**South Carolina General Assembly**

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**H. 3856**

**STATUS INFORMATION**

General Bill

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

Summary: Department of Motor Vehicles

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

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**VERSIONS OF THIS BILL**

[01/30/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/3856_20250130.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56‑1‑80, RELATING TO APPLICATIONS FOR LICENSES OR PERMITS, SO AS TO DELETE THE TERM “BLOOD TYPE” AND REPLACE IT WITH THE TERM “INFORMATION”; BY AMENDING SECTION 56‑1‑3350, RELATING TO ISSUANCE OF SPECIAL IDENTIFICATION CARDs AND VETERAN DESIGNATIONS ON DRIVERS’ LICENSES, SO AS TO PROVIDE DOCUMENTATION THAT MUST BE SUBMITTED ON APPLICATIONS FOR A PERSON’S BLOOD TYPE TO APPEAR ON A SPECIAL IDENTIFICATION CARD, AND PROVIDE A CAUSE OF ACTION BASED ON INACCURATE INFORMATION CONTAINED ON IDENTIFICATION CARDS OR DRIVERS’ RECORDS; BY AMENDING SECTION 56‑3‑20, RELATING TO DEFINITIONS, SO AS TO DEFINE THE TERM “RENTAL TRAILER”; BY AMENDING SECTION 56‑3‑785, RELATING TO ISSUANCE OF PERMANENT LICENSE PLATES TO CERTAIN OWNERS OF TRAILERS AND SEMI‑TRAILERS, SO AS TO PROVIDE FOR THE ISSUANCE OF LICENSE PLATES TO OWNERS OF RENTAL TRAILERS, AND MAKE TECHNICAL CHANGES; BY AMENDING SECTION 56‑3‑2320, RELATING TO DEALER AND WHOLESALER LICENSE PLATES, SO AS TO REVISE THE NUMBER of MOTOR VEHICLE SALES THAT MUST BE MADE BEFORE DEALER PLATES MAY BE ISSUED; BY AMENDING SECTION 56‑15‑560, RELATING TO APPLICATIONS FOR WHOLESALE MOTOR VEHICLE AUCTION LICENSES AND FEES, SO AS TO REVISE EXPIRATION DATES FOR THE LICENSES AND INCREASE THE LICENSE FEES; BY AMENDING SECTION 56‑19‑10, RELATING TO DEFINITIONS, SO AS TO REVISE THE DEFINITION OF THE TERM “BUS”; BY AMENDING SECTION 56‑23‑85, RELATING TO DRIVER INSTRUCTOR PERMITS, SO AS TO REVISE THE EXPIRATION DATES FOR THE PERMITS AND PROVIDE A SCHEDULE OF FEES; BY AMENDING SECTION 56‑37‑30, RELATING TO ESTABLISHMENT OF THE POINTS SYSTEM FOR EVALUATING PERFORMANCE RECORDS OF DEALERS, SO AS TO ELIMINATE CERTAIN CONDUCT THAT RESULTS IN POINT VIOLATIONS AND ADD ADDITIONAL CONDUCT THAT RESULTS IN POINT VIOLATIONS; AND BY AMENDING SECTION 56‑37‑70, RELATING TO SUSPENSIONS OF LICENSES, SO AS TO DELETE THE TERM “CERTIFIED” AND REPLACE IT WITH THE TERM “NORMAL.”

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

SECTION 1. Section 56‑1‑80(B)(4) of the S.C. Code is amended to read:

(B)(4) No cause of action may arise nor may liability be imposed against any person, government entity, or government entity officer, agent, or employee arising from any action taken by any person in reliance upon an inaccurate blood type information indicated on a person’s driver’s license or driver’s record when the license holder, physician, or medical provider provided the inaccurate blood type information on the forms required pursuant to this section.

SECTION 2. Section 56‑1‑3350(A) of the S.C. Code is amended to read:

Section 56‑1‑3350. (A) Upon application by a person five years of age or older, who is a resident of South Carolina, the department shall issue a special identification card provided that the:

(1) application is made on a form approved and furnished by the department;

(2) applicant presents to the person issuing the identification card a birth certificate or other evidence acceptable to the department of his name and date of birth;

(3) applicant, who wishes to obtain a special identification card that indicates the applicant is autistic, complies with subsections (A)(1) and (A)(2) and provides documentation that he is autistic from a physician licensed in this State, as defined in Chapter 47, Title 40. The special identification requested must be indicated by a symbol designated by the department on the person’s special identification card; and

(4) applicant, who wishes to obtain a special identification card that voluntarily discloses their blood type, complies with subsections (A)(1) and (A)(2) and provides documentation on a form prescribed by the department and includes a certification from a physician or medical provider. Blood type must be indicated by a symbol designated by the department on the identification card and contained in the driver’s record. The department may use the same symbol used to indicate voluntary disclosure of a permanent medical condition;

(5) applicant, who wishes to obtain a special identification card that indicates the applicant has voluntarily disclosed a permanent medical condition, complies with subsection (A)(1) and (A)(2), and provides documentation of the medical condition from a physician licensed in this State, as defined in Chapter 47, Title 40. The record of an identification card holder may not contain more than three permanent medical conditions unless subitem (A)(3) applies. The information contained on a special identification card and in the special identification card holder’s department records pertaining to his autism, as provided for in itemsubitem (3), blood type as provided for in subitem (4), or his permanent medical condition, as provided for in this item, may not be sold, is exempt from disclosure pursuant to Chapter 4, Title 30, the South Carolina Freedom of Information Act, and may be released upon request only to:

(a) law enforcement, emergency medical services, and hospital personnel;

(b) the medical advisory board pursuant to Section 56‑1‑221;

(c) permitted entities pursuant to the Driver Privacy Protection Act, 18 U.S.C.A. 2721; and

(d) the person to whom the records of the permanent medical condition applies.;

(6) no cause of action may arise nor may liability be imposed against any person, government entity, or government entity officer, agent, or employee arising from any action taken by any person in reliance upon inaccurate information indicated on a person’s identification card or driver’s record when the card holder, physician, or medical provider provided inaccurate information on the forms required pursuant to this section.

SECTION 3. Section 56‑3‑20 of the S.C. Code is amended by adding:

(32) “Rental Trailer” means a utility trailer that is registered to a company or business actively engaged in the practice of renting utility trailers. The term “rental trailer” shall not include trailers or semitrailers rented or leased to any person for use by such lessee in the furtherance of or as an incident to any commercial or industrial enterprise in interstate commerce or for the use in connection with any business or occupation carried on in interstate commerce by the lessee.

SECTION 4. Section 56‑3‑785 of the S.C. Code is amended to read:

Section 56‑3‑785. (A) Upon proper application, the Department of Motor Vehicles may issue a registration and license plate on a permanent basis for semitrailers, regular trailers, rental trailers, and utility trailers.

(B) The fee for the license is seventy‑five dollars for each semitrailer, regular trailer, rental trailer, and utility trailer, and is not transferable. The fee must be paid in one sum. After the initial issuance of the license the owner shall remit annually to the department on a form furnished by the department a report of the units still in use and units which must be deleted and return the licenses issued to the units no longer in use. Failure to furnish required forms by the due date established by the department results in a fine not to exceed fifty dollars. A permanent license may be purchased for chassis, specially constructed to transport international shipping containers, without being required to furnish a South Carolina address if the chassis is not for domicile.

(C) The license plateLicense plates for semitrailers, regular trailers and utility trailers must be the same size of regular license plates and design as specified by the department. The size and design of rental trailer license plates issued pursuant to this section shall be determined by the department.

SECTION 5. Section 56‑3‑2320(A)(1) and (2) of the S.C. Code is amended to read:

(A)(1) Upon application being made and the required fee being paid to the Department of Motor Vehicles, the department may issue dealer license plates to a licensed motor vehicle dealer. The license plates, notwithstanding other provisions of this chapter to the contrary, may be used exclusively on motor vehicles owned by, assigned, or loaned for test driving purposes to the dealer when operated on the highways of this State by the dealer, its corporate officers, its employees, a prospective purchaser of the motor vehicle, or a person whose vehicle is being serviced or repaired by the dealer. The use by a prospective purchaser is limited to seven days, and the dealer shall provide the prospective purchaser with a dated demonstration certificate. A dealer license plate may be used by a person whose vehicle is being serviced or repaired by the dealership, provided that the vehicle displaying the license plate is part of a manufacturer program and given to the person by the dealer at no charge to the consumer. The use of a dealer license plate by the consumer for service and repair is limited to thirty days. The demonstration certificate for a prospective customer must be approved by the department. Dealer plates must not be used to operate wreckers or service vehicles in use by the dealer nor to operate vehicles owned by the dealer that are leased or rented by the public. No dealer plates may be issued by the department unless the dealer furnishes proof in a form acceptable to the department that he has a retail business license as required by Chapter 36, Title 12 and has made at least twentyfifteen sales of motor vehicles in the twelve months preceding his application for a dealer plate. The sales requirement may be waived by the department if the dealer has been licensed for less than one year. For purposes of this section, the transfer of ownership of a motor vehicle between the same individual or corporation more than one time is considered as only one sale. Multiple transfer of motor vehicles between licensed dealers for the purpose of meeting eligibility requirements for motor vehicle dealer plates is prohibited.

(2) A dealer may be issued two plates for the first fifteen vehicles sold during the preceding year and one additional plate for each fifteen vehicles sold beyond the initial twentyfifteen during the preceding year. A dealer participating in a manufacturer program may be issued two additional plates for each fifteen vehicles sold beyond the initial twentyfifteen during the preceding year. For good cause shown, the department in its discretion may issue extra plates. If the dealer has been licensed less than one year, the department shall issue a number of license plates based on an estimated number of sales for the coming year. The department may increase or decrease the number of plates issued based on actual sales made.

SECTION 6. Section 56‑15‑560 of the S.C. Code is amended to read:

Section 56‑15‑560. Before engaging in business as a wholesale motor vehicle auction in this State, an application must be filed with the Department of Motor Vehicles furnishing the information it requires including, but not limited to, information adequately identifying by name and address individuals who own or control ten percent or more of the interest of the applicant. Each license issued expires twelvethirty‑six months from the month of issuance and must be displayed prominently at the established place of business. The license applies to only one place of business of the applicant and is not transferable to another person or place of business. The fee for the license is fiftyone hundred and fifty dollars.

SECTION 7. Section 56‑19‑10(3) of the S.C. Code is amended to read:

(3) “Bus” means every motor vehicle designed for carrying more than ten sixteen passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

SECTION 8. Section 56‑23‑85 of the S.C. Code is amended to read:

Section 56‑23‑85. A person connected with driver training schools or private, parochial, or public high schools shall not engage in either classroom only instruction, or behind the wheel only instruction, or both, unless the person has obtained and holds a valid driver instructor permit or temporary driver instructor permit issued by the Department of Motor Vehicles.

Appropriate examination for an instructor permit must be at the discretion of the department. The annual fee for an instructor permit is twenty dollars, and all Driver instructor permits shall expire on June thirtieth the date of license expiration of the respective driver training school for which the driver instructor is permitted. Fees for driver instructor permits shall be according to the following schedule: the fee for each driver instructor permit issued with a validity period of one to twelve months shall be twenty dollars, the fee for each driver instructor permit issued with a validity period of thirteen to twenty‑four months shall be forty dollars, the fee for each driver instructor permit issued with a validity period of twenty‑five to thirty‑six months shall be sixty dollars, and the fee for each driver instructor permit issued with a validity period of thirty‑seven to forty‑eight months shall be eighty dollars. Public and private high school instructors are not required to pay a fee for a permit. The proceeds from the sale of instructor permits must be deposited in the state general fund.

SECTION 9. Section 56‑37‑30 (B), (C), and (D) of the S.C. Code is amended to read:

(B) For multiple record errors over a six‑month period of time, the department may impose a two‑point violation against a dealer license for the following:

(1) errors or omissions on transactions regarding incoming or outgoing documents;

(2) incorrect acquisition or sale dates;

(3) incorrect vehicle identification numbers;

(4) incorrect make, model, or type of body;

(5) incorrect incoming or outgoing odometer reading;

(6) incorrect name and address of the person a vehicle was acquired from or transferred to; or

(7) inability to provide an account for a dealer, transporter, or wholesale auto auction plate; or.

(8) issuance of a second temporary plate to a purchaser.

(C) The following are four‑point violations:

(1) dealer selling at address different than indicated on dealer application and license;

(2) failure to deliver a title to a buyer or the department within forty‑five days of the date of sale;

(3) reasonable records request unavailable upon the demand of the department;

(4) issuance of any temporary license plate to a person not authorized to have the plate;

(5) misuse of dealer, transporter, or wholesale auto auction plate; and

(6)(5) operating or allowing the operation of a vehicle with a suspended dealer plate.

(D) The following are six‑point violations:

(1) selling out‑of‑trust or breach‑of‑trust;

(2) possession of an open title;

(3) altering or changing documents to avoid or delay registration;

(4) maintaining or producing fraudulent records;

(5) licensure as a wholesaler dealer only, but selling vehicles retail;

(6) having a volume of sales that do not warrant the number of license plates issued;

(7) dealer or auction facilitating a wholesaler selling retail;

(8) failure to remit any state‑owed fees within the time period prescribed by law to the department;

(9) conviction by the licensee involving acquisition or transfer of a title to a vehicle issuance of a second temporary plate to a purchaser; and

(10) conviction by the licensee of a criminal offense or judgment in a civil case in which there is fraud connected to the sale or transfer of a vehicle; issuance of any temporary license plate to a person not authorized to have the plate and

(11) use of fraudulent methods or practices.

SECTION 10. Section 56‑37‑70(C) of the S.C. Code is amended to read:

(C) The department must suspend the license of any dealer for three years upon the third accumulation of twelve points within a three‑year period. Dealers may not reapply for any kind of dealer license for three years after the last issued points. Should the provisions of this subsection apply, then the department may deny applications for any type of dealer license when the applicant is a member of the immediate family of the suspended dealer. The department shall notify the licensee or applicant by certifiednormal mail at the mailing address provided in his application of its intention to suspend his license at least thirty days in advance and shall provide the licensee an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings pursuant to its rules of procedure and the Administrative Procedures Act of this State. A licensee desiring a contested case hearing must request the hearing in writing within thirty days of receiving notice of the proposed suspension of his dealer’s or wholesaler’s license. Should the dealer not request a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the suspension of the dealer license must go into effect. If the dealer requests a contested case hearing from the Office of Motor Vehicle Hearings within thirty days of receiving notice of the proposed suspension, then the dealer may continue to operate until the Office of Motor Vehicle Hearings makes a final ruling in the contested case. Upon the suspension of a license, the licensee shall immediately return to the department the license and all dealer license plates.

SECTION 11. This act takes effect six months after approval by the Governor.

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