**South Carolina General Assembly**

125th Session, 2023-2024

**R145, H3518**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Felder and Williams

Companion/Similar bill(s): 549

Document Path: LC-0138CM23.docx

Introduced in the House on January 10, 2023

Introduced in the Senate on March 30, 2023

Last Amended on February 21, 2024

Currently residing in the House

Summary: Motor vehicle financial responsibility

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2022 House Prefiled

12/15/2022 House Referred to Committee on **Education and Public Works**

1/10/2023 House Introduced and read first time ([House Journal‑page 196](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Education and Public Works** ([House Journal‑page 196](h:\hj\20230110.docx))

2/1/2023 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 2](h:\hj\20230201.docx))

2/7/2023 House Member(s) request name added as sponsor: Williams

2/7/2023 House Amended ([House Journal‑page 32](h:\hj\20230207.docx))

2/7/2023 House Read second time ([House Journal‑page 35](h:\hj\20230207.docx))

2/7/2023 House Roll call Yeas-107 Nays-2 ([House Journal‑page 38](h:\hj\20230207.docx))

2/8/2023 House Read third time and sent to Senate ([House Journal‑page 17](h:\hj\20230208.docx))

3/30/2023 Senate Amended

2/8/2023 Scrivener's error corrected

2/8/2023 Senate Introduced and read first time ([Senate Journal‑page 43](h:\sj\20230208.docx))

2/8/2023 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 43](h:\sj\20230208.docx))

3/9/2023 Senate Committee report: Favorable with amendment **Transportation** ([Senate Journal‑page 9](h:\sj\20230309.docx))

3/13/2023 Scrivener's error corrected

3/14/2023 Scrivener's error corrected

3/28/2023 Senate Committee Amendment Adopted ([Senate Journal‑page 17](h:\sj\20230328.docx))

3/28/2023 Senate Amended ([Senate Journal‑page 17](h:\sj\20230328.docx))

3/29/2023 Scrivener's error corrected

3/30/2023 Senate Amended ([Senate Journal‑page 23](h:\sj\20230330.docx))

4/3/2023 Scrivener's error corrected

5/11/2023 Senate Amended ([Senate Journal‑page 148](h:\sj\20230511.docx))

5/12/2023 Scrivener's error corrected

2/21/2024 Senate Amended ([Senate Journal‑page 15](h:\sj\20240221.docx))

2/23/2024 Scrivener's error corrected

2/28/2024 Senate Read second time ([Senate Journal‑page 26](h:\sj\20240228.docx))

2/28/2024 Senate Roll call Ayes-45 Nays-0 ([Senate Journal‑page 26](h:\sj\20240228.docx))

2/29/2024 Senate Read third time and returned to House with amendments ([Senate Journal‑page 9](h:\sj\20240229.docx))

3/20/2024 House Concurred in Senate amendment and enrolled ([House Journal‑page 80](h:\hj\20240320.docx))

3/20/2024 House Roll call Yeas-98 Nays-3 ([House Journal‑page 81](h:\hj\20240320.docx))

5/8/2024 Ratified R 145

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=3518&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20221215.docx)

[02/01/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230201.docx)

[02/07/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230207.docx)

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[03/13/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230313.docx)

[03/13/2023-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230313a.docx)

[03/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230314.docx)

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[04/03/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230403.docx)

[05/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230511.docx)

[05/12/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20230512.docx)

[02/21/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20240221.docx)

[02/23/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/3518_20240223.docx)

**NOTE: THIS IS A TEMPORARY VERSION. THIS DOCUMENT WILL REMAIN IN THIS VERSION UNTIL FINAL APPROVAL BY THE LEGISLATIVE COUNCIL.**

(R145, H3518)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56‑1‑286, RELATING TO THE SUSPENSION OF LICENSES OR PERMITS OR THE DENIAL OF ISSUANCE OF LICENSES OR PERMITS TO PERSONS UNDER THE AGE OF TWENTY-ONE WHO DRIVE MOTOR VEHICLES WITH A CERTAIN ALCOHOL CONCENTRATION, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE PERSONS, AFTER THE ISSUANCE OF NOTICES OF SUSPENSIONS, MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, TO PROVIDE THE PERIOD OF TIME THE IGNITION INTERLOCK MUST BE MAINTAINED ON TEMPORARY ALCOHOL LICENSES, TO PROVIDE THE CIRCUMSTANCES WHEN PERSONS CAN OBTAIN TEMPORARY ALCOHOL LICENSES WITHOUT INTERLOCK RESTRICTIONS, AND TO PROVIDE, IF SUSPENSIONS ARE UPHELD, THE PERSONS MUST ENROLL IN THE IGNITION interlock DEVICE PROGRAM; AND BY AMENDING SECTION 56-5-2951, RELATING TO SUSPENSIONS OF LICENSES FOR THE REFUSAL TO SUBMIT TO TESTING OR FOR CERTAIN ALCOHOL CONCENTRATIONS, SO AS TO MAKE TECHNICAL CHANGES, TO PROVIDE PERSONS MAY ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM AFTER THE ISSUANCE OF THE NOTICES OF SUSPENSION, TO PROVIDE FEES ASSESSED UNDER THIS PROVISION MUST BE HELD IN TRUST UNTIL THE FINAL DISPOSITIONS OF CONTESTED HEARINGS, TO PROVIDE IF SUSPENSIONS ARE UPHELD AT CONTESTED HEARINGS, THE PERSONS MUST ENROLL IN THE IGNITION INTERLOCK DEVICE PROGRAM, AND TO PROVIDE IF THE SUSPENSIONS ARE OVERTURNED, THE FEES MUST BE REIMBURSED TO THE PERSONS AND THEIR DRIVING PRIVILEGES MUST BE REINSTATED.

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

Driver’s license suspension

SECTION 1. Section 56-1-286(L) of the S.C. Code is amended to read:

(L)(1) Within thirty days of the issuance of the notice of suspension the person may:

(a) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure; and, either:

(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941; or

(c) obtain a temporary alcohol license from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license. Twenty-five dollars of the fee must be distributed to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment. The remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive a motor vehicle pending the outcome of the contested case hearing provided for in this section or the final decision or disposition of the matter.

(2) The ignition interlock restriction must be maintained on the temporary alcohol license for three months. If the contested case hearing has not reached a final disposition by the time the ignition interlock restriction has been removed, then the person can obtain a temporary alcohol license without an ignition interlock restriction.

(3) At the contested case hearing, if:

(a) the suspension is upheld, the person shall enroll in an Alcohol and Drug Safety Action Program and the person’s driver’s license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension periods provided for in subsections (F) and (G); and

(b) the person must enroll in the Ignition Device Program pursuant to Section 56-5-2941.

(4) If the suspension is overturned, the person’s driver’s license, permit, or nonresident operating privilege must be reinstated.

Driver’s license suspension

SECTION 2. Section 56-5-2951(B) of the S.C. Code is amended to read:

(B)(1) Within thirty days of the issuance of the notice of suspension, the person may:

(a) request a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure; and, either:

(b) enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941; or

(c) obtain a temporary alcohol license from the Department of Motor Vehicles. A one hundred dollar fee must be assessed for obtaining a temporary alcohol license and such fee must be held in trust by the Department of Motor Vehicles until final disposition of any contested case hearing. Should the temporary suspension provided for in this subsection be upheld during the contested case hearing, twenty-five dollars of the fee must be distributed by the Department of Motor Vehicles to the Department of Public Safety for supplying and maintaining all necessary vehicle videotaping equipment, while the remaining seventy-five dollars must be placed by the Comptroller General into the State Highway Fund as established by Section 57-11-20, to be distributed as provided in Section 11-43-167. The temporary alcohol license allows the person to drive without any restrictive conditions pending the outcome of the contested case hearing provided for in subsection (F), this section, or the final decision or disposition of the matter. If the suspension is upheld at the contested case hearing, the temporary alcohol license remains in effect until the Office of Motor Vehicle Hearings issues the hearing officer’s decision and the Department of Motor Vehicles sends notice to the person pursuant to subsection (H).

(2) At the contested case hearing, if:

(a) the suspension is upheld, the person’s driver’s license, permit, or nonresident operating privilege must be suspended or the person must be denied the issuance of a license or permit for the remainder of the suspension period provided for in subsection (I). Within thirty days of the issuance of the notice that the suspension has been upheld, the person shall enroll in an Alcohol and Drug Safety Action Program pursuant to Section 56-5-2990 and must enroll in the Ignition Interlock Device Program pursuant to Section 56-5-2941;

(b) the suspension is overturned, the person must have the person’s driver’s license, permit, or nonresident operating privilege reinstated and the person must be reimbursed by the Department of Motor Vehicles in the amount of the fees provided for in subsection (B)(1)(c).

(3) If the suspension is overturned, the person’s driver’s license, permit, or nonresident operating privilege must be reinstated.

(4) The provisions of this subsection do not affect the trial for a violation of Section 56-5-2930, 56-5-2933, or 56-5-2945.

Time effective

SECTION 3. This act takes effect on May 19, 2024.

Ratified the 8th day of May, 2024.

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President of the Senate

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Speaker of the House of Representatives

Approved the \_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_2024.

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Governor

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