**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3169**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Beach and Magnuson

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Prefiled in the House on December 5, 2024

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

Summary: Driving without a license

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/5/2024 House Prefiled

12/5/2024 House Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3169_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56‑1‑440, RELATING TO PENALTIES FOR DRIVING WITHOUT LICENSE AND SUMMARY COURT JURISDICTION FOR THIS OFFENSE, SO AS TO PROVIDE PENALTIES FOR PERSONS WHO VIOLATE THIS PROVISION AND ALSO ARE FOUND TO BE UNDOCUMENTED ILLEGAL ALIENS.

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

SECTION 1. Section 56‑1‑440 of the S.C. Code is amended to read:

Section 56‑1‑440. (A) A person who drives a motor vehicle on a public highway of this State without a driver’s license in violation of Section 56‑1‑20 is guilty of a misdemeanor and, upon conviction of a first offense, must be fined not less than fifty dollars nor more than one hundred dollars or imprisoned for thirty days and, upon conviction of a second offense, must be fined five hundred dollars or imprisoned for forty‑five days, or both, and for upon conviction of a third and subsequent offense must be imprisoned for not less than forty‑five days nor more than six months. A person who violates this provision and also is found to be an undocumented illegal alien, in addition to the penalties contained in this section, upon a conviction of a first offense, must be fined one hundred dollars and imprisoned not more than sixty days and, upon a conviction of a second offense, must be fined one thousand dollars or imprisoned ninety days, or both, and upon conviction of a third and subsequent offense must be imprisoned one year. However, a charge of driving a motor vehicle without a driver’s license must be dismissed if the person provides proof of being a licensed driver at the time of the violation to the court on or before the date this matter is set to be disposed of by the court.

(B) The summary courts are vested with jurisdiction to hear and dispose of cases involving a violation of this section.

SECTION 2. This act takes effect upon approval by the Governor.

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