1/10/2023 House Introduced and read first time ([House Journal‑page 92](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Education and Public Works** ([House Journal‑page 92](h:\hj\20230110.docx))

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3200_20221208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 56‑1‑110, relating to Imputed liability of a person signing a driver’s license application for an unemancipated minor, so as to provide an exception to liability for, among others, foster parents; by adding Section 56‑1‑142 so as to require the Department of Motor Vehicles to waive certain fees for foster youth, among others; and by amending Section 63‑7‑2310, relating to foster care, so as to provide immunity from liability for foster parents, with exceptions.

Whereas, it is the policy of this State that children living in out‑of‑home care should be able to participate in age or developmentally appropriate activities and that caregivers for these children should use a reasonable prudent standard to determine age or developmentally appropriate activities; and

Whereas, driving a motor vehicle is an age‑appropriate activity for a child fifteen years of age or older; and

Whereas, the expenses associated with driving a motor vehicle, including driver’s education programs, licensure, costs incidental to licensure, and motor vehicle insurance, can create a barrier to a child being able to engage in this age‑appropriate activity; and

Whereas, it may be cost prohibitive for a caregiver of a child in out‑of‑home care to pay for the expenses associated with the child becoming legally authorized to drive a motor vehicle; and

Whereas, the expenses associated with being able to drive legally also may create a barrier to gaining independence, obtaining employment, or completing educational goals. Now, therefore,

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

SECTION 1. Section 56‑1‑110 of the S.C. Code is amended to read:

Section 56‑1‑110. Any negligence or wilful misconduct of a minor when driving a motor vehicle upon a highway must be imputed to the person who has signed the application of such the minor for a beginner's permit, instruction permit, or driver's license, which and the person is jointly and severally liable with such the minor for any damage caused by such the negligence or wilful misconduct, except that if such the minor is protected by a policy of liability insurance in the form and in the amounts as required under Chapter 9 of this title and Sections 38‑77‑140 through 38‑77‑310, then such parent or guardian or other responsible adult the person responsible for the unemancipated minor’s welfare is not subject to the liability otherwise imposed under pursuant to this section. In addition, if the person who signed the application is a caregiver, as that term is defined in Section 63‑7‑20, the person is immune from and not subject to liability otherwise imposed pursuant to this section to the extent provided in Section 63‑7‑2310(I).

SECTION 2. Article 1, Chapter 1, Title 56 of the S.C. Code is amended by adding:

Section 56‑1‑142. In accordance with Section 63‑7‑25, the Department of Motor Vehicles must waive the following fees for applicants who are at least fifteen years of age and less than nineteen years of age if those applicants present proof from the Department of Social Services that they are in the care, custody, or guardianship of the department pursuant to Chapter 7, Title 63:

(1) the beginner’s permit fee referenced in Section 56‑1‑50(D);

(2) the fee for a knowledge examination referenced in Section 56‑1‑130(A);

(3) the fee for the first eight‑year driver’s license referenced in Section 56‑1‑140(A); and

(4) the fee for the first identification card referenced in Section 56‑1‑3350(C)(1).

SECTION 3. Section 63‑7‑2310 of the S.C. Code is amended by adding:

(I) A caregiver is not liable for harm caused to or by a child in foster care who participates in an activity insofar as the caregiver acted in accordance with the reasonable and prudent parent standard pursuant to Sections 63‑7‑20 and 63‑7‑25.

SECTION 4. This act takes effect one hundred eighty days after approval by the Governor.

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