**South Carolina General Assembly**

126th Session, 2025-2026

**S. 59**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Bennett

Document Path: SR-0121KM25.docx

Prefiled in the Senate on December 11, 2024

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

Summary: Increased Penalties for Driving Without a License

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2024 Senate Prefiled

12/11/2024 Senate Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/59_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56‑1‑440, RELATING TO PENALTIES FOR DRIVING WITHOUT LICENSE, SO AS TO INCREASE THE PENALTIES FOR DRIVING WITHOUT A LICENSE AND MAKE CONFORMING CHANGES.

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 punished as follows:

(1) for a first offense, be fined not less than fifty dollars nor more than one three hundred dollars or imprisoned for thirty days, or both;

(2) for and, upon conviction of a second offense, be fined five six hundred dollars or imprisoned for not less than forty‑five days nor more than sixty consecutive days, or both, ; and

(3) for a third and or subsequent offense, fined one thousand dollars, and must be imprisoned for not less than forty‑five days nor more than six months or confined to a person's place of residence pursuant to the Home Detention Act for not less than forty‑five days nor more than six months. No portion of a term of imprisonment or confinement under home detention may be suspended by the trial judge except when the court is suspending a term of imprisonment upon successful completion of the terms and conditions of confinement under home detention. For purposes of this item, a person sentenced to confinement pursuant to the Home Detention Act is required to pay for the cost of such confinement. 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.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.

(C) 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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