



ALAN WILSON  
ATTORNEY GENERAL

June 28, 2011

**VIA FEDERAL EXPRESS**

**SECTION 5 SUBMISSION**

Chief, Voting Section  
Civil Rights Division  
Room 7254 - NWB  
Department of Justice  
1800 G St., N.W.  
Washington, DC 20006

Submission under Section 5 of the Voting Rights Act:  
Act R54 (A27 H3003) of 2011  
Voter ID

Dear Sir or Madam:

Enclosed is a copy of Act R54 (A27 H3003) of 2011 ("Act") for consideration under Section 5 of the Voting Rights Act.

The Act implements several changes:

- In Sections 1 and 3, the Act amends the list of factors used to determine a voter's domicile for voting purposes.
- In Section 2, the Act allows a voter to request a duplicate registration notification if the original is lost or defaced.
- In Section 4, the Act requires the State Election Commission to implement a system to issue voter registration cards bearing the voter's photograph.
- In Section 5, the Act requires that a photo ID be presented when voting and provides for the casting of a provisional ballot.
- In Section 6, the Act requires the Department of Motor Vehicles to issue a special identification card free of charge to anyone aged seventeen years or older.

- In Section 7, the Act requires the State Election Commission to implement a voter education program concerning the changes made by the Act.
- In Section 8, the Act requires the State Election Commission to compile and publish a list of all voters who do not currently have an acceptable photo ID.

The South Carolina General Assembly, acting in its general law-making capacity, passed the Act under the sponsorship of Representatives Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Delleney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman, Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire. Representative Alan D. Clemmons provided the attached letter regarding his reasons for sponsoring the legislation. Representative Clemmons can be contacted at 843.448.8207.

The Act states that all sections except Section 4 take effect upon signature by the governor, and Governor Haley signed the Act on May 18, 2011. The Act states that Section 4 takes effect when the State Election Commission receives sufficient funding to implement the provisions of Section 4.

The Act amends the following sections of the S.C. Code of Laws:

- S.C. Code Ann. § 7-1-25, which was last amended by Act R180 (A103, S373) of 1999, which was precleared on October 1, 1999.
- S.C. Code Ann. § 7-5-125, which was last amended by Act R571 (A507, S745) of 1988, which was precleared on July 18, 1988.
- S.C. Code Ann. § 7-5-230, which was last amended by Act R180 (A103, S373) of 1999, which was precleared on October 1, 1999.
- S.C. Code Ann. § 7-13-710, last amended by Act R459 (A459, S1162) of 1996, which was not submitted for preclearance since it did not make any voting-related changes.
- S.C. Code Ann. § 56-1-3350, last amended by Act R296 (A277, S288) of 2010, which was not submitted for preclearance since it did not make any voting-related changes.

The following are minorities who are familiar with this legislation:

- (1) Representative Harold Mitchell, Jr.  
414C Blatt Building  
Columbia, SC 29201  
803.734.6638
- (2) Senator Kent M. Williams

602 Gressette Building  
Columbia, SC 29201  
803.212.6008

This office is not aware that the changes in the Act affect any minority or language groups adversely. This office is not aware of any past or pending litigation regarding this Act, and this office is not aware that the changes have been enforced or administered.

Please feel free to contact my assistant Jay Smith at 803.734.3733 with any questions regarding this submission.

Sincerely yours,



C. Havird Jones, Jr.  
Assistant Deputy Attorney General

Enclosures:

Act R54 (A27 H3003) of 2011  
Redlined version of Act R54 (A27 H3003) of 2011  
Act R180 (A103, S373) of 1999  
Preclearance letter for Act R180 (A103, S373) of 1999  
Act R571 (A507, S745) of 1988  
Preclearance letter for R571 (A507, S745) of 1988  
Relevant portions of Act R459 (A459, S1162) of 1996  
Relevant portions of Act R276 (A181 H3546) of 1993  
Act R296 (A277, S288) of 2010  
Statement from Representative Clemmons

CC via email:

Garry Baum, State Election Commission  
Bobby Bowers, Research and Statistics  
Wayne Gilbert, Research and Statistics  
Will Roberts, Research and Statistics  
Elizabeth Taylor, Legislative Council

**South Carolina General Assembly**  
119th Session, 2011-2012

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~~Indicates Matter Stricken~~

Indicates New Matter

**R54, H3003**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Dellene, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman, Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire

Document Path: I:\council\ills\ms\7070zw11.docx

Companion/Similar bill(s): 1, 3961

Introduced in the House on January 11, 2011

Introduced in the Senate on January 27, 2011

Last Amended on May 11, 2011

Passed by the General Assembly on May 11, 2011

Governor's Action: May 18, 2011, Signed

Summary: Voter ID

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
12/7/2010	House	Prefiled
12/7/2010	House	Referred to Committee on <b>Judiciary</b>
1/11/2011	House	Introduced and read first time ( <u>House Journal-page 3</u> )
1/11/2011	House	Referred to Committee on <b>Judiciary</b> ( <u>House Journal-page 3</u> )
1/12/2011	House	Member(s) request name added as sponsor: Atwater
1/18/2011	House	Member(s) request name added as sponsor: Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson
1/19/2011	House	Committee report: Favorable with amendment <b>Judiciary</b> ( <u>House Journal-page 2</u> )
1/20/2011	House	Member(s) request name added as sponsor: D.C. Moss
1/25/2011	House	Member(s) request name added as sponsor: Erickson, Willis
1/25/2011	House	Objection by Rep. Cobb-Hunter and Sellers ( <u>House Journal-page 32</u> )
1/25/2011	House	Requests for debate-Rep(s). Clemmons, Crawford, JE Smith, Hart, Govan, McEachern, Erickson, Brantley, King, Jefferson, Munnerlyn, Forrester, Parker, Allison, Mack, Mitchell, Bikas, DC Moss, JR Smith,

Hixon, Taylor, Young, RL Brown, GA Brown, Anderson, Clyburn, Hosey, Brannon, Hayes, Battle, Gilliard, McCoy, Stringer, Sandifer, Whitmire, VS Moss, Nanney, Bedinfield, Henderson, Allen, Hearn, Dillard, Corbin, Hardwick, Loftis, Pope, Whipper, Ott, and Vick  
([House Journal-page 32](#))

1/26/2011 House Member(s) request name added as sponsor: Brady, Herbkersman, Nanney, Brannon, Whitmire

1/26/2011 House Amended ([House Journal-page 28](#))

1/26/2011 House Read second time ([House Journal-page 28](#))

1/26/2011 House Roll call Yeas-74 Nays-45 ([House Journal-page 28](#))

1/27/2011 House Read third time and sent to Senate  
([House Journal-page 34](#))

1/27/2011 Senate Introduced and read first time ([Senate Journal-page 17](#))

1/27/2011 Senate Referred to Committee on **Judiciary**  
([Senate Journal-page 17](#))

2/3/2011 Scrivener's error corrected

2/8/2011 Senate Motion For Special Order Failed ([Senate Journal-page 14](#))

2/8/2011 Senate Roll call Ayes-25 Nays-15 ([Senate Journal-page 14](#))

2/9/2011 Senate Motion For Special Order Failed ([Senate Journal-page 23](#))

2/9/2011 Senate Roll call Ayes-26 Nays-14 ([Senate Journal-page 23](#))

2/10/2011 Senate Special order, set for February 10, 2011  
([Senate Journal-page 19](#))

2/10/2011 Senate Roll call Ayes-26 Nays-17 ([Senate Journal-page 19](#))

2/15/2011 Senate Debate interrupted ([Senate Journal-page 24](#))

2/16/2011 Senate Debate interrupted ([Senate Journal-page 23](#))

2/17/2011 Senate Debate interrupted ([Senate Journal-page 12](#))

2/22/2011 Senate Debate interrupted ([Senate Journal-page 23](#))

2/23/2011 Senate Committee Amendment Amended and Adopted  
([Senate Journal-page 36](#))

2/23/2011 Senate Read second time ([Senate Journal-page 36](#))

2/23/2011 Senate Roll call Ayes-26 Nays-15 ([Senate Journal-page 36](#))

2/24/2011 Scrivener's error corrected

2/24/2011 Senate Read third time and returned to House with amendments  
([Senate Journal-page 11](#))

2/24/2011 Senate Roll call Ayes-24 Nays-15 ([Senate Journal-page 11](#))

2/24/2011 Scrivener's error corrected

2/25/2011 Scrivener's error corrected

3/2/2011 House Debate adjourned until Thursday, March 3, 2011  
([House Journal-page 49](#))

3/3/2011 House Debate adjourned until Tuesday, March 8, 2011  
([House Journal-page 28](#))

3/8/2011 House Debate adjourned until Wednesday, March 9, 2011  
([House Journal-page 73](#))

3/9/2011 House Debate adjourned on amendments ([House Journal-page 27](#))

3/10/2011 House Debate adjourned on amendments ([House Journal-page 30](#))

3/29/2011 House Debate adjourned on Senate amendments until Wednesday, March 30, 2011 ([House Journal-page 30](#))

3/30/2011 House Debate adjourned on Senate amendments until Thursday, March 31, 2011 ([House Journal-page 33](#))

3/31/2011 House Debate adjourned on amendments ([House Journal-page 35](#))

4/5/2011 House Debate adjourned on Senate amendments until Wednesday, April 6, 2011 ([House Journal-page 22](#))

4/6/2011 House Senate amendment amended ([House Journal-page 36](#))

4/6/2011 House Returned to Senate with amendments  
([House Journal-page 36](#))

4/13/2011 Senate Non-concurrence in House amendment  
([Senate Journal-page 35](#))

4/13/2011 Senate Roll call Ayes-28 Nays-15 ([Senate Journal-page 35](#))

4/14/2011 House House insists upon amendment and conference committee

appointed Reps. Clemmons, Lucas, and Merrill  
([House Journal-page 2](#))

4/14/2011 Senate Conference committee appointed McConnell, Campsen, and  
Scott ([Senate Journal-page 21](#))

4/26/2011 House Conference report received and adopted  
([House Journal-page 38](#))

4/26/2011 House Roll call Yeas-71 Nays-36 ([House Journal-page 38](#))

5/11/2011 Senate Conference report received and adopted  
([Senate Journal-page 35](#))

5/11/2011 Senate Roll call Ayes-26 Nays-16 ([Senate Journal-page 35](#))

5/11/2011 Senate Ordered enrolled for ratification  
([Senate Journal-page 47](#))

5/17/2011 Ratified R 54

5/18/2011 Signed By Governor

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## VERSIONS OF THIS BILL

[12/7/2010](#)  
[1/19/2011](#)  
[1/26/2011](#)  
[2/2/2011](#)  
[2/3/2011](#)  
[2/23/2011](#)  
[2/24/2011](#)  
[2/25/2011](#)  
[4/6/2011](#)  
[5/11/2011](#)

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

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(R54, H3003)

**AN ACT TO AMEND SECTION 7-1-25, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF "DOMICILE", SO AS TO PROVIDE FACTORS TO CONSIDER IN DETERMINING A PERSON'S INTENTION REGARDING HIS DOMICILE FOR VOTING PURPOSES; TO AMEND SECTION 7-5-125, RELATING TO WRITTEN NOTIFICATION OF REGISTRATION, SO AS TO PROVIDE THAT IF AN ELECTOR LOSES OR DEFACES HIS REGISTRATION NOTIFICATION, HE MAY OBTAIN A DUPLICATE NOTIFICATION FROM HIS COUNTY BOARD OF REGISTRATION; TO AMEND SECTION 7-5-230, AS AMENDED, RELATING TO LEGAL QUALIFICATIONS OF APPLICANTS FOR REGISTRATION AND CHALLENGES OF QUALIFICATIONS, SO AS TO REVISE WHAT THE BOARD OF REGISTRATION MUST CONSIDER WHEN A CHALLENGE IS MADE REGARDING RESIDENCE OR DOMICILE OF AN ELECTOR; BY ADDING SECTION 7-5-675 SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION SHALL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE ELECTOR, AND TO PROVIDE WHEN THE PROVISIONS OF**

**THIS SECTION TAKE EFFECT INCLUDING A REQUIREMENT THAT IMPLEMENTATION IS CONTINGENT ON FUNDING TO IMPLEMENT THIS REQUIREMENT; TO AMEND SECTION 7-13-710, AS AMENDED, RELATING TO PROOF OF THE RIGHT TO VOTE, SO AS TO REQUIRE CERTAIN PHOTOGRAPH IDENTIFICATION IN ORDER TO VOTE, TO PROVIDE THAT ONE OF THE POLL MANAGERS SHALL COMPARE THE PHOTOGRAPH CONTAINED ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND SHALL VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE, TO PERMIT PROVISIONAL BALLOTS IF THE PHOTOGRAPH IDENTIFICATION CANNOT BE PRODUCED OR IF THE POLL MANAGER DISPUTES THE PHOTOGRAPH, TO PROVIDE EXCEPTIONS FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED OR IF THE ELECTOR SUFFERS FROM A REASONABLE IMPAIRMENT THAT PREVENTS HIM FROM OBTAINING PHOTOGRAPH IDENTIFICATION, TO PERMIT THE CASTING OF A PROVISIONAL BALLOT IN THESE CASES UPON SPECIFIC REQUIREMENTS INCLUDING AN AFFIDAVIT, TO PROVIDE FOR THE MANNER IN WHICH THE COUNTY BOARD OF REGISTRATION AND ELECTIONS SHALL PROCESS THESE PROVISIONAL BALLOTS, AND TO PROVIDE THAT THE IDENTIFICATION REQUIRED ABOVE IS FOR THE PURPOSE OF CONFIRMING THE IDENTITY OF THE ELECTOR AND TO PROVIDE FOR THE MANNER IN WHICH THE ELECTOR'S DOMICILE SHALL BE DETERMINED FOR PURPOSES OF VOTING; TO AMEND SECTION 56-1-3350, AS AMENDED, RELATING TO SPECIAL IDENTIFICATION CARDS ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES TO RESIDENTS OF THIS STATE TEN YEARS OF AGE OR OLDER, SO AS TO REDUCE THIS AGE TO FIVE YEARS OF AGE OR OLDER, TO PROVIDE THAT THESE CARDS MUST BE ISSUED FREE OF CHARGE TO PERSONS SEVENTEEN YEARS OF AGE AND OLDER AND FOR THE FEE TO BE CHARGED TO PERSONS BETWEEN THE AGES OF FIVE AND SIXTEEN, TO DELETE LANGUAGE OF THE SECTION RELATING TO RENEWAL FEES AND WAIVER OF FEES, AND TO REVISE PROVISIONS OF THE SECTION PERTAINING TO USE OF THE FEES COLLECTED; TO PROVIDE THAT THE STATE ELECTION COMMISSION SHALL ESTABLISH AN AGGRESSIVE VOTER EDUCATION PROGRAM CONCERNING THE PROVISIONS OF THIS ACT TO EDUCATE THE PUBLIC IN CERTAIN PARTICULARS OF THIS ACT AND THE COMMISSION ALSO MAY IMPLEMENT ADDITIONAL EDUCATIONAL PROGRAMS IN ITS DISCRETION; TO PROVIDE THAT THE STATE ELECTION COMMISSION IS DIRECTED TO CREATE A LIST CONTAINING ALL REGISTERED VOTERS OF SOUTH CAROLINA WHO ARE OTHERWISE QUALIFIED TO VOTE BUT DO NOT HAVE A SOUTH CAROLINA DRIVER'S LICENSE OR OTHER FORM OF IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES AS OF DECEMBER 1, 2011, AND TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES MUST PROVIDE THE LIST OF PERSONS WITH A SOUTH CAROLINA DRIVER'S LICENSE OR OTHER FORM OF IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES AT NO COST TO THE COMMISSION.**

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

**Factors to consider**

SECTION 1. Section 7-1-25 of the 1976 Code, as added by Act 103 of 1999, is amended to read:

"Section 7-1-25. (A) A person's residence is his domicile. 'Domicile' means a person's fixed home where he has an intention of returning when he is absent. A person has only one domicile.

(B) For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.

(C) For voting purposes, a spouse may establish a separate domicile.

(D) For voting purposes, factors to consider in determining a person's intention regarding his domicile include, but are not limited to:

- (1) a voter's address reported on income tax returns;
- (2) a voter's real estate interests, including the address for which the legal residence tax assessment ratio is claimed pursuant to Section 12-43-220(C);
- (3) a voter's physical mailing address;
- (4) a voter's address on driver's license or other identification issued by the Department of Motor Vehicles;
- (5) a voter's address on legal and financial documents;
- (6) a voter's address utilized for educational purposes, such as public school assignment and determination of tuition at institutions of higher education;
- (7) a voter's address on an automobile registration;
- (8) a voter's address utilized for membership in clubs and organizations;
- (9) the location of a voter's personal property;
- (10) residence of a voter's parents, spouse, and children; and
- (11) whether a voter temporarily relocated due to medical care for the voter or for a member of the voter's immediate family."

### **Duplicate registration**

SECTION 2. Section 7-5-125 of the 1976 Code, as added by Act 507 of 1988, is amended to read:

"Section 7-5-125. (A) Any person who applies for registration to vote and is found to be qualified by the county board of registration to whom application is made must be issued a written notification of registration. This notification must be on a form prescribed and provided by the State Election Commission.

(B) If an elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail."

### **Consideration of challenges**

SECTION 3. Section 7-5-230 of the 1976 Code, as amended by Act 103 of 1999, is further amended



to read:

"Section 7-5-230. (A) The boards of registration to be appointed under Section 7-5-10 shall be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

Once a person is registered, challenges of the qualifications of any elector, except for challenges issued at the polls pursuant to Sections 7-13-810, 7-13-820, and 7-15-420 must be made in writing to the board of registration in the county of registration. The board must, within ten days following the challenge and after first giving notice to the elector and the challenger, hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications set forth in Section 7-5-120.

(B) When a challenge is made regarding the residence or domicile of an elector, the board must consider the provisions of Section 7-1-25(D).

(C) Any person denied registration or restoration of his name on the registration books shall have the right of appeal from the decision of the board of registration denying him registration or such restoration to the court of common pleas of the county or any judge thereof and subsequently to the Supreme Court."

#### **System to be implemented**

SECTION 4. Article 7, Chapter 5, Title 7 of the 1976 Code is amended by adding:

"Section 7-5-675. The State Elections Commission shall implement a system in order to issue voter registration cards with a photograph of the elector. This voter registration card may be used for voting purposes only."

#### **Photograph identification required; provisional ballots**

SECTION 5. Section 7-13-710 of the 1976 Code, as last amended by Act 459 of 1996, is further amended to read:

"Section 7-13-710. (A) When a person presents himself to vote, he shall produce a valid and current:

- (1) South Carolina driver's license; or
- (2) other form of identification containing a photograph issued by the Department of Motor Vehicles; or
- (3) passport; or
- (4) military identification containing a photograph issued by the federal government; or
- (5) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7-5-675.

(B) After presentation of the required identification described in subsection (A), the elector's name must be checked by one of the managers on the margin of the page opposite his name upon the

registration books, or copy of the books, furnished by the board of registration. One of the managers also shall compare the photograph contained on the required identification with the person presenting himself to vote. The manager shall verify that the photograph is that of the person seeking to vote. The managers shall keep a poll list which must contain one column headed 'Names of Voters'. Before a ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter's oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter's driver's license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

(C)(1) If the elector cannot produce the identification as required in subsection (A), he may cast a provisional ballot that is counted only if the elector brings a valid and current photograph identification to the county board of registration and elections before certification of the election by the county board of canvassers.

(2) If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the elector may cast a provisional ballot. A determination of that provisional ballot must be made in accordance with Section 7-13-830.

(D)(1)(a) If an elector does not produce a valid and current photograph identification due to a religious objection to being photographed, he may complete an affidavit under penalty of perjury at the polling place and affirm that the elector: (i) is the same individual who personally appeared at the polling place; (ii) cast the provisional ballot on election day; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections before certification of the election by the county board of canvassers.

(b) If an elector does not produce a valid and current photograph identification because the elector suffers from a reasonable impediment that prevents the elector from obtaining photograph identification, he may complete an affidavit under the penalty of perjury at the polling place and affirm that the elector: (i) is the same individual who personally appeared at the polling place; (ii) cast the provisional ballot on election day; and (iii) the elector suffers from a reasonable impediment that prevents him from obtaining photograph identification. The elector also shall list the impediment, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections before certification of the election by the county board of canvassers.

(2) If the county board of registration and elections determines that the voter was challenged only for the inability to provide proof of identification and the required affidavit is submitted, the county board of registration and elections shall find that the provisional ballot is valid unless the board has grounds to believe the affidavit is false.

(3) If the county board of registration and elections determines that the voter has been challenged for a cause other than the inability to provide proof of identification as required by subsection (A), the county board of registration and elections shall:

(a) note on the envelope containing the provisional ballot that the voter complied with the proof of

identification requirement; and

(b) proceed to determine the validity of the remaining challenges before ruling on the validity of the provisional ballot.

(E) The purpose of the identification required pursuant to subsection (A) is to confirm the person presenting himself to vote is the elector on the poll list. Any address listed on the identification is not determinative of an elector's domicile for the purpose of voting. An elector's domicile for the purpose of voting is determined pursuant to the provisions of Section 7-1-25."

### **Special identification card provisions revised**

SECTION 6. Section 56-1-3350 of the 1976 Code, as last amended by Act 277 of 2010, is further 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 as long as:

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

(B)(1) The fee for the issuance of the special identification card is five dollars for a person between the ages of five and sixteen years.

(2) An identification card must be free to a person aged seventeen years or older.

(C) The identification card expires five years from the date of issuance.

(D) Special identification cards issued to persons under the age of twenty-one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty-one.

(E) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund."

### **Voter education program**

SECTION 7. The State Elections Commission must establish an aggressive voter education program concerning the provisions contained in this legislation. The State Elections Commission must educate the public as follows:

(1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of registration and elections, each satellite office, the State Elections Commission office, and their respective websites.

(2) Train poll managers and poll workers at their mandatory training sessions to answer questions by electors concerning the changes in this legislation.

- (3) Require documentation describing the changes in this legislation to be disseminated by poll managers and poll workers at every election held following preclearance by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first.
- (4) Coordinate with each county board of registration and elections so that at least two seminars are conducted in each county prior to December 15, 2011.
- (5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.
- (6) Place an advertisement describing the changes in this legislation in South Carolina newspapers of general circulation by no later than December 15, 2011.
- (7) Coordinate with local media outlets to disseminate information concerning the changes in this legislation.
- (8) Notify each registered elector who does not have a South Carolina issued driver's license or identification card a notice of the provisions of this act by no later than December 1, 2011. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It also must state the availability of a free South Carolina identification card pursuant to Section 56-1-3350.

In addition to the items above, the State Elections Commission may implement additional educational programs in its discretion.

### **Registered voter list**

SECTION 8. The State Election Commission is directed to create a list containing all registered voters of South Carolina who are otherwise qualified to vote but do not have a South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles as of December 1, 2011. The list must be made available to any registered voter upon request. The Department of Motor Vehicles must provide the list of persons with a South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles at no cost to the commission. The commission may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list.

### **Findings**

SECTION 9. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Section 17, Article III of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

### **Time effective**

SECTION 10. Except for SECTION 4, the provisions of this act are effective upon approval by the Governor.

**Approval and funding**

SECTION 11. SECTION 4 takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. However, the implementation of the procedures provided for in this SECTION is contingent upon the State Election Commission's receipt of funds necessary to implement these provisions. Until the provisions of this SECTION are fully funded and executed, implementation of the provisions of this SECTION shall not prohibit the State Election Commission from issuing voter registration cards by the methods allowed prior to the implementation of this SECTION.

Ratified the 17th day of May, 2011.

\_\_\_\_\_  
*President of the Senate*

\_\_\_\_\_  
*Speaker of the House of Representatives*

Approved the \_\_\_\_\_ day of \_\_\_\_\_ 2011.

\_\_\_\_\_  
*Governor*

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This web page was last updated on May 18, 2011 at 1:36 PM

**South Carolina General Assembly**  
119th Session, 2011-2012

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**Bill 3003**

~~Indicates Matter Stricken~~

Indicates New Matter

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~~Indicates Matter Stricken~~

Indicates New Matter

CONFERENCE COMMITTEE REPORT ADOPTED -- NOT PRINTED

May 11, 2011

**H. 3003**

Introduced by Reps. Clemmons, Harrell, Lucas, Bingham, Harrison, Cooper, Owens, Sandifer, Allison, Ballentine, Bannister, Barfield, Bowen, Cole, Crawford, Daning, Dellaney, Forrester, Frye, Gambrell, Hamilton, Hardwick, Hiott, Horne, Huggins, Limehouse, Loftis, Long, Lowe, Merrill, V.S. Moss, Norman, Parker, G.M. Smith, G.R. Smith, Sottile, Stringer, Toole, Umphlett, Viers, White, Crosby, Thayer, Simrill, Ryan, McCoy, Murphy, Atwater, Henderson, Quinn, Tallon, Patrick, J.R. Smith, Hixon, Taylor, Young, Bedingfield, Corbin, Pitts, Chumley, Spires, Pope, Bikas, Pinson, D.C. Moss, Erickson, Willis, Brady, Herbkersman, Nanney, Brannon and Whitmire

S. Printed 2/23/11--S.

Read the first time January 27, 2011.

**A BILL**

TO AMEND SECTION 7-1-25 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO LIST FACTORS TO CONSIDER FOR DOMICILE; TO AMEND SECTION 7-5-125, SO AS TO PROVIDE THAT AN ELECTOR MAY OBTAIN A DUPLICATE REGISTRATION NOTIFICATION; TO AMEND SECTION 7-5-230, RELATING TO ELECTION LAWS, SO AS TO MAKE TECHNICAL CHANGES; TO ADD SECTION 7-5-675, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION WILL IMPLEMENT A SYSTEM TO ISSUE VOTER REGISTRATION CARDS WITH A PHOTOGRAPH OF THE VOTER; TO AMEND SECTION 7-13-710 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO REQUIRE PHOTOGRAPH IDENTIFICATION TO VOTE, PERMITTING FOR PROVISIONAL BALLOTS IF THE IDENTIFICATION CANNOT BE PRODUCED, AND TO PROVIDE AN EXCEPTION FOR A RELIGIOUS OBJECTION TO BEING PHOTOGRAPHED; TO AMEND SECTION 56-1-3350, SO

AS TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO PROVIDE FREE IDENTIFICATION CARDS UPON REQUEST FOR PERSONS AGED SEVENTEEN YEARS OR OLDER; TO PROVIDE FOR A VOTER EDUCATION PROGRAM CONCERNING THE REQUIREMENTS OF THIS BILL; AND TO PROVIDE THAT THE STATE ELECTION COMMISSION CREATE A LIST OF ALL REGISTERED VOTERS WHO DO NOT HAVE A SOUTH CAROLINA DRIVER'S LICENSE OR OTHER FORM OF IDENTIFICATION CONTAINING A PHOTOGRAPH ISSUED BY THE DEPARTMENT OF MOTOR VEHICLES.

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

SECTION 1. Section 7-1-25 of the 1976 Code is amended to read:

"Section 7-1-25. (A) A person's residence is his domicile. 'Domicile' means a person's fixed home where he has an intention of returning when he is absent. A person has only one domicile.

(B) For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.

(C) For voting purposes, a spouse may establish a separate domicile.

(D) For voting purposes, factors to consider in determining a person's intention regarding his domicile include, but are not limited to:

(1) a voter's address reported on income tax returns;

(2) a voter's real estate interests, including the address for which the legal residence tax assessment ratio is claimed pursuant to Section 12-43-220(C);

(3) a voter's physical mailing address;

(4) a voter's address on driver's license or other identification issued by the Department of Motor Vehicles;

(5) a voter's address on legal and financial documents;

(6) a voter's address utilized for educational purposes, such as public school assignment and determination of tuition at institutions of higher education;

(7) a voter's address on an automobile registration;

(8) a voter's address utilized for membership in clubs and organizations;

(9) the location of a voter's personal property;

(10) residence of a voter's parents, spouse, and children; and

(11) whether a voter temporarily relocated due to medical care for the voter or for a member of the voter's immediate family."

SECTION 2. Section 7-5-125 of the 1976 Code is amended to read:

"Section 7-5-125. (A) Any person who applies for registration to vote and is found to be qualified by the county board of registration to whom application is made must be issued a written notification of registration. This notification must be on a form prescribed and provided by the State Election Commission.

(B) If an elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail."

SECTION 3. Section 7-5-230 of the 1976 Code is amended to read:

"Section 7-5-230. (A) The boards of registration to be appointed under Section 7-5-10 shall be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

Once a person is registered, challenges of the qualifications of any elector, except for challenges issued at the polls pursuant to Sections 7-13-810, 7-13-820, and 7-15-420 must be made in writing to the board of registration in the county of registration. The board must, within ten days following the challenge and after first giving notice to the elector and the challenger, hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications set forth in Section 7-5-120.

(B) When a challenge is made regarding the residence or domicile of an elector, the board may must consider the provisions of Section 7-1-25(D) following proof to establish residence including, but not limited to, income tax returns; real estate interests; mailing address; address on driver's license; official papers and documents requiring the statement of residence address; automobile registration; checking and savings accounts; past voting record; membership in clubs and organizations; location of personal property; and the elector's statements as to his intent.

(C) Any person denied registration or restoration of his name on the registration books shall have the right of appeal from the decision of the board of registration denying him registration or such restoration to the court of common pleas of the county or any judge thereof and subsequently to the Supreme Court."

SECTION 4. Article 7, Chapter 5, Title 7 of the 1976 Code is amended by adding:

"Section 7-5-675. The State Elections Commission shall implement a system in order to issue voter registration cards with a photograph of the elector. This voter registration card may be used for voting purposes only."

SECTION 5. Section 7-13-710 of the 1976 Code, as last amended by Act 459 of 1996, is further amended to read:

"Section 7-13-710. (A) When ~~any~~ a person presents himself to vote, he shall produce ~~his~~ a valid and current:

(1) South Carolina driver's license; or

(2) other form of identification containing a photograph issued by the Department of Motor Vehicles; ~~if he is not licensed to drive, or the written notification of registration provided for by Sections 7-5-125~~



~~and 7-5-180 if the notification has been signed by the elector.; or~~

(3) passport; or

(4) military identification containing a photograph issued by the federal government; or

(5) South Carolina voter registration card containing a photograph of the voter pursuant to Section 7-5-675.

~~If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail.~~

(B) After presentation of the required identification described in subsection (A), his the elector's name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. One of the managers also shall compare the photograph contained on the required identification with the person presenting himself to vote. The manager shall verify that the photograph is that of the person seeking to vote. The managers shall keep a poll list which must contain one column headed 'Names of Voters'. Before ~~any~~ a ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter's oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter's driver's license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers.

(C)(1) If the elector cannot produce the identification as required in subsection (A), he may cast a provisional ballot that is counted only if the elector brings a valid and current photo identification to the county board of registration and elections before certification of the election by the county board of canvassers.

(2) If the manager disputes that the photograph contained on the required identification is the person presenting himself to vote, the elector may cast a provisional ballot. A determination of that provisional ballot must be made in accordance with Section 7-13-830.

(D)(1)(a) If an elector does not produce a valid and current photograph identification due to a religious objection to being photographed, he may complete an affidavit under penalty of perjury at the polling place and affirm that the elector: (i) is the same individual who personally appeared at the polling place; (ii) cast the provisional ballot on election day; and (iii) has a religious objection to being photographed. Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections before certification of the election by the county board of canvassers.

(b) If an elector does not produce a valid and current photograph identification because the elector suffers from a reasonable impediment that prevents the elector from obtaining photograph identification, he may complete an affidavit under the penalty of perjury at the polling place and affirm that the elector: (i) is the same individual who personally appeared at the polling place; (ii) cast the provisional ballot on election day; and (iii) the elector suffers from a reasonable impediment that prevents him from obtaining

photograph identification. The elector also shall list the impediment, unless otherwise prohibited by state or federal law. Upon completion of the affidavit, the elector may cast a provisional ballot. The affidavit must be submitted with the provisional ballot envelope and be filed with the county board of registration and elections before certification of the election by the county board of canvassers.

(2) If the county board of registration and elections determines that the voter was challenged only for the inability to provide proof of identification and the required affidavit is submitted, the county board of registration and elections shall find that the provisional ballot is valid unless the board has grounds to believe the affidavit is false.

(3) If the county board of registration and elections determines that the voter has been challenged for a cause other than the inability to provide proof of identification as required by subsection (A), the county board of registration and elections shall:

(a) note on the envelope containing the provisional ballot that the voter complied with the proof of identification requirement; and

(b) proceed to determine the validity of the remaining challenges before ruling on the validity of the provisional ballot."

(E) The purpose of the identification required pursuant to subsection (A) is to confirm the person presenting himself to vote is the elector on the poll list. Any address listed on the identification is not determinative of an elector's domicile for the purpose of voting. An elector's domicile for the purpose of voting is determined pursuant to the provisions of Section 7-1-25.

SECTION 6. "Section 56-1-3350. (A) Upon application by a person ~~ten~~ five years of age or older who is a resident of South Carolina, the department shall issue a special identification card as long as:

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

(2) the 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.

(B)(1) The fee for the issuance of the special identification card is five dollars; and for a person between the ages of five and sixteen years.

(2) An identification card must be free to a person aged seventeen years or older.

(C) The identification card expires five years from the date of issuance. ~~The renewal fee is also five dollars. Issuance and renewal fees are waived for indigent persons who are mentally ill, mentally retarded, homeless, or who are on public assistance as the sole source of income. As used in this section 'indigent' means a person who is qualified for legal assistance which is paid for with public funds. For purposes of this section, a homeless person is an individual who lacks a fixed and regular nighttime residence or an individual who has a primary nighttime residence that is:~~

(a) a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including congregated shelters and transitional housing;

(b) an institution that provides a temporary residence for individuals intended to be institutionalized;  
or

~~(c) a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings.~~

~~The term does not include any individual imprisoned or otherwise detained pursuant to an act of Congress. Annually, the director of a facility which provides care or shelter to homeless persons must certify this fact to the department. The department must maintain a list of facilities which are approved by the department, and only letters from the directors of these approved facilities are considered to comply with the provisions of this section. To have the issuance or renewal fee waived for an identification card, a homeless person must present a letter to the department from the director of a facility that provides care or shelter to homeless persons certifying that the person named in the letter is homeless. The letter may not be older than thirty days.~~

(D) Special identification cards issued to persons under the age of twenty-one must be marked, stamped, or printed to readily indicate that the person to whom the card is issued is under the age of twenty-one.

(E) The fees collected pursuant to this section must be credited to the Department of Transportation State Non-Federal Aid Highway Fund ~~as provided in the following schedule based on the actual date of receipt by the Department of Motor Vehicles:~~

<del>Fees and Penalties</del>	<del>General Fund</del>	<del>Department of</del>
<del>Collected After</del>	<del>of the State</del>	<del>Transportation</del>
<del>State Non-Federal</del>		
<del>Aid Highway Fund</del>		
<del>June 30, 2005</del>	<del>60 percent</del>	<del>40 percent</del>
<del>June 30, 2006</del>	<del>20 percent</del>	<del>80 percent</del>
<del>June 30, 2007</del>	<del>0 percent</del>	<del>100 percent."</del>

SECTION 7. The State Elections Commission must establish an aggressive voter education program concerning the provisions contained in this legislation. The State Elections Commission must educate the public as follows:

- (1) Post information concerning changes contained in this legislation in a conspicuous location at each county board of registration and elections, each satellite office, the State Elections Commission office, and their respective websites.
- (2) Train poll managers and poll workers at their mandatory training sessions to answer questions by electors concerning the changes in this legislation.
- (3) Require documentation describing the changes in this legislation to be disseminated by poll managers and poll workers at every election held following preclearance by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first.

- (4) Coordinate with each county board of registration and elections so that at least two seminars are conducted in each county prior to December 15, 2011.
- (5) Coordinate with local and service organizations to provide for additional informational seminars at a local or statewide level.
- (6) Place an advertisement describing the changes in this legislation in South Carolina newspapers of general circulation by no later than December 15, 2011.
- (7) Coordinate with local media outlets to disseminate information concerning the changes in this legislation.
- (8) Notify each registered elector who does not have a South Carolina issued driver's license or identification card a notice of the provisions of this act by no later than December 1, 2011. This notice must include the requirements to vote absentee, early, or on election day and a description of voting by provisional ballot. It must also state the availability of a free South Carolina identification card pursuant to Section 56-1-3350.

In addition to the items above, the State Elections Commission may implement additional educational programs in its discretion.

SECTION 8. The State Election Commission is directed to create a list containing all registered voters of South Carolina who are otherwise qualified to vote but do not have a South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles as of December 1, 2011. The list must be made available to any registered voter upon request. The Department of Motor Vehicles must provide the list of persons with a South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles at no cost to the commission. The commission may charge a reasonable fee for the provision of the list in order to recover associated costs of producing the list.

SECTION 9. The General Assembly finds that all the provisions contained in this act relate to one subject as required by Article III, Section 17 of the South Carolina Constitution in that each provision relates directly to or in conjunction with other sections to the subject of election reform as stated in the title. The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in this act.

SECTION 10. Except for SECTION 4, the provisions of this act are effective upon approval by the Governor.

SECTION 11. SECTION 4 takes effect upon preclearance approval by the United States Department of Justice or approval by a declaratory judgment issued by the United States District Court for the District of Columbia, whichever occurs first. However, the implementation of the procedures provided for in this SECTION is contingent upon the State Election Commission's receipt of funds necessary to implement these provisions. Until the provisions of this SECTION are fully funded and executed, implementation of the provisions of this SECTION shall not prohibit the State Election Commission from issuing voter registration cards by the methods allowed prior to the implementation of this SECTION.

/s/Sen. Glenn F. McConnell /s/Rep. Alan D. Clemmons

/s/Sen. George E. Campsen III /s/Rep. James H. Merrill

Sen. John L. Scott, Jr. /s/Rep. James H. Lucas

On Part of the Senate. On Part of the House.

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**South Carolina General Assembly**  
113th Session, 1999-2000

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**Bill 373**

~~Indicates Matter Stricken~~  
Indicates New Matter

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Current Status

Bill Number: 373  
 Ratification Number: 180  
 Act Number: 103  
 Type of Legislation: General Bill GB  
 Introducing Body: Senate  
 Introduced Date: 19990120  
 Primary Sponsor: Holland  
 All Sponsors: Holland  
 Drafted Document Number: l:\s-jud\bills\holland\jud0025.dhh.doc  
 Date Bill Passed both Bodies: 19990603  
 Date of Last Amendment: 19990602  
 Governor's Action: S  
 Date of Governor's Action: 19990630  
 Subject: Elections, voter registration; elector qualifications, address change notification; voting machine, optical scan system

History

Body	Date	Action Description	Com	Leg Involved
	19990721	Act No. A103		
	19990630	Signed by Governor		
	19990624	Ratified R180		
<u>House</u>	19990603	Concurred in Senate amendment, enrolled for ratification		
<u>House</u>	19990603	Debate adjourned on Senate Amendments		
<u>Senate</u>	19990602	House amendments amended, returned to House with amendment		
<u>House</u>	19990525	Read third time, returned to Senate with amendment		
<u>House</u>	19990520	Amended, read second time		
<u>House</u>	19990519	Committee report: Favorable with amendment	25 HJ	
<u>House</u>	19990223	Introduced, read first time, referred to Committee	25 HJ	
<u>Senate</u>	19990219	Read third time, sent to House		
<u>Senate</u>	19990218	Read second time, unanimous consent for third reading on Friday, 19990219		
<u>Senate</u>	19990217	Committee report: Favorable	11 SJ	

Senate 19990120 Introduced, read first time,  
referred to Committee

11 SJ

Versions of This Bill

Revised on February 17, 1999 - Word format

Revised on May 19, 1999 - Word format

Revised on May 20, 1999 - Word format

Revised on June 2, 1999 - Word format

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(A103, R180, S373)

**AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-1-25 SO AS TO DEFINE THE WORD "RESIDENT" FOR VOTING PURPOSES; TO AMEND SECTION 7-5-230, RELATING TO BOARDS OF REGISTRATION, SO AS TO PROVIDE A PROCEDURE FOR THE CHALLENGING OF THE QUALIFICATIONS OF AN ELECTOR; BY ADDING SECTION 7-5-325 SO AS TO PROVIDE THAT WRITTEN NOTIFICATION OF A CHANGE OF ADDRESS IS DEEMED GIVEN UNDER OATH; TO AMEND SECTION 7-13-1330, RELATING TO THE APPROVAL OF VOTE RECORDERS BY THE STATE ELECTION COMMISSION, SO AS TO INCLUDE AN OPTICAL SCAN VOTING SYSTEM WITHIN THE MEANING OF VOTE RECORDER, PROVIDE THAT NO VOTE RECORDER OR OPTICAL SCAN VOTING SYSTEM MAY BE APPROVED FOR USE BY THE STATE UNLESS CERTIFIED BY AN ACCREDITED NATIONAL TESTING AUTHORITY AND THE STATE ELECTION COMMISSION AS MEETING CERTAIN STANDARDS, PROVIDE A PROCEDURE TO FOLLOW FOR A PERSON OR COMPANY SEEKING APPROVAL OF A VOTE RECORDER OR OPTICAL SCAN SYSTEM, PROVIDE FOR A PROCEDURE FOR THE DECERTIFICATION OF A VOTE RECORDER OR OPTICAL SCAN VOTING SYSTEM BY THE COMMISSION; TO AMEND SECTION 7-13-1340, RELATING TO THE REQUIREMENTS FOR VOTE RECORDERS, SO AS TO REQUIRE A VOTING SYSTEM TO BE ABLE TO ELECTRONICALLY TRANSMIT VOTE TOTALS FOR ALL ELECTIONS TO THE STATE ELECTION COMMISSION; TO AMEND SECTION 7-13-1620, RELATING TO THE EXAMINATION AND APPROVAL OF VOTING MACHINES BY THE BOARD OF STATE CANVASSERS, SO AS TO ESTABLISH A PROCEDURE FOR THE APPROVAL OF A VOTING MACHINE BY THE STATE ELECTION COMMISSION BEFORE IT MAY BE USED IN AN ELECTION AND PROVIDE FOR A PROCEDURE FOR THE DECERTIFICATION OF A VOTING MACHINE; TO AMEND SECTION 7-13-1640, RELATING TO VOTING MACHINE REQUIREMENTS, SO AS TO REQUIRE A VOTING SYSTEM TO BE ABLE TO ELECTRONICALLY TRANSMIT VOTE TOTALS FOR ALL ELECTIONS TO THE STATE ELECTION COMMISSION; AND TO REPEAL SECTION 7-13-1630 RELATING TO THE EMPLOYMENT OF EXPERTS TO ASSIST IN EXAMINATION OF A VOTING MACHINE.**

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

**Definition, resident**

SECTION 1. The 1976 Code is amended by adding:

"Section 7-1-25. (A) A person's residence is his domicile. 'Domicile' means a person's fixed home where he has an intention of returning when he is absent. A person has only one domicile.

(B) For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.

(C) For voting purposes, a spouse may establish a separate domicile."

### **Procedure for challenging qualifications**

SECTION 2. Section 7-5-230 of the 1976 Code is amended to read:

"Section 7-5-230. The boards of registration to be appointed under Section 7-5-10 shall be the judges of the legal qualifications of all applicants for registration. The board is empowered to require proof of these qualifications as it considers necessary.

Once a person is registered, challenges of the qualifications of any elector, except for challenges issued at the polls pursuant to Sections 7-13-810, 7-13-820, and 7-15-420 must be made in writing to the board of registration in the county of registration. The board must, within ten days following the challenge and after first giving notice to the elector and the challenger, hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications set forth in Section 7-5-120.

When a challenge is made regarding the residence of an elector, the board may consider the following proof to establish residence including, but not limited to, income tax returns; real estate interests; mailing address; address on driver's license; official papers and documents requiring the statement of residence address; automobile registration; checking and savings accounts; past voting record; membership in clubs and organizations; location of personal property; and the elector's statements as to his intent.

Any person denied registration or restoration of his name on the registration books shall have the right of appeal from the decision of the board of registration denying him registration or such restoration to the court of common pleas of the county or any judge thereof and subsequently to the Supreme Court."

### **Notification**

SECTION 3. The 1976 Code is amended by adding:

"Section 7-5-325. Any change of address submitted by an elector for registration or voting purposes as provided by Sections 7-5-320(D), 7-5-330(F)(2)(a), and 7-5-440, and any other written notification of change of address signed by an elector are considered to be given under oath. An elector convicted of fraudulently providing such change of address is guilty of violating Section 7-25-10 and, upon conviction, must be fined in the discretion of the court or imprisoned not more than three years, or both."

### **Approval of vote recorder system or optical scan system**

SECTION 4. Section 7-13-1330 of the 1976 Code is amended to read:



"Section 7-13-1330. (A) Before any kind of vote recorder system, including an optical scan voting system, is used at any election, it shall be approved by the State Election Commission which shall examine the vote recorder and shall make and file in the commission's office a report, attested by the signature of the executive director, stating whether, in the opinion of the commission, the kind of vote recorder so examined can be accurately and efficiently used by electors at elections, as provided by law. No vote recorder or optical scan voting system may be approved for use in the State unless certified by an Independent Testing Authority (ITA) accredited by the National Association of State Election Directors and the State Election Commission as meeting or exceeding the minimum requirements of the Federal Election Commission's national voting system standards. If this report states that the vote recorder can be so used, the recorder shall be considered approved and vote recorders of its kind may be adopted for use at elections, as herein provided.

(B) No kind of vote recorder not approved pursuant to this section shall be used at any election and if, upon the reexamination of any type vote recorder previously approved, it appears that the vote recorder so reexamined can no longer be accurately and efficiently used by electors at elections as provided by law, the approval of the vote recorder must immediately be revoked by the State Election Commission, and no such type vote recorder shall thereafter be purchased for use or used in this State.

(C) If a vote recorder, including an optical scan voting system, which was approved for use before July 1, 1999, is improved or otherwise changed in a way since its approval that does not impair its accuracy, efficiency, or capacity, the vote recorder may be used in elections. However, if the software, hardware, or firmware of the system is improved or otherwise changed, the system must comply with the requirements of subsection (A).

(D) Any person or company who requests an examination of any type of vote recorder or optical scan voting system shall pay a nonrefundable examination fee of one thousand dollars for a new voting system and a nonrefundable examination fee of five hundred dollars for an upgrade to any existing system to the State Election Commission. The State Election Commission may at any time, in its discretion, reexamine any vote recorder or optical scan voting system when evidence is presented to the commission that the accuracy or the ability of the system to be used satisfactorily in the conduct of elections is in question.

(E) Any person or company who seeks approval for any vote recorder or optical scan voting system in this State must file with the State Election Commission a list of all states or jurisdictions in which the system has been approved for use. This list must state how long the system has been used in the state; contain the name, address, and telephone number of that state or jurisdiction's chief election official; and must disclose any reports compiled by state or local government concerning the performance of the system. The vendor is responsible for filing this information on an ongoing basis.

(F) Any person or company who seeks approval for any vote recorder or optical scan voting system must file with the State Election Commission copies of all contracts and maintenance agreements used in connection with the sale of the voting system. All changes to standard contracts and maintenance agreements must be filed with the State Election Commission.

(G) Any person or company who seeks approval for any vote recorder or optical scan voting system must conduct, under the supervision of the State Election Commission and any county election commission, a field test for any new voting system, as part of the certification process. The field test shall involve South Carolina voters and election officials and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the voting system must be borne by the vendor. The test must be designed to gauge voter reaction to the system, problems that voters have with the system, and the number of voting units

required for the efficient operation of an election. The test must also demonstrate the accuracy of votes cast and reported on the system.

(H) Before any vote recorder or optical scan voting system approved after July 1, 1999, may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer, at the manufacturer's expense, with the approved software ITA. These source codes must be available to the State Election Commission in the event that the company goes out of business, pursuant to court order, or in the event that the State Election Commission determines that an examination of these source codes is necessary. It is the responsibility of the manufacturer to place all updates of these source codes in escrow and to notify the State Election Commission that this requirement has been met.

(I) After a vote recorder or optical scan voting system is approved, an improvement or change in the system must be submitted to the State Election Commission for approval pursuant to this section; however, this requirement does not apply to the technical capability of a general purpose computer or reader to electronically count and record votes or to a printer to accurately reproduce vote totals.

(J) If the State Election Commission determines that a vote recorder or optical scan voting system that was approved no longer meets the requirements set forth in subsections (A) and (C) or Section 7-13-1340, the commission may decertify that system. A decertified system shall not be used in elections unless the system is reapproved by the commission under subsections (A) and (C).

(K) Neither a member of the State Election Commission, any county election commission or custodian, nor a member of a county governing body shall have any pecuniary interest in any vote recorder or in the manufacture or sale of the vote recorder."

#### **Systems must have capacity to transmit totals electronically**

SECTION 5. Section 7-13-1340 of the 1976 Code is amended by adding an appropriately numbered subsection to read:

"( ) If approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7-13-1330(C), the voting system must be able to electronically transmit vote totals for all elections to the State Election Commission in a format and time frame specified by the commission."

#### **Procedure for approval of voting machine**

SECTION 6. Section 7-13-1620 of the 1976 Code is amended to read:

"Section 7-13-1620. (A) Before any kind of voting machine, including an electronic voting machine, is used at any election, it must be approved by the State Election Commission which shall examine the voting machine and make and file in the commission's office a report, attested to by the signature of the commission's executive director, stating whether, in the commission's opinion, the kind of voting machine so examined can be accurately and efficiently used by electors at elections, as provided by law. No voting machine may be approved for use in the State unless certified by an Independent Testing Authority (ITA) accredited by the National Association of State Election Directors and the State Election Commission as meeting or exceeding the minimum requirements of the Federal Election Commission's national voting system standards.

(B) When a voting machine has been approved for use before July 1, 1999, it may be used in elections.

However, if the system's software or firmware is improved or changed, the system must comply with the requirements of subsection (A).

(C) Any person or company who requests an examination of any type of voting machine must pay a nonrefundable examination fee of one thousand dollars for a new voting system. A nonrefundable examination fee of five hundred dollars must be paid for an upgrade to any existing system. The State Election Commission may reexamine any voting machine when evidence is presented to the commission that the accuracy or the ability of the machine to be used satisfactorily in the conduct of elections is in question.

(D) Any person or company who seeks approval for any type of voting machine in this State must file with the State Election Commission a list of all states or jurisdictions in which that voting machine has been approved for use. This list must state how long the machine has been used in the state; contain the name, address, and telephone number of that state or jurisdiction's chief election official; and disclose any reports compiled by state or local government concerning the performance of the machine. The vendor is responsible for filing this information on an ongoing basis.

(E) Any person or individual who seeks approval for any type of voting machine must file with the State Election Commission copies of all contracts and maintenance agreements used in connection with the sale of the voting machine. All changes to standard contracts and maintenance agreements must be filed with the State Election Commission.

(F) Any person or company who seeks approval for any voting machine must conduct, under the supervision of the State Election Commission and any county election commission, a field test for any new voting machine, as part of the certification process. The field test shall involve South Carolina voters and election officials and must be conducted as part of a scheduled primary, general, or special election. This test must be held in two or more precincts, and all costs relating to the use of the voting machine must be borne by the vendor. The test must be designed to gauge voter reaction to the machine, problems that voters have with the machine, and the number of units required for the efficient operation of an election. The test must also demonstrate the accuracy of votes reported on the machine.

(G) Before any voting machine, approved after July 1, 1999, may be used in elections in the State, all source codes for the system must be placed in escrow by the manufacturer at the manufacturer's expense with the approved software ITA. These source codes must be available to the State Election Commission in the event that the company goes out of business, pursuant to court order, or in the event that the State Election Commission determines that an examination of these source codes is necessary. It is the responsibility of the manufacturer to place all updates of these source codes in escrow and to notify the State Election Commission that this requirement had been met.

(H) After a voting machine is approved, an improvement or change in the machine must be submitted to the State Election Commission for approval pursuant to this section; however, this requirement does not apply to the technical capability of a general purpose computer, reader, or printer.

(I) If the State Election Commission determines that a voting machine that was approved no longer meets the requirements of subsections (A) and (B) or Section 7-13-1640, the commission may decertify that machine. A decertified machine shall not be used in an election unless it is reapproved by the commission under subsections (A) and (B).

(J) No member of the State Election Commission, county election commission, custodian, or member of a county governing body may have any pecuniary interest in any voting machine or in the manufacture or sale of any voting machine."

**Systems must have capacity to transmit totals electronically**

SECTION 7. Section 7-13-1640 of the 1976 Code is amended by adding an appropriately numbered item to read:

"( ) If approved after July 1, 1999, or if an upgrade in software, hardware, or firmware is submitted for approval as required by Section 7-13-1620(B), the voting system must be able to electronically transmit vote totals for all elections to the State Election Commission in a format and time frame specified by the commission."

**Repeal**

SECTION 8. Section 7-13-1630 of the 1976 Code is repealed.

**Time effective**

SECTION 9. This act takes effect upon approval by the Governor.

Ratified the 24th day of June, 1999.

Approved the 30th day of June, 1999.

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This web page was last updated on Wednesday, December 9, 2009 at 9:05 A.M.



U.S. Department of Justice

Civil Rights Division

Voting Section  
P.O. Box 66128  
Washington, DC 20035-6128

R180

JDR:VLO:AS:emr  
DJ 166-012-3  
1999-2108

OCT 4

October 1, 1999

C. Havird Jones, Jr., Esq.  
Senior Assistant Attorney General  
Civil Division  
P.O. Box 11549  
Columbia, South Carolina 29211-1549

Dear Mr. Jones:

This refers to Act No. 103 (1999), which defines "resident" for voting purposes; provides procedures for the written notices of change of address and for challenging qualifications of electors; and establishes standards and procedures for approval and certification of vote recorder and optical scan voting systems for the State of South Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on August 2, 1999.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

for Joseph D. Rich  
Acting Chief  
Voting Section

**South Carolina General Assembly**  
107th Session, 1987-1988

**Bill 745**


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Current Status

Bill Number:	745
Ratification Number:	571
Act Number	507
Introducing Body:	Senate
Subject:	Written notification of registration

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A507, R571, S745)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-5-125 SO AS TO PROVIDE FOR WRITTEN NOTIFICATION OF REGISTRATION TO VOTE; AND TO AMEND SECTION 7-13-710, RELATING TO PROOF OF THE RIGHT TO VOTE AND THE POLL LIST, SO AS TO REVISE THE VOTER IDENTIFICATION REQUIREMENTS BY PROVIDING FOR PROOF BY WRITTEN REGISTRATION NOTIFICATION.

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

Written notification of registration

SECTION 1. Article 3 of Chapter 5 of Title 7 of the 1976 Code is amended by adding:

"Section 7-5-125. Any person who applies for registration to vote and is found to be qualified by the county board of registration to whom application is made must be issued a written notification of registration. This notification must be on a form prescribed and provided by the State Election Commission."

Voter identification

SECTION 2. Section 7-13-710 of the 1976 Code is amended to read:

"Section 7-13-710. When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the South Carolina Department of Highways and Public Transportation (SCDHPT), if he is not licensed to drive, or the written notification of registration provided for by Sections 7-5-125 and 7-5-180 if the notification has been signed by the elector. If the elector loses or defaces his registration notification, he may obtain a

duplicate notification from his county board of registration upon request in person, or by telephone or mail. After presentation of the required identification, his name must be checked by one of the managers

on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. The managers shall keep a poll list which must contain one column headed 'Names of Voters'. Before any ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter's oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter's driver's license, registration notification, or other identification and may require further identification of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers."

Time effective

SECTION 3. This act takes effect upon approval by the Governor.



U.S. Department of Justice

Civil Rights Division

WBR:MAP:NG:dvs  
DJ 166-012-3  
W1894

Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128

July 18, 1988

C. Havird Jones, Jr.  
Assistant Attorney General  
P. O. Box 11549  
Columbia, South Carolina 29211

Dear Mr. Jones:

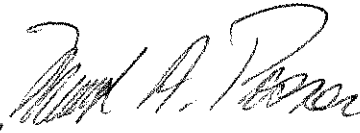
This refers to Act No. R571 (1988) which provides for written notification of registration to vote in the State of South Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on May 19, 1988.

The Attorney General does not interpose any objection to the change in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division

By:

  
for Gerald W. Jones  
Chief, Voting Section

RECEIVED  
S. C. ATTORNEY GENERAL  
DATE 7-22-88



**South Carolina General Assembly**  
111th Session, 1995-1996

**Bill 1162**


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Current Status

Bill Number: 1162  
 Ratification Number: 459  
 Act Number: 459  
 Type of Legislation: General Bill GB  
 Introducing Body: Senate  
 Introduced Date: 19960221  
 Primary Sponsor: Martin  
 All Sponsors: Martin  
 Drafted Document Number: res9923  
 Date Bill Passed both Bodies: 19960521  
 Date of Last Amendment: 19960514  
 Governor's Action: S  
 Date of Governor's Action: 19960605  
 Subject: Dealer license plates, county  
 economic development employee

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History

Body	Date	Action Description	Com	Leg Involved
-----	19960715	Act No. A459		
-----	19960605	Signed by Governor		
-----	19960530	Ratified R459		
<u>Senate</u>	19960521	Concurred in House amendment, enrolled for ratification		
<u>House</u>	19960515	Read third time, returned to Senate with amendment		
<u>House</u>	19960514	Amended, read second time		
<u>House</u>	19960509	Committee report: Favorable with amendment	21	HEPW
<u>House</u>	19960402	Introduced, read first time, referred to Committee	21	HEPW
<u>Senate</u>	19960328	Read third time, sent to House		
<u>Senate</u>	19960327	Amended, read second time		
<u>Senate</u>	19960326	Committee report: Favorable with amendment	15	ST
<u>Senate</u>	19960221	Introduced, read first time, referred to Committee	15	ST

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A459, R459, S1162)

**AN ACT TO AMEND SECTIONS 7-13-710, 8-11-10, 12-36-1710, 12-37-220, 12-37-2660, 12-37-2725, 12-37-2727, 12-43-220, 12-43-300, 12-45-70, 12-49-225, 12-49-271, 12-49-310, 12-54-240, 14-7-130, 15-9-350, 15-9-360, 15-9-370, 23-31-140, 24-3-110, 31-17-320, 31-17-360, 31-17-380, 31-17-410, 36-9-307, 36-9-319, 38-73-455, 38-77-113, 38-77-340, 43-5-620, 44-43-30, 44-43-70, 56-1-10, 56-1-270, 56-1-290, 56-1-300, 56-1-310, 56-1-320, 56-1-330, 56-1-340, 56-1-350, 56-1-360, 56-1-365, 56-1-380, 56-1-410, 56-1-420, 56-1-460, 56-1-475, 56-1-510, 56-1-540, 56-1-630, 56-1-740, 56-1-770, 56-1-790, 56-1-810, 56-1-850, 56-1-1030, 56-1-1090, 56-1-1130, 56-1-1320, 56-1-1340, 56-1-1730, 56-1-1760, 56-1-2050, 56-1-2110, 56-1-2140, 56-3-360, 56-3-665, 56-3-2340, 56-5-6230, 56-10-10, 56-10-20, 56-10-40, 56-10-220, 56-15-560, AND 56-29-20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO VOTING PROVISIONS, BUSINESS HOURS FOR DEPARTMENTS OF STATE GOVERNMENT, EXCISE TAXES ON CERTAIN MOTOR VEHICLE SALES, EXEMPTION FROM TAXES, THE LISTING OF LICENSE REGISTRATION APPLICATIONS, THE CANCELLATION OF CERTAIN LICENSE PLATE AND REGISTRATION CERTIFICATES, THE RETROACTIVE APPLICATION OF SECTION 12-37-2750, THE EQUALIZATION AND REASSESSMENT OF TAXES, THE TIME FOR PAYING AND COLLECTING TAXES, THE ENFORCED COLLECTION OF TAXES, THE REQUIREMENT AS TO COMPLIANCE WITH THE DEPARTMENT OF REVENUE AND TAXATION REGULATIONS, THE PREPARATION OF JURY LISTS, SUMMONS, PUBLICATION AND SERVICE, THE PURCHASE OF A PISTOL, MANUFACTURING LICENSE PLATES, MOBILE HOME LICENSING REQUIREMENTS, MOBILE HOME MOVING PERMITS, MOVING MOBILE HOMES, OBTAINING A MOBILE HOME CERTIFICATE OF TITLE, MOBILE HOME BUYER PROTECTION, SALE OF SECURED PROPERTY WITHOUT CONSENT, EXCEPTIONS TO CHANGING THE BASE RATE FOR AUTOMOBILE INSURANCE, CONDITIONS FOR WAIVING THE LICENSE REINSTATEMENT FEE, EXCLUSIONS FROM AUTOMOBILE INSURANCE COVERAGE, PROVIDING CERTAIN MOTOR VEHICLE INFORMATION TO THE DEPARTMENT OF SOCIAL SERVICES, DISTRIBUTING FORMS AUTHORIZING ORGAN DONATION UPON LICENSE RENEWAL, RECRUITMENT FOR ORGAN DONORS AND DISSEMINATION OF INFORMATION, DRIVER'S LICENSES, THE SUSPENSION OF THE REGISTRATION OF VEHICLES REPORTED AS STOLEN, THE REQUIREMENT OF PROOF OF PAYMENT OF THE FEDERAL USE TAX, THE ISSUANCE OF FIRST-TIME REGISTRATION AND LICENSE PLATES, PAYMENT OF A FINE OR FORFEITURE OF A BOND FOR A TRAFFIC VIOLATION, MOTOR VEHICLE REGISTRATION AND FINANCIAL SECURITY, THE FULFILLMENT OF WARRANTY AGREEMENTS AND DEFINITIONS RELATING TO THE MOTOR VEHICLE CHOP SHOP, STOLEN, AND ALTERED PROPERTY ACT, SO AS TO DEVOLVE CERTAIN FUNCTIONS OF THE DEPARTMENT OF REVENUE AND TAXATION MOTOR VEHICLE DIVISION UPON THE DEPARTMENT OF PUBLIC SAFETY, AND TO REVISE CERTAIN OTHER DEPARTMENTAL REFERENCES; TO AMEND SECTION 56-3-2320, AS AMENDED, RELATING TO RESTRICTIONS ON THE USE OF DEALER LICENSE PLATES, SO AS TO PROVIDE THAT A DEALER LICENSE PLATE IS ALLOWED ON A MOTOR VEHICLE LOANED TO AN ECONOMIC DEVELOPMENT ENTITY; TO AMEND SECTION 1-11-310, AS AMENDED, RELATING TO THE DIVISION OF MOTOR VEHICLE MANAGEMENT'S ACQUISITION AND DISPOSITION OF VEHICLES, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 1-30-90, AS AMENDED, RELATING TO THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO REVISE ITS AUTHORITY; TO AMEND SECTION 1-30-95, AS AMENDED, RELATING TO THE DEPARTMENT OF REVENUE AND TAXATION, SO AS TO REVISE ITS AUTHORITY; TO AMEND SECTION 11-35-710, AS AMENDED, RELATING TO EXEMPTIONS TO THE PROCUREMENT CODE, SO AS TO REVISE EXEMPTED ITEMS THE DEPARTMENT OF**

**PUBLIC SAFETY MAY PROCURE; TO AMEND SECTIONS 12-4-10 AND 12-4-15, BOTH AS AMENDED, RELATING TO THE CREATION OF THE DEPARTMENT OF REVENUE AND TAXATION, SO AS TO REVISE ITS AUTHORITY; TO AMEND SECTION 12-37-2650, AS AMENDED, RELATING TO THE ISSUANCE OF TAX NOTICES AND PAID RECEIPTS, SO AS TO REVISE THE PROCESS OF ISSUING NOTICES AND RECEIPTS AND TO TRANSFER CERTAIN AUTHORITY FROM THE DEPARTMENT OF REVENUE AND TAXATION TO THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 12-49-290, AS AMENDED, RELATING TO THE RIGHTS OF MORTGAGEES AND OTHERS, SO AS TO REVISE THE AUTHORITY OF THE DEPARTMENT OF REVENUE AND TAXATION; TO AMEND SECTION 12-49-330, AS AMENDED, RELATING TO THE RIGHTS OF A LIENHOLDER WITH A SECURITY INTEREST FILED WITH THE DEPARTMENT OF REVENUE AND TAXATION MOTOR VEHICLE DIVISION, SO AS TO REVISE THE AUTHORITY OF THIS AGENCY; TO AMEND SECTION 16-17-680, AS AMENDED, RELATING TO THE UNLAWFUL PURCHASE OR TRANSPORTATION OF CERTAIN ITEMS, SO AS TO MAKE A TECHNICAL CHANGE; TO AMEND SECTION 17-5-130, AS AMENDED, RELATING TO QUALIFICATIONS FOR CORONER, SO AS TO TRANSFER CERTAIN AUTHORITY FROM THE LAW ENFORCEMENT TRAINING COUNCIL TO THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 19-5-30, AS AMENDED, RELATING TO THE ADMISSIBILITY OF CERTAIN COPIES OF MOTOR VEHICLE RECORDS, SO AS TO REVISE THE TYPES OF COPIES THAT ARE ADMISSIBLE AND TO TRANSFER CERTAIN AUTHORITY TO THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 20-7-944, AS AMENDED, RELATING TO INFORMATION TO BE PROVIDED ON VARIOUS LICENSES TO BE USED TO COLLECT CHILD SUPPORT OBLIGATIONS, SO AS TO REVISE THE INFORMATION THAT MUST BE PROVIDED; TO AMEND SECTION 20-7-945, AS AMENDED, RELATING TO THE REVOCATION OF THE LICENSE OF CERTAIN LICENSES, SO AS TO REVISE THE REVOCATION REVIEW PROCEDURE AND TO PROVIDE A PROCEDURE TO INDEMNIFY A LICENSING ENTITY FROM CONSEQUENCES THAT MAY RESULT FROM THE REVOCATION OF A LICENSE; TO AMEND SECTIONS 23-6-20 AND 23-6-30, BOTH AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO REVISE ITS DUTIES AND POWERS; TO AMEND SECTION 23-6-50, AS AMENDED, RELATING TO THE DEPARTMENT OF PUBLIC SAFETY'S ANNUAL AUDIT, SO AS TO PROVIDE THAT CERTAIN REVENUES GENERATED BY THE DEPARTMENT DURING A PRIOR FISCAL YEAR MAY BE CARRIED FORWARD TO THE CURRENT FISCAL YEAR; TO ADD SECTIONS 23-6-90 AND 23-6-145 SO AS TO PROVIDE THAT THE DEPARTMENT OF PUBLIC SAFETY SHALL PROVIDE SECURITY FOR CERTAIN GOVERNMENTAL FACILITIES AND TO PROVIDE THAT CERTAIN DEPARTMENT OFFICERS MAY STOP CERTAIN MOTOR VEHICLES AND REQUIRE THE DRIVER TO PRODUCE CERTAIN INFORMATION; TO AMEND SECTION 26-6-300, AS AMENDED, RELATING TO THE CREATION OF THE DIVISION OF MOTOR VEHICLE RECORDS AND VEHICLE INSPECTIONS, SO AS TO CHANGE ITS NAME AND REVISE ITS RESPONSIBILITIES; TO AMEND SECTION 23-11-110, AS AMENDED, RELATING TO QUALIFICATIONS OF SHERIFFS, SO AS TO REVISE CERTAIN QUALIFICATIONS; TO AMEND CHAPTER 25 OF TITLE 23, AS AMENDED, RELATING TO LAW ENFORCEMENT OFFICERS HALL OF FAME, SO AS TO TRANSFER ADMINISTRATION OF THE HALL OF FAME FROM A COMMITTEE TO THE DEPARTMENT OF PUBLIC SAFETY, TO MAKE THE COMMITTEE ADVISORY, TO CHANGE CHAIRMANSHIP OF THE COMMITTEE, TO CLARIFY REFERENCES, TO DIRECT THE COMMITTEE TO PROVIDE TOURS AND PROGRAMS, AND TO REMOVE THE COMMITTEE'S AUTHORITY TO EMPLOY STAFF; TO AMEND SECTIONS 23-28-20, AS AMENDED, 23-28-30, 23-28-40, 23-28-60, 23-28-80, AND 23-28-90, ALL RELATING TO RESERVE LAW ENFORCEMENT OFFICER TRAINING, SO**

**AS TO TRANSFER VARIOUS DUTIES TO THE DEPARTMENT OF PUBLIC SAFETY AND ITS CRIMINAL JUSTICE ACADEMY DIVISION, AND TO DELETE OBSOLETE REFERENCES; TO AMEND SECTION 23-47-20, RELATING TO 911 SYSTEM REQUIREMENTS, SO AS TO TRANSFER OPERATOR TRAINING DUTIES TO THE CRIMINAL JUSTICE ACADEMY DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY, AND TO DELETE OBSOLETE REFERENCES; TO AMEND SECTION 31-17-340, AS AMENDED, RELATING TO MOBILE HOME LICENSES, SO AS TO CLARIFY REFERENCES; TO AMEND SECTIONS 38-55-530 AND 38-55-570, BOTH AS AMENDED, BOTH RELATING TO INSURANCE FRAUD AND REPORTING, SO AS TO MAKE CERTAIN TECHNICAL CHANGES; TO AMEND SECTION 38-77-1120, AS AMENDED, RELATING TO DEFINITIONS FOR MOTOR VEHICLE THEFT AND FRAUD REPORTING, SO AS TO DELETE REFERENCES TO THE DIVISION OF THE STATE HIGHWAY PATROL; TO AMEND SECTION 56-1-40, AS AMENDED, RELATING TO PERSONS PROHIBITED FROM OBTAINING A DRIVER'S LICENSE, SO AS TO CLARIFY PROVISIONS PERTAINING TO NONRESIDENTS; TO AMEND SECTION 56-1-80, AS AMENDED, RELATING TO PROCEDURES FOR OBTAINING A DRIVER'S LICENSE, SO AS TO TRANSFER CERTAIN DUTIES FROM THE DEPARTMENT OF REVENUE AND TAXATION TO THE DEPARTMENT OF PUBLIC SERVICE, TO REVISE THESE PROCEDURES, AND TO DELETE PENALTIES; TO AMEND SECTION 56-1-90, AS AMENDED, RELATING TO IDENTIFICATION REQUIRED TO OBTAIN A DRIVER'S LICENSE, SO AS TO TRANSFER CERTAIN DUTIES FROM THE DEPARTMENT OF REVENUE AND TAXATION TO THE DEPARTMENT OF PUBLIC SAFETY AND TO CLARIFY DOCUMENTATION REQUIRED; TO AMEND SECTION 56-1-130, AS AMENDED, RELATING TO DRIVER'S LICENSE EXAMINATIONS, FEES, AND CLASSES OF LICENSES, SO AS TO PROVIDE FOR AN "APPROPRIATE" RATHER THAN A FIXED FEE AND TO REVISE THE WEIGHT OF VEHICLES FOR CERTAIN LICENSE CLASSES; TO ADD SECTION 56-1-141, SO AS TO PROVIDE THAT A PASSING GRADE FROM A QUALIFIED EDUCATION PROGRAM FROM A SECONDARY SCHOOL IS CERTIFICATION THAT DEPARTMENT STANDARDS HAVE BEEN MET; TO AMEND SECTION 56-1-210, AS AMENDED, RELATING TO EXPIRATION AND RENEWAL OF DRIVER'S LICENSES, SO AS TO AUTHORIZE RENEWAL BY MAIL OF A DIGITIZED LICENSE; TO AMEND SECTION 56-1-280, AS AMENDED, RELATING TO MANDATORY SUSPENSION AND REVOCATION OF DRIVER'S LICENSES, SO AS TO DELETE PROVISIONS AUTHORIZING THE DEPARTMENT TO REVOKE OR SUSPEND LICENSES FOR CAUSES REQUIRED BY OTHER LAWS OF THIS STATE; TO ADD SECTION 56-1-285 SO AS TO AUTHORIZE THE DEPARTMENT TO REVOKE OR REFUSE TO RENEW A LICENSE FOR FAILURE TO PAY A FEE OR TAX; TO ADD SECTION 56-1-288 SO AS TO AUTHORIZE THE DEPARTMENT TO GARNISH AN INCOME TAX REFUND IN LIEU OF REVOCATION FOR FAILURE TO COMPLY WITH FINANCIAL RESPONSIBILITY; TO AMEND SECTION 56-1-370, RELATING TO THE RIGHT OF A LICENSEE TO REQUEST A REVIEW AFTER NOTIFICATION OF A SUSPENSION OR OTHER ACTION BY THE DEPARTMENT, SO AS TO CHANGE A REFERENCE FROM COUNTY TO JUDICIAL CIRCUIT AND CLARIFY OTHER REFERENCES; TO AMEND SECTION 56-1-390, RELATING TO THE FEE FOR REINSTATEMENT OF THE LICENSE, SO AS TO CLARIFY A REFERENCE AND AUTHORIZE THE DIRECTOR OR HIS DESIGNEE TO WAIVE OR RETURN THE REINSTATEMENT FEE UNDER CERTAIN CONDITIONS; TO AMEND SECTION 56-1-400, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT OF PUBLIC SAFETY, UPON SUSPENDING OR REVOKING A LICENSE, REQUIRE THAT THE LICENSE BE SURRENDERED TO THE DEPARTMENT, SO AS TO CLARIFY REFERENCES AND DELETE REFERENCES TO THE SURRENDERING OF THE LICENSE TO THE DEPARTMENT OF REVENUE AND TAXATION AND THE NOTIFICATION**

**REQUIREMENTS; TO AMEND SECTION 56-1-463, RELATING TO THE REQUIREMENT THAT SECTION 56-1-560 DOES NOT APPLY IF AND WHEN THE PROPOSED SUSPENSION IS BASED SOLELY ON THE LACK OF NOTICE BEING GIVEN TO THE DEPARTMENT, SO AS TO CLARIFY THE REFERENCE AND SPECIFY THAT FINES OR PENALTIES ARE DUE TO THE COURT; TO ADD SECTION 56-1-478 SO AS TO AUTHORIZE THE DEPARTMENT TO ENTER INTO RECIPROCAL AGREEMENTS WITH OTHER STATES AND POLITICAL SUBDIVISIONS FOR THE COLLECTION OF FINES, FEES, OR OTHER COSTS WHICH RESULTED IN THE REVOCATION OF A PERSON'S DRIVING PRIVILEGES OF A PERSON APPLYING FOR A DRIVER'S LICENSE OR RENEWING A DRIVER'S LICENSE IN THIS STATE; TO AMEND SECTION 56-1-640 TO CHANGE A REFERENCE FROM THE LICENSING AUTHORITY OF THE PARTY STATE TO THE DEPARTMENT AND FROM A REFERENCE TO JURISDICTION TO SOUTH CAROLINA; TO AMEND SECTION 56-1-650, RELATING TO THE REPORTING OF CERTAIN VIOLATIONS BY THE LICENSING AUTHORITY IN THE HOME STATE, SO AS TO DELETE REFERENCES TO LICENSING AUTHORITY AND SUBSTITUTE THE REQUIREMENT THAT A STATE THAT IS A MEMBER OF THE DRIVER'S LICENSE COMPACT SHALL REPORT TO ANOTHER MEMBER STATE OF THE COMPACT A CONVICTION FOR CERTAIN CRIMES, CLARIFY DESCRIPTIONS OF CERTAIN CRIMES, PROVIDE THAT IF THE VIOLATIONS LISTED IN THIS SECTION ARE NOT PRECISELY THE SAME WORDS USED BY A MEMBER STATE, THE MEMBER STATE SHALL CONSTRUE THE DESCRIPTION TO APPLY TO OFFENSES OF THE MEMBER STATE THAT ARE SUBSTANTIALLY SIMILAR TO THE ONES DESCRIBED, REQUIRE THAT A STATE AS A MEMBER OF THE COMPACT SHALL REPORT TO ANOTHER MEMBER STATE OF THE COMPACT A CONVICTION WHERE ANY OTHER OFFENSE OR ANY OTHER INFORMATION CONCERNING CONVICTIONS THAT THE MEMBER STATES AGREE TO REPORT, PROVIDE THAT FOR A CONVICTION THAT IS NOT REQUIRED TO BE REPORTED UNDER THIS SECTION, THE PROVISIONS OF SECTION 56-1-320 SHALL GOVERN THE EFFECT OF THE REPORT CONVICTION IN THIS STATE AND PROVIDE THAT FOR A CONVICTION THAT IS NOT REQUIRED TO BE REPORTED UNDER THIS SECTION NOTICE OF THE CONVICTION MUST BE RECEIVED BY THE DEPARTMENT FOR PURPOSES OF SUSPENSION OR REVOCATION WITHIN ONE YEAR OF THE DATE OF CONVICTION; TO AMEND SECTION 56-1-670, SO AS TO CLARIFY REFERENCES TO THE DEPARTMENT AND TO SOUTH CAROLINA; TO AMEND SECTION 56-1-680, SO AS TO CHANGE REFERENCES FROM THE HEAD OF THE LICENSING AUTHORITY OF EACH PARTY STATE TO THE DIRECTOR OR HIS DESIGNEE OF THE DEPARTMENT FOR PURPOSES OF FORMULATING NECESSARY PROCEDURES FOR THE EXCHANGE OF INFORMATION UNDER THE COMPACT; TO AMEND SECTION 56-1-746, RELATING TO THE SUSPENSION OF A DRIVER'S LICENSE FOR OFFENSES RELATING TO THE POSSESSION, SALE, AND CONSUMPTION OF BEER, WINE, AND ALCOHOLIC BEVERAGES, SO AS TO CHANGE A REFERENCE FOR AN OFFENSE FROM SECTION 56-1-510(4) TO SECTION 56-1-510(5); TO AMEND SECTION 56-1-800, RELATING TO COPIES OF PROCEEDINGS HELD UNDER THE PROVISIONS OF ARTICLE 3, CHAPTER 1 OF THIS TITLE, SO AS TO INCLUDE A REFERENCE TO AN OPTICAL DISK AND TO PROVIDE THAT IT IS DEEMED A TRUE COPY WHEN CERTIFIED BY THE DIRECTOR OR HIS DESIGNEE; TO AMEND SECTION 56-1-820, RELATING TO THE RIGHT OF A LICENSEE TO REQUEST IN WRITING A REVIEW AFTER NOTICE OF SUSPENSION, SO AS TO DELETE REFERENCES TO REVIEW AND PROVIDE THAT HE HAS THE RIGHT TO AN ADMINISTRATIVE HEARING AND TO CLARIFY A REFERENCE; TO AMEND SECTION 56-1-1020, RELATING TO THE MEANING OF A HABITUAL OFFENDER, AS DETERMINED BY THE DEPARTMENT OF PUBLIC SAFETY, SO AS TO CLARIFY REFERENCES AND DELETE THE DEFINITION OF**

**CONVICTION UNDER THIS SECTION AND A REFERENCE TO THE APPLICABILITY OF ARTICLE 5, CHAPTER 1 OF THIS TITLE TO CONVICTIONS WHICH OCCURRED PRIOR TO JUNE 14, 1973; TO AMEND SECTION 56-1-1100, RELATING TO THE OPERATION OF A MOTOR VEHICLE IN THIS STATE WHILE THE DECISION OF THE DEPARTMENT PROHIBITING ITS OPERATION IS IN EFFECT, SO AS TO DELETE THE CRIME OF UNLAWFULLY OPERATING A MOTOR VEHICLE WHILE THE DECISION OF THE DEPARTMENT REMAINS IN EFFECT, AND CLARIFYING REFERENCES; TO AMEND SECTION 56-1-1330, RELATING TO PROVISIONAL DRIVER'S LICENSE, SO AS TO CORRECT CERTAIN REFERENCES TO THE DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES AND OTHER REFERENCES TO THE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 56-1-2100, RELATING TO A COMMERCIAL DRIVER'S LICENSE, SO AS TO DELETE A REFERENCE TO THE DEPARTMENT OF PUBLIC SAFETY AND CHANGE FROM THE FOURTH TO THE FIFTH CALENDAR YEAR AFTER THE CALENDAR YEAR IN WHICH IT WAS ISSUED THE EXPIRATION OF THE LICENSE; TO AMEND SECTION 56-1-2130, RELATING TO TESTS FOR ALCOHOL OR DRUGS AND THE PRESUMPTION OF CONSENT, SO AS TO CLARIFY A REFERENCE AND DELETE A REFERENCE TO THE REQUIREMENT THAT THE DEPARTMENT BE NOTIFIED IF THE DRIVER IS DISQUALIFIED FROM DRIVING A COMMERCIAL MOTOR VEHICLE; TO AMEND SECTION 56-1-3350, RELATING TO SPECIAL IDENTIFICATION CARDS ISSUED BY THE DEPARTMENT, SO AS TO CHANGE REFERENCES FROM THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF REVENUE AND TAXATION TO THE DEPARTMENT OF PUBLIC SAFETY, DELETE THE REQUIREMENT FOR THE SIGNATURE OF THE DIRECTOR OF A FACILITY THAT PROVIDES CARE OR SHELTER TO A HOMELESS PERSON CERTIFYING THAT THE PERSON NAMED IN THE LETTER IS HOMELESS BE DELETED, AND DELETE THE REQUIREMENT THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION; TO AMEND TITLE 56 OF THE 1976 CODE BY ADDING CHAPTER 2 SO AS TO PROVIDE THAT THE DEPARTMENT MUST REFUSE TO RENEW THE DRIVER'S LICENSE AND MOTOR VEHICLE REGISTRATION OF A PERSON WHO HAS NOT PAID PROPERTY TAXES WITHIN THE TIME LIMITS PRESCRIBED, TO PROVIDE THAT THE DEPARTMENT OF PUBLIC SAFETY SHALL ISSUE TO COUNTY TREASURERS OR COUNTY TAX COLLECTORS BIENNIAL LICENSE PLATES AND REVALIDATION DECALS, AND THAT THESE OFFICIALS SHALL GIVE THEM TO A MOTOR VEHICLE OWNER, AND TO PROVIDE THAT VALIDATION DECALS MUST BE ISSUED FOR A PERIOD NOT TO EXCEED TWELVE MONTHS; TO AMEND SECTION 56-3-240, RELATING TO CONTENTS OF AN APPLICATION FOR REGISTRATION AND LICENSING, SO AS TO REVISE THE REQUIREMENTS OF THE ODOMETER DISCLOSURE STATEMENT; TO AMEND SECTION 56-3-376, RELATING TO THE ESTABLISHMENT OF A SYSTEM OF REGISTRATION OF CERTAIN MOTOR VEHICLES ON A MONTHLY BASIS AND THE ASSIGNMENT OF ANNUAL REGISTRATION PERIODS, SO AS TO PROVIDE FOR BIENNIAL REGISTRATIONS OF THESE VEHICLES; TO AMEND SECTION 56-3-620, RELATING TO BIENNIAL REGISTRATION FEES FOR PERSONS OVER SIXTY-FIVE OR WHO ARE HANDICAPPED AND SECTION 56-3-630, RELATING TO FEES FOR COMMON CARRIER PASSENGER VEHICLES, SO AS TO REVISE AND FURTHER PROVIDE FOR CERTAIN TERMS; TO AMEND SECTION 56-3-660, RELATING TO FEES FOR SELF-PROPELLED PROPERTY CARRYING VEHICLES, SO AS TO REVISE THE MANNER IN WHICH THE LICENSE FEES SHALL BE DEPOSITED AND USED; TO AMEND SECTION 56-3-670, RELATING TO FEES FOR FARM TRUCK LICENSES, SO AS TO DELETE LANGUAGE REQUIRING A PERSON TO CERTIFY TO THE DEPARTMENT THAT HE IS A BONA FIDE FARMER; TO AMEND SECTION 56-3-710, RELATING TO FEES FOR HOUSE TRAILERS, SO AS TO**

**CHANGE CERTAIN REFERENCES; TO AMEND SECTION 56-3-720, RELATING TO FEES FOR CAMPUS AND TRAVEL TRAILERS, SO AS TO REVISE THE MANNER IN WHICH VEHICLES ARE INCLUDED IN THIS CLASSIFICATION; TO AMEND SECTION 56-3-780, RELATING TO PERMANENT LICENSE PLATES FOR CERTAIN GOVERNMENTAL VEHICLES, SO AS TO REVISE THE TYPES OF GOVERNMENTS TO WHICH THE SECTION APPLIES AND THE WORDS SUCH PLATES MUST BEAR; TO AMEND SECTIONS 56-3-1010, 56-3-1020, AND 56-3-1040, RELATING TO FLEET MOTOR VEHICLES, SO AS TO CHANGE CERTAIN REFERENCES AND PROVIDE THE DEPARTMENT MAY AUTHORIZE SELECT FLEET OPERATORS TO ISSUE SPECIAL LICENSE PLATES AND REGISTRATION CARDS FOR THEIR OWN FLEET VEHICLES; TO AMEND SECTION 56-3-1110, RELATING TO FREE VEHICULAR REGISTRATION FOR DISABLED VETERANS, SO AS TO REVISE THE VEHICLES TO WHICH THE SECTION APPLIES AND PROVIDE THAT SURVIVING SPOUSES OF SUCH VETERANS ARE ALSO ELIGIBLE TO OBTAIN SUCH PLATE SO LONG AS THEY DO NOT REMARRY; TO AMEND SECTION 56-3-1150, RELATING TO FREE VEHICULAR REGISTRATION FOR FORMER PRISONERS OF WAR, SO AS TO REVISE THE VEHICLES TO WHICH THE SECTION APPLIES; TO AMEND SECTION 56-3-1320, RELATING TO FEES FOR REPLACEMENT PLATES AND STICKERS, SO AS TO REVISE THE MANNER IN WHICH THE FEES ARE DETERMINED; TO AMEND SECTION 56-3-1330, RELATING TO SUSPENSION, CANCELLATION, OR REVOCATION OF REGISTRATIONS AND LICENSINGS, SO AS TO DELETE CERTAIN JURISDICTION OF THE CIRCUIT COURT OVER THESE MATTERS; TO AMEND SECTIONS 56-3-1510, 56-3-1520, AND 56-3-1530, RELATING TO SPECIAL LICENSE PLATES FOR AMATEUR RADIO OPERATORS, SO AS TO CHANGE CERTAIN VEHICLE REFERENCES, THE APPLICATION PROCEDURE FOR SUCH PLATES, AND THE LICENSING PERIOD THEREOF; TO AMEND SECTIONS 56-3-1610, 56-3-1620, AND 56-3-1630, RELATING TO SPECIAL LICENSE PLATES FOR EMERGENCY MEDICAL TECHNICIANS, SO AS TO CHANGE CERTAIN VEHICLE REFERENCES, THE APPLICATION PROCEDURES FOR SUCH PLATES, AND THE LICENSING PERIOD THEREOF; TO AMEND SECTION 56-3-1710, RELATING TO THE DESIGN OF PLATES FOR PUBLICALLY-OWNED VEHICLES, SO AS TO FURTHER PROVIDE FOR SUCH DESIGN AND THE APPLICABILITY OF THE PROVISIONS OF THE SECTION; TO AMEND SECTIONS 56-3-1750, RELATING TO SPECIAL LICENSE PLATES FOR MEMBERS OF THE MILITARY RESERVE, 56-3-1810, RELATING TO SPECIAL LICENSE PLATES FOR MEMBERS OF THE NATIONAL GUARD, AND 56-3-1850, RELATING TO SPECIAL LICENSE PLATES FOR MEDAL OF HONOR RECIPIENTS, SO AS TO FURTHER PROVIDE FOR THE TYPE OF VEHICLES TO WHICH THESE SECTIONS APPLY; TO AMEND SECTIONS 56-3-1971, 56-3-1972, 56-3-1973, AND 56-3-1974, RELATING TO THE UNIFORM PARKING VIOLATIONS TICKET, SO AS TO REVISE THE PROCEDURES GOVERNING ITS ISSUANCE, FORM, AND CONTENT; TO AMEND SECTIONS 56-3-2010 AND 56-3-2030, RELATING TO PERSONALIZED LICENSE PLATES, SO AS TO REVISE THE MANNER IN WHICH AND VEHICLES FOR WHICH THESE PLATES MAY BE ISSUED; TO AMEND SECTION 56-3-2150, RELATING TO SPECIAL LICENSE PLATES FOR MEMBERS OF MUNICIPAL AND COUNTY COUNCILS, SO AS TO REVISE THE TYPE OF VEHICLES TO WHICH THE SECTION APPLIES; TO AMEND SECTION 56-3-2320, RELATING TO DEALER LICENSE PLATES, SO AS TO FURTHER PROVIDE FOR THE APPLICABILITY OF THE SECTION IN REGARD TO THE TESTING OR DEMONSTRATION OF TRUCKS; TO AMEND SECTION 56-3-2380, RELATING TO DENIAL OF APPLICATIONS FOR REGISTRATION AND LICENSING, SO AS TO REVISE THE AUTHORITY OF THE DEPARTMENT TO PROMULGATE REGULATIONS IN REGARD THERETO; TO AMEND SECTION 56-3-2810, RELATING TO SPECIAL LICENSE PLATES FOR VOLUNTEER FIREMEN, AND SECTION 56-3-3310, RELATING TO SPECIAL**

LICENSE PLATES FOR PURPLE HEART RECIPIENTS, SO AS TO FURTHER PROVIDE FOR THE TYPES OF VEHICLES TO WHICH THE SECTION APPLIES; TO AMEND SECTION 56-3-3710, RELATING TO SPECIAL COLLEGE OR UNIVERSITY LICENSE PLATES, SO AS TO FURTHER PROVIDE FOR THE ISSUANCE OF THESE PLATES AND FOR THE DISTRIBUTION OF THE FUNDS COLLECTED FROM THE FEES THEREFOR; TO AMEND SECTION 56-3-3910, RELATING TO COMMEMORATIVE LICENSE PLATES FOR THE STATE DANCE, SECTION 56-3-3950, RELATING TO "KEEP SOUTH CAROLINA BEAUTIFUL" LICENSE PLATES, AND SECTION 56-3-4310, RELATING TO SPECIAL LICENSE PLATES FOR RETIRED MEMBERS OF THE UNITED STATES ARMED FORCES, SO AS TO FURTHER PROVIDE FOR THE TYPES OF VEHICLES TO WHICH THESE SECTIONS APPLY; TO AMEND SECTION 56-3-4510, AS AMENDED, RELATING TO SPECIAL COMMEMORATIVE LICENSE PLATES FOR NONGAME WILDLIFE AND NATURAL AREAS FUND, SO AS TO PROVIDE THE DEPARTMENT OF REVENUE AND TAXATION SHALL ISSUE A SPECIAL COMMEMORATIVE MOTOR VEHICLE LICENSE PLATE FOR USE BY THE OWNER ON HIS PRIVATE PASSENGER MOTOR VEHICLE; TO AMEND SECTION 56-3-4710, AS AMENDED, RELATING TO THE ISSUANCE OF SOUTH CAROLINA STATE GUARD LICENSE PLATES, SO AS TO PROVIDE THE DEPARTMENT MAY ISSUE A SPECIAL MOTOR VEHICLE LICENSE PLATE TO A MEMBER OF THE GUARD FOR A MOTOR VEHICLE OWNED BY THE MEMBER; TO AMEND SECTION 56-3-4910, AS AMENDED, RELATING TO SOUTH CAROLINA FIREFIGHTERS' LICENSE PLATES, SO AS TO PROVIDE THE DEPARTMENT MAY ISSUE SOUTH CAROLINA FIREFIGHTERS LICENSE PLATES TO A RESIDENT FOR A PRIVATE PASSENGER MOTOR VEHICLE OWNED BY HIM AND TO PROVIDE FOR THE DISBURSEMENT OF THE FUNDS; TO AMEND SECTION 56-3-5910, RELATING TO PEARL HARBOR SURVIVORS' LICENSE PLATES, SO AS TO PROVIDE AN OWNER OF A PRIVATE PASSENGER MOTOR VEHICLE MAY APPLY FOR A PEARL HARBOR SURVIVOR'S LICENSE PLATE; TO AMEND SECTION 56-3-5930, RELATING TO PROOF OF ELIGIBILITY FOR A PEARL HARBOR LICENSE PLATE, SO AS TO PROVIDE A PEARL HARBOR LICENSE PLATE MAY BE ISSUED ONLY TO AN APPLICANT FOR HIS PRIVATE PASSENGER MOTOR VEHICLE; TO AMEND SECTION 56-5-60, AS AMENDED, RELATING TO REQUIREMENTS FOR ENVELOPES MAILED BY THE DEPARTMENT CONTAINING CERTAIN NOTICES, SO AS TO DELETE THE PHRASE DEPARTMENT OF PUBLIC SAFETY; TO AMEND SECTION 56-5-750, AS AMENDED, RELATING TO AN INDIVIDUAL'S FAILURE TO STOP HIS MOTOR VEHICLE WHEN SIGNALLED BY A LAW ENFORCEMENT VEHICLE, SO AS TO PROVIDE THE DEPARTMENT MUST SUSPEND A PERSON'S DRIVER'S LICENSE FOR A FIRST OFFENSE FOR AT LEAST THIRTY DAYS FOR FAILURE TO STOP WHEN SIGNALLED BY A LAW ENFORCEMENT VEHICLE BY MEANS OF A SIREN OR FLASHING LIGHT AND FOR A SECOND OFFENSE THE PERSON'S DRIVER'S LICENSE MUST BE REVOKED BY THE DEPARTMENT FOR A PERIOD OF ONE YEAR AND TO DELETE THE TERM "CONVICTION" AND ITS DEFINITION AND TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO KEEP A NONPUBLIC RECORD OF A PERSON'S OFFENSE FOR FAILING TO STOP FOR A SIGNALING LAW ENFORCEMENT VEHICLE AFTER THE OFFENDER'S RECORD IS EXPUNGED; TO AMEND SECTION 56-5-765, AS AMENDED, RELATING TO THE INVESTIGATION OF A TRAFFIC COLLISION INVOLVING A MOTOR VEHICLE OR MOTORCYCLE OF A LAW ENFORCEMENT AGENCY, SO AS TO DELETE THE PHRASE "SOUTH CAROLINA DEPARTMENT OF PUBLIC SAFETY" AND TO ADD THE TERM "DEPARTMENT"; TO AMEND SECTION 56-5-1270, RELATING TO ACCIDENT REPORTS WHICH STATE AN INJURY OR DEATH OCCURRED OR PROPERTY DAMAGE OF FOUR HUNDRED DOLLARS OR MORE, SO AS TO REQUIRE AN OWNER OR OPERATOR INVOLVED IN AN ACCIDENT NOT INVESTIGATED BY A LAW ENFORCEMENT



**OFFICER WITH TOTAL PROPERTY DAMAGE OF ONE THOUSAND DOLLARS OR MORE TO FORWARD A WRITTEN REPORT AND PROOF OF LIABILITY INSURANCE TO THE DEPARTMENT AND TO REQUIRE A LAW ENFORCEMENT OFFICER WHO INVESTIGATES A MOTOR VEHICLE ACCIDENT THAT RESULTS IN INJURY TO OR DEATH OF ANY PERSON OR TOTAL PROPERTY DAMAGE TO AN APPARENT EXTENT OF ONE THOUSAND DOLLARS OR MORE TO FORWARD A WRITTEN REPORT OF THE ACCIDENT TO THE DEPARTMENT INCLUDING THE NAMES OF INTERVIEWED PARTICIPANTS AND WITNESSES; TO AMEND SECTION 56-5-1350, RELATING TO THE DEPARTMENT'S ANALYSIS AND STATISTICS ON REPORTED ACCIDENTS, SO AS TO LIMIT THE DEPARTMENT'S REPORT TO ACCIDENT REPORTS FILED PURSUANT TO SECTION 56-5-1270; TO AMEND SECTION 56-5-2585, RELATING TO THE EXEMPTION OF MUNICIPAL PARKING METER FEES BY DISABLED VETERANS, SO AS TO DELETE THE PHRASE "DEPARTMENT OF REVENUE AND TAXATION" AND TO ADD THE TERM "DEPARTMENT"; TO AMEND SECTION 56-5-2980, RELATING TO COPIES OF ACCIDENT REPORTS PURSUANT TO SECTION 56-5-2970 AS PRIMA FACIE EVIDENCE OF A PREVIOUS CONVICTION, SO AS TO ALLOW COPIES OF AN ACCIDENT REPORT ON AN OPTICAL DISK TO BE USED AS PRIMA FACIE EVIDENCE OF ONLY A PRIOR CONVICTION AGAINST AN OFFENDER AND TO DELETE THE PHRASE "MOTOR VEHICLE DIVISION" AND REPLACE IT WITH THE TERM "DEPARTMENT"; TO AMEND SECTION 56-5-2990, AS AMENDED, RELATING TO THE SUSPENSION OF A CONVICTED PERSON'S DRIVER'S LICENSE, SO AS TO DELETE THE PHRASE "DEPARTMENT OF REVENUE AND TAXATION" AND ADD THE TERM "DEPARTMENT" AND TO DELETE THE PHRASE "SOUTH CAROLINA COMMISSION ON ALCOHOL AND DRUG ABUSE" AND REPLACE IT WITH THE PHRASE "DEPARTMENT OF ALCOHOL AND OTHER DRUG ABUSE SERVICES"; TO AMEND SECTION 56-5-3750, AS AMENDED, RELATING TO THE SALE OF MOPEDS, SO AS TO DELETE THE PHRASE "DEPARTMENT OF REVENUE AND TAXATION" AND ADD THE TERM "DEPARTMENT"; TO AMEND SECTION 56-5-4035, RELATING TO PERMITS FOR VEHICLES CARRYING CULVERT PIPES, SO AS TO DELETE THE PROVISION THAT THE DEPARTMENT OF PUBLIC SAFETY MAY INSTITUTE REGULATIONS FOR THE SALE OF PERMITS TO VEHICLES CARRYING CULVERT PIPES AND TO MAKE OTHER TECHNICAL CHANGES; TO AMEND SECTION 56-5-4070, AS AMENDED, RELATING TO THE REGULATION OF LENGTH OF VEHICLES ON HIGHWAYS, SO AS TO DELETE THE PHRASE "DEPARTMENT OF PUBLIC SAFETY" AND ADD THE TERM "DEPARTMENT"; TO AMEND SECTION 56-5-4075, AS AMENDED, RELATING TO REGULATIONS GOVERNING VEHICULAR TRAFFIC ON HIGHWAYS, SO AS TO DELETE THE PHRASES "DEPARTMENT OF PUBLIC SAFETY" AND "THE DEPARTMENT OF REVENUE AND TAXATION" AND TO ADD THE TERM "DEPARTMENT"; TO AMEND SECTION 56-5-4095, AS AMENDED, RELATING TO THE TRANSPORTATION OF MODULAR OR SECTIONAL HOUSING UNITS ON THE STATE'S PUBLIC HIGHWAYS, SO AS TO DELETE THE PHRASE "DEPARTMENT OF REVENUE AND TAXATION" AND ADD THE PHRASE "DEPARTMENT OF TRANSPORTATION"; TO AMEND SECTION 56-5-4140, AS AMENDED, RELATING TO THE GROSS WEIGHT OF VEHICLES OPERATED ON A HIGHWAY IN THE STATE, SO AS TO PROVIDE THAT A VEHICLE OR COMBINATION OF VEHICLES OPERATED OR MOVED ON THE HIGHWAY OR INTERSTATE MUST MEET AXLE SPACING REQUIREMENTS AND MAXIMUM OVERALL GROSS WEIGHTS AS PROVIDED IN SUBSECTION (B) AND TO PROVIDE THAT VEHICLES UP TO EIGHTY THOUSAND POUNDS MAY OPERATE UPON ANY HIGHWAY WITH RESTRICTIONS AS PROVIDED IN THIS SECTION AND TO DELETE GUIDELINES FOR THE GROSS WEIGHT OF VEHICLES WITH ONE AND TWO AXLES AND VEHICLES WHICH HAVE BEEN ISSUED A SPECIAL PERMIT BY THE DEPARTMENT OF REVENUE AND TAXATION**

AND TO MAKE CHANGES IN THE TABLE WHICH DENOTES THE MAXIMUM WEIGHT VEHICLES ARE ALLOWED WITH TWO OR MORE CONSECUTIVE AXLES, AND TO DELETE PROVISIONS REGARDING THE ENFORCEMENT OF A MORATORIUM OF THE THIRTY-FOUR THOUSAND POUNDS TANDEM AXLE LIMIT AND THE FEDERAL BRIDGE FORMULA AND TO PROVIDE CERTAIN TYPES OF VEHICLES ARE LIMITED TO A WEIGHT OF TWENTY THOUSAND POUNDS FOR EACH AXLE AND TO REQUIRE CONCRETE MIXING TRUCKS WORKING WITHIN A FIFTEEN MILE RADIUS OF THEIR HOME BASE MAY NOT WEIGH MORE THAN SIXTY-SIX THOUSAND POUNDS AND TO PROVIDE WEIGHT GUIDELINES FOR WELL-DRILLING, BORING RIGS, AND TENDER TRUCKS AND TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56-5-4150, AS AMENDED, RELATING TO THE REGISTRATION AND INVESTIGATION BY THE DEPARTMENT OF REVENUE AND TAXATION OF VEHICLES WHICH TRANSPORT PROPERTY OR TEN OR MORE PERSONS, SO AS TO DELETE THE PHRASE "DEPARTMENT OF REVENUE AND TAXATION" AND TO ADD THE TERM "DEPARTMENT"; TO AMEND SECTION 56-5-4160, AS AMENDED, RELATING TO PENALTIES FOR VEHICLES WHICH EXCEED THE GROSS WEIGHT IMPOSED BY SECTION 56-5-4130 OR 56-5-4140, SO AS TO PROVIDE FOR THE DISBURSEMENT OF FINES COLLECTED FROM VEHICLES WHICH CARRY EXCESS WEIGHT; TO AMEND SECTION 56-5-4192, AS AMENDED, RELATING TO THE MOVEMENT OF A MOBILE HOME ON HIGHWAYS OF THIS STATE ON SATURDAYS, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56-5-4720, AS AMENDED, RELATING TO THE USE OF OSCILLATING, ROTATING, OR FLASHING RED LIGHTS ON STATE DEPARTMENT HIGHWAYS AND PUBLIC TRANSPORTATION VEHICLES, SO AS TO DELETE THE TERM "DEPARTMENT" AND ADD THE PHRASE "DEPARTMENT OF TRANSPORTATION"; TO AMEND SECTION 56-5-4880, AS AMENDED, RELATING TO THE INSPECTION OF BRAKES OF MOTOR-DRIVEN CYCLES BY THE DEPARTMENT, SO AS TO DELETE THE PHRASE "DEPARTMENT OF REVENUE AND TAXATION" AND ADD THE TERM "DEPARTMENT"; TO AMEND SECTION 56-5-5010, AS AMENDED, RELATING TO THE SAFETY GLASS IN MOTOR VEHICLES, SO AS TO DELETE THE PHRASE "DEPARTMENT OF REVENUE AND TAXATION" AND ADD THE TERM "DEPARTMENT"; TO AMEND SECTION 56-5-5670, AS AMENDED, RELATING TO THE DUTIES OF A PERSON WHO DEMOLISHES VEHICLES, SO AS TO DELETE THE PHRASE "DEPARTMENT OF REVENUE AND TAXATION" AND ADD THE TERM "DEPARTMENT"; TO AMEND SECTION 56-5-5810, RELATING TO DEFINITIONS FOR PURPOSES OF ABANDONED VEHICLES, SO AS TO REVISE DEFINITIONS WITH RESPECT TO SUCH VEHICLES AND TRANSFER ENFORCEMENT AUTHORITY; TO ADD SECTION 56-5-5820 SO AS TO DECLARE THAT ABANDONED AND DERELICT VEHICLES CONSTITUTE A HEALTH AND SAFETY HAZARD; TO AMEND SECTION 56-5-5840, RELATING TO ABANDONED VEHICLES, SO AS TO DELETE OBSOLETE PROVISIONS; TO AMEND SECTION 56-5-5850, AS AMENDED, RELATING TO PROCEDURES EMPLOYED IN THE REMOVAL OF ABANDONED OR DERELICT VEHICLES, SO AS TO REVISE THESE PROCEDURES; TO AMEND SECTION 56-5-5870, AS AMENDED, RELATING TO AUTHORITY TO CONTRACT TO PREPARE FOR THE DISPOSAL OF ABANDONED VEHICLES, SO AS TO EXTEND THIS AUTHORITY TO LOCAL GOVERNMENTS AND DELETE REFERENCES TO THE AUTHORITY OF THE DIRECTOR; TO AMEND SECTION 56-5-5880, RELATING TO AUTHORITY TO ENTER ONTO PROPERTY TO ENFORCE ABANDONED VEHICLE PROVISIONS, SO AS TO EXTEND THIS AUTHORITY TO LOCAL GOVERNMENTS; TO AMEND SECTION 56-5-5890, RELATING TO THE REQUIREMENT NOT TO HARM ABANDONED VEHICLES IN THE PROCESS OF REMOVAL, SO AS TO MAKE GRAMMATICAL CHANGES; TO AMEND SECTION 56-5-5900, RELATING TO THIRD PARTY LIABILITY FOR PENALTIES AND

**FEES WITH RESPECT TO ABANDONED VEHICLES, SO AS TO MAKE GRAMMATICAL CHANGES AND AUTHORIZE RECEIPT OF STOLEN VEHICLE REPORTS FROM OTHER STATES; TO AMEND SECTION 56-5-5910, RELATING TO PENALTIES FOR TAMPERING WITH IDENTIFYING TAGS, SO AS TO INCREASE THE MAXIMUM FINE; TO AMEND SECTION 56-5-5920, RELATING TO THE CIRCUMSTANCES UNDER WHICH VEHICLES ARE SUBJECT TO THE ABANDONMENT PROVISIONS, SO AS TO MAKE GRAMMATICAL CHANGES AND LIMIT THE APPLICATION OF THE ARTICLE TO VEHICLES PRESENTING AN IMMEDIATE HAZARD; TO AMEND SECTION 56-5-5940, RELATING TO ENFORCEMENT OF THE ABANDONED VEHICLE LAW, SO AS TO AUTHORIZE THE LANDOWNER WHERE A VEHICLE IS ABANDONED TO APPLY TO THE APPROPRIATE LAW ENFORCEMENT JURISDICTION TO ENFORCE THE ARTICLE; TO ADD SECTION 56-5-5945, SO AS TO PROVIDE FOR THE DUTIES OF DEMOLISHERS RECEIVING ABANDONED CARS; TO AMEND SECTION 56-5-5950, RELATING TO THE OFFENSE OF ABANDONING A VEHICLE, SO AS TO INCREASE THE MAXIMUM FINE; TO AMEND SECTION 56-7-10, AS AMENDED, RELATING TO THE UNIFORM TRAFFIC TICKET, SO AS TO REQUIRE APPROVAL OF THE TICKET FORM BY THE ATTORNEY GENERAL WITHIN THIRTY DAYS AND TO AUTHORIZE AUTOMATED TICKETS UPON APPROVAL BY THE DEPARTMENT; TO AMEND SECTION 56-7-12, AS AMENDED, RELATING TO INSURANCE VERIFICATION FOLLOWING A MOVING VIOLATION, SO AS TO AUTHORIZE RATHER THAN REQUIRE THE FURNISHING OF THE INSURANCE VERIFICATION REQUEST FORM TO THE ALLEGED VIOLATOR AND TO TRANSFER ENFORCEMENT OF THIS PROVISION; TO AMEND SECTION 56-9-330, RELATING TO FEES FOR DRIVING RECORD ABSTRACTS AND ACCIDENT REPORTS, SO AS TO DELETE REFERENCES TO SPECIFIC FEES; TO ADD SECTION 56-9-505, SO AS TO AUTHORIZE A WAIVER OF THE FINANCIAL RESPONSIBILITY REQUIREMENTS FOR SUSPENSIONS FOR FAILURE TO PAY PROPERTY TAXES UPON PROOF OF PAYMENT; TO AMEND SECTION 56-10-45, AS AMENDED, RELATING TO SUSPENSION AND REVOCATION IN ENFORCING MANDATORY INSURANCE REQUIREMENTS, SO AS TO AUTHORIZE AGREEMENTS FOR ENFORCEMENT, TO IMPOSE AN ADDITIONAL FIFTY DOLLAR FINE FOR ITEMS RECOVERED TO BE CREDITED TO THE GENERAL FUND OF THE LOCAL JURISDICTION, AND TO TRANSFER GENERAL ENFORCEMENT AUTHORITY; TO AMEND SECTION 56-10-240, AS AMENDED, RELATING TO THE CRIMINAL AND CIVIL PENALTIES FOR FAILING TO MAINTAIN INSURANCE ON A VEHICLE, SO AS TO DELETE THE INCREASED REINSTATEMENT FEE FOR SUBSEQUENT INSURANCE LAPSES, TO LIMIT TO TEN YEARS THE PERIOD REQUIRED TO BE CONSIDERED IN DETERMINING PRIOR CONVICTIONS FOR PURPOSES OF THE CRIMINAL PENALTY, AND TO TRANSFER ENFORCEMENT AUTHORITY; TO ADD CHAPTER 11 IN TITLE 56, RELATING TO MOTOR VEHICLES, SO AS TO PROVIDE FOR THE REVISED IMPOSITION OF THE ROAD TAX ON MOTOR CARRIERS AND PROVIDE FOR THE ENFORCEMENT OF THE CHAPTER; TO AMEND SECTION 56-15-310, RELATING TO MOTOR VEHICLES AND THE REQUIREMENT OF A LICENSE, SO AS TO, AMONG OTHER THINGS, CHANGE THE LICENSING PERIOD; TO AMEND SECTION 56-15-340, RELATING TO MOTOR VEHICLE RECORDS, SO AS TO REORGANIZE THE PROVISIONS OF THE SECTION; TO AMEND SECTION 56-15-570, RELATING TO WHOLESALE MOTOR VEHICLE AUCTIONS AND THE REQUIREMENT OF A SURETY BOND, SO AS TO, AMONG OTHER THINGS, DELETE THE PROVISION THAT A NEW BOND OR A PROPER CONTINUATION CERTIFICATE MUST BE DELIVERED TO THE ADMINISTERING AGENCY ANNUALLY BEFORE RENEWAL OF LICENSE; TO AMEND SECTION 56-16-140, RELATING TO REGULATION OF MOTORCYCLE MANUFACTURERS, DISTRIBUTORS, DEALERS, AND WHOLESALE AND THE**

**LICENSE FOR A DEALER OR WHOLESALER, FEES, AND PENALTIES FOR NONCOMPLIANCE, SO AS TO, AMONG OTHER THINGS, RESTATE THE LICENSING PERIOD; TO AMEND SECTION 56-16-170, RELATING TO RECORDS PERTAINING TO THE TRANSFER OF MOTORCYCLES AND PENALTIES FOR FAILURE TO KEEP RECORDS OR TO MAKE THEM AVAILABLE, SO AS TO REORGANIZE THE SECTION; TO AMEND TITLE 56, RELATING TO MOTOR VEHICLES, BY ADDING CHAPTER 17 SO AS TO ENACT PROVISIONS FOR CRIMINAL PENALTIES; TO AMEND SECTION 56-19-10, AS AMENDED, RELATING TO PROTECTION OF TITLES TO AND INTERESTS IN MOTOR VEHICLES AND DEFINITIONS, SO AS TO DEFINE "MOPED"; TO AMEND SECTION 56-19-240, AS AMENDED, RELATING TO APPLICATION FOR A MOTOR VEHICLE CERTIFICATE OF TITLE, FORM, AND CONTENTS, SO AS TO, AMONG OTHER THINGS, DELETE THE PROVISION THAT A TRANSFEROR MAY COMPLETE THE ODOMETER DISCLOSURE STATEMENT ON EITHER A NOTARIZED BILL OF SALE IN AN APPROVED FORMR ON THE PREVIOUS CERTIFICATE OF TITLE; TO AMEND SECTION 56-19-280, RELATING TO MOTOR VEHICLE CERTIFICATES OF TITLE, REFUSAL OF A CERTIFICATE, AND A VEHICLE WHICH IS REPORTED STOLEN OR CONVERTED, SO AS TO PROVIDE THAT A TITLE MAY BE ISSUED ON A VEHICLE THAT IS REPORTED STOLEN ONLY IN CASES WHERE THE SETTLEMENT TO AN INSURANCE COMPANY IS INVOLVED; TO AMEND SECTION 56-19-310, RELATING TO NUMBERING MOTOR VEHICLE CERTIFICATES ISSUED TO SUCCESSIVE OWNERS AND TWO TRANSFERS WHEN AN AUCTIONEER GIVES TITLE, SO AS TO DELETE THE PROVISION THAT TRANSFER OR SALE OF A VEHICLE THROUGH AN AUCTION SALE WHERE THE AUCTIONEER GIVES TITLE SHALL BE CONSIDERED A SALE; TO AMEND SECTION 56-19-340, RELATING TO THE MAILING OF THE MOTOR VEHICLE CERTIFICATE OF TITLE TO THE FIRST LIENHOLDER OR, IF NONE, TO THE OWNER, SO AS TO PROVIDE ALTERNATIVELY FOR THE CERTIFICATE OF TITLE TO BE GIVEN TO THE LIENHOLDER'S AUTHORIZED AGENT; TO AMEND SECTION 56-19-480, RELATING TO THE TRANSFER AND SURRENDER OF CERTIFICATES, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURER'S SERIAL PLATES OF VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, SO AS TO, AMONG OTHER THINGS, REQUIRE A REPORT INDICATING THE TYPE AND SEVERITY OF ANY DAMAGE TO THE VEHICLE; TO AMEND SECTION 56-19-650, RELATING TO THE PROCEDURE TO BE FOLLOWED WHEN AN OWNER CREATES A SECURITY INTEREST IN A MOTOR VEHICLE, SO AS TO, AMONG OTHER THINGS, DELETE CERTAIN LANGUAGE AND PROVISIONS AND PROVIDE FOR THE SITUATION WHERE A SUPPLEMENTAL LIEN IS CREATED BY THE OWNER; TO AMEND SECTION 56-23-10, AS AMENDED, RELATING TO THE REQUIREMENT THAT DRIVER TRAINING SCHOOLS BE LICENSED, SO AS TO DELETE UNNECESSARY LANGUAGE DEFINING "DEPARTMENT"; TO AMEND SECTION 56-25-10, AS AMENDED, RELATING TO NONRESIDENT TRAFFIC VIOLATOR COMPACTS, SO AS TO, AMONG OTHER THINGS, DELETE THE AUTHORIZATION TO PROMULGATE REGULATIONS; TO AMEND SECTION 56-25-20, RELATING TO SUSPENSION OF DRIVER'S LICENSE FOR FAILURE TO COMPLY WITH A TRAFFIC CITATION ISSUED IN SOUTH CAROLINA OR ANY JURISDICTION HAVING THE NONRESIDENT TRAFFIC VIOLATOR COMPACTS, SO AS TO, AMONG OTHER THINGS, PERMIT, RATHER THAN REQUIRE, THE SUSPENSION OF THE DRIVER'S LICENSE, AND PROVIDE FOR THE OPTION OF REFUSING TO RENEW THE LICENSE; TO AMEND SECTION 56-28-10, RELATING TO ENFORCEMENT OF MOTOR VEHICLE EXPRESS WARRANTIES AND DEFINITIONS, SO AS TO PROVIDE THAT "MOTOR VEHICLE" MEANS A PRIVATE PASSENGER MOTOR VEHICLE AND REMOVE THE PROVISION EXCLUDING TRUCKS WITH A GROSS VEHICLE WEIGHT OVER SIX THOUSAND POUNDS FROM BEING COVERED UNDER THE TERM "MOTOR**

**VEHICLE", AND TO PROVIDE THAT A "NEW MOTOR VEHICLE" MEANS, AMONG OTHER THINGS, A PRIVATE PASSENGER VEHICLE; TO AMEND SECTION 56-29-50, AS AMENDED, RELATING TO THE "MOTOR VEHICLE CHOP SHOP, STOLEN, AND ALTERED PROPERTY ACT" AND FORFEITURE OF THE MOTOR VEHICLE, TOOLS, IMPLEMENTS, OR OTHER INSTRUMENTALITY, SO AS TO TRANSFER ADMINISTERING-AGENCY AUTHORITY FROM THE DEPARTMENT OF REVENUE AND TAXATION TO THE DEPARTMENT OF PUBLIC SAFETY, AND TO PROVIDE FOR THE CERTIFICATION OF THE SEIZING AGENCY RATHER THAN ITS AFIDAVIT; TO AMEND SECTION 56-31-50, AS AMENDED, RELATING TO RENTAL OF PRIVATE PASSENGER AUTOMOBILES AND THE SURCHARGE ON THE RENTAL OF SUCH VEHICLES FOR THIRTY-ONE DAYS OR LESS, SO AS TO, AMONG OTHER THINGS, TRANSFER ADMINISTERING-AGENCY AUTHORITY FROM THE DEPARTMENT OF REVENUE AND TAXATION TO THE DEPARTMENT OF PUBLIC SAFETY, PROVIDE FOR REMITTING CERTAIN EXCESS SURCHARGE REVENUES TO THE STATE TREASURER'S OFFICE, RATHER THAN THE DEPARTMENT OF REVENUE AND TAXATION, AND DELETE CERTAIN PROVISIONS; TO REPEAL CHAPTER 31 OF TITLE 12, RELATING TO THE ROAD TAX ON MOTOR CARRIERS, AND SECTIONS 12-4-400, RELATING TO THE DIVISION OF COMMERCIAL MOTOR VEHICLE SERVICES; 12-4-410, RELATING TO THE DUTIES AND POWERS OF THE DIVISION OF COMMERCIAL MOTOR VEHICLE SERVICES; 12-37-2740, RELATING TO ASSESSMENT OF PROPERTY TAXES, MOTOR VEHICLES, AND SUSPENSION OF DRIVER'S LICENSE AND REGISTRATION; 20-7-947, RELATING TO CHILD SUPPORT, SUPPORT ENFORCEMENT THROUGH VEHICLE LICENSE REVOCATION, AND INTERAGENCY AGREEMENTS; 23-6-10(3), RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND THE DEFINITION OF "DEPUTY DIRECTOR"; 23-6-200, RELATING TO THE DIVISION OF PUBLIC SAFETY OF THE DEPARTMENT OF PUBLIC SAFETY; 56-1-225(B), RELATING TO THE REEXAMINATION OF DRIVERS INVOLVED IN FOUR ACCIDENTS WITHIN TWENTY-FOUR MONTHS AND THE AUTHORITY TO PROMULGATE REGULATIONS; 56-1-520, RELATING TO ADMINISTRATION AND ENFORCEMENT OF ARTICLE 1 OF CHAPTER 1, TITLE 56, REGARDING DRIVER'S LICENSES; 56-1-530, RELATING TO THE PROMULGATION OF RULES AND REGULATIONS FOR THE ENFORCEMENT OF ARTICLE 1 OF CHAPTER 1, TITLE 56, REGARDING DRIVER'S LICENSES; 56-1-550, RELATING TO THE USE OF FEES COLLECTED UNDER ARTICLE 1 OF CHAPTER 1, TITLE 56, REGARDING DRIVER'S LICENSES; 56-1-560, RELATING TO THE PROVISION THAT ARTICLE 1 OF CHAPTER 1 OF TITLE 56, REGARDING DRIVER'S LICENSES, SHALL NOT BE HELD TO REPEAL ANY OTHER LAWS BUT SHALL BE HELD TO BE CUMULATIVE; 56-1-830, RELATING TO JUDICIAL REVIEW OF THE SUSPENSION OF A DRIVER'S LICENSE; 56-1-840, RELATING TO ADMINISTRATION AND ENFORCEMENT OF ARTICLE 3 OF CHAPTER 1, TITLE 56, REGARDING THE POINT SYSTEM FOR EVALUATING OPERATING RECORDS OF DRIVERS, AND PROMULGATION OF RULES AND REGULATIONS; 56-1-1120, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION SHALL REVIEW AND CERTIFY CERTAIN DRIVER'S LICENSE RECORDS; 56-1-3390, RELATING TO PROMULGATION OF RULES AND REGULATIONS TO IMPLEMENT ARTICLE 15 OF CHAPTER 1, TITLE 56, REGARDING IDENTIFICATION CARDS; 56-3-20(21), RELATING TO MOTOR VEHICLE REGISTRATION AND LICENSING AND THE DEFINITION OF "DEPARTMENT"; 56-3-251, RELATING TO BIENNIAL LICENSE PLATES OR REVALIDATION DECALS FOR MOTOR VEHICLES; 56-3-420, RELATING TO THE GROUNDS FOR REFUSING TO LICENSE AND REGISTER AN AUTOMOBILE UTILITY TRAILER; 56-3-880, RELATING TO THE PROMULGATION OF RULES AND REGULATIONS AS TO UNCERTIFIED CHECKS TENDERED FOR MOTOR VEHICLE LICENSE FEES; 56-3-1010(3), RELATING TO**

**CORPORATE-OWNED FLEET MOTOR VEHICLES AND THE DEFINITION OF "DEPARTMENT"; 56-3-1160, RELATING TO PROMULGATION OF REGULATIONS FOR THE EFFECTUATION OF ARTICLE 8 OF CHAPTER 3, TITLE 56, REGARDING FREE VEHICULAR REGISTRATION FOR FORMER PRISONERS OF WAR; 56-3-1950(1), RELATING TO FREE PARKING FOR HANDICAPPED PERSONS AND THE DEFINITION OF "DEPARTMENT"; 56-3-2410, RELATING TO PROVISIONS REGARDING ADMINISTERING AND ENFORCING CHAPTER 3, TITLE 56, AS TO REGISTRATION AND LICENSING OF MOTOR VEHICLES AND RULES AND REGULATIONS; 56-3-2500, RELATING TO RULES AND REGULATIONS GOVERNING CHANGE OR SUBSTITUTION OF MOTOR VEHICLE ENGINES; 56-3-2670, RELATING TO PROMULGATION OF REGULATIONS NECESSARY TO IMPLEMENT ARTICLE 29 OF CHAPTER 3, TITLE 56, REGARDING CERTAIN TEMPORARY LICENSE PLATES; 56-3-2750, RELATING TO PROMULGATION OF REGULATIONS NECESSARY TO IMPLEMENT ARTICLE 30 OF CHAPTER 3, TITLE 56, REGARDING TEMPORARY LICENSE PLATES AND CERTIFICATES OF REGISTRATION OF MOTOR VEHICLES USED ONLY FOR CORPORATE RESEARCH AND DEVELOPMENT; 56-5-370, RELATING TO TRAFFIC REGULATION, GOVERNMENTAL AGENCIES, PEDESTRIANS, POLICE OFFICERS, AND OTHER PERSONS AND THE DEFINITION OF "DEPARTMENT"; 56-5-2960, RELATING TO TRAFFIC REGULATION AND THE PROVISION THAT PLEAS OF GUILTY OR NOLO CONTENDERE OR FORFEITURE OF BAIL ARE THE SAME AS A CONVICTION; 56-5-5015 (L), RELATING TO PROMULGATION OF REGULATIONS PRESCRIBING ENFORCEMENT OF THE PROCEDURE AND MECHANISM FOR TESTING LIGHT TRANSMITTANCE IN VEHICLE GLASS; 56-5-5610, RELATING TO DEFINITIONS UNDER THE LAWS ON DISPOSITION OF ABANDONED MOTOR VEHICLES ON THE HIGHWAYS; 56-5-5680, RELATING TO PENALTIES UNDER THE LAWS ON DISPOSITION OF ABANDONED MOTOR VEHICLES ON THE HIGHWAYS; 56-5-5830, RELATING TO DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF REVENUE AND TAXATION, AND THE REQUIREMENT THAT COUNTY AND MUNICIPAL OFFICERS COOPERATE WITH THE DIRECTOR, REGARDING DISPOSITION OF ABANDONED OR DERELICT MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY; 56-5-5860, RELATING TO THE REQUIREMENT THAT TITLES SHALL VEST IN THE STATE OF SOUTH CAROLINA WITH RESPECT TO THE DISPOSITION OF ABANDONED OR DERELICT MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY; 56-5-5930, RELATING TO IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 41 OF CHAPTER 5, TITLE 56, REGARDING DISPOSITION OF ABANDONED OR DERELICT MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY; 56-5-6180, RELATING TO PROMULGATION OF RULES AND REGULATIONS FOR THE ADMINISTRATION OF ARTICLE 43 OF CHAPTER 5, TITLE 56, REGARDING TRAFFIC VIOLATIONS PROCEDURE; 56-9-20(1), RELATING TO THE DEFINITION OF "CONVICTION" UNDER THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT; 56-9-20(2), RELATING TO THE DEFINITION OF "DEPARTMENT" UNDER THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT; 56-9-310, RELATING TO THE ADMINISTRATION OF CHAPTER 9, TITLE 56, REGARDING THE MOTOR VEHICLE FINANCIAL RESPONSIBILITY ACT, AND TO THE HEARINGS AND THE PROMULGATION OF RULES AND REGULATIONS THEREUNDER; 56-10-210 (3), RELATING TO THE DEFINITION OF "DEPARTMENT" UNDER THE LAWS REGARDING INSURANCE REQUIREMENTS RELATING TO MOTOR VEHICLE REGISTRATION; 56-10-290, RELATING TO ENFORCEMENT OF THE PROVISIONS OF ARTICLE 3 OF CHAPTER 10, TITLE 56, REGARDING INSURANCE REQUIREMENTS AS TO MOTOR VEHICLE REGISTRATION; 56-10-300, RELATING TO THE POWER TO PRESCRIBE, ADOPT, PROMULGATE, RESCIND, AND ENFORCE REGULATIONS WITH RESPECT TO ARTICLE 3 OF CHAPTER 10, TITLE 56, REGARDING INSURANCE**

**REQUIREMENTS RELATING TO MOTOR VEHICLE REGISTRATION; 56-15-10(R), RELATING TO THE DEFINITION OF "DEPARTMENT" UNDER THE LAWS ON MOTOR VEHICLES AND THE REGULATION OF MANUFACTURERS, DISTRIBUTORS, AND DEALERS; 56-15-360, RELATING TO THE PROMULGATION OF REGULATIONS NECESSARY FOR THE ENFORCEMENT OF CHAPTER 15, TITLE 56, REGARDING REGULATION OF MOTOR VEHICLE MANUFACTURERS, DISTRIBUTORS, AND DEALERS; 56-16-10(R), RELATING TO THE DEFINITION OF "DEPARTMENT" UNDER THE LAWS REGARDING THE REGULATION OF MOTORCYCLE MANUFACTURERS, DISTRIBUTORS, DEALERS, AND WHOLESALERS; 56-16-190, RELATING TO AUTHORITY TO PROMULGATE REGULATIONS NECESSARY FOR THE ENFORCEMENT OF CHAPTER 16, TITLE 56, REGARDING REGULATION OF MOTORCYCLE MANUFACTURERS, DISTRIBUTORS, DEALERS, AND WHOLESALERS; 56-19-10(5), RELATING TO THE DEFINITION OF "DEPARTMENT" UNDER THE LAWS REGARDING PROTECTION OF TITLES TO AND INTERESTS IN MOTOR VEHICLES; 56-19-30, RELATING TO ADOPTION AND ENFORCEMENT OF RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF CHAPTER 19, TITLE 56, REGARDING PROTECTION OF TITLES TO AND INTERESTS IN MOTOR VEHICLES, AND RELATING TO ADOPTION AND ENFORCEMENT OF RULES AND REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF CHAPTER 21, TITLE 16, REGARDING OFFENSES INVOLVING MOTOR VEHICLE TITLES; 56-27-10(C), RELATING TO THE DEFINITION OF "DEPARTMENT" UNDER THE LAWS ON PROFESSIONAL HOUSEMOVING; 38-73-456, RELATING TO THE PROVISION THAT AN INCREASE IN AUTOMOBILE INSURANCE PREMIUMS, OR ADDITIONAL SURCHARGES, FOR A DRIVING VIOLATION IS PROHIBITED UNTIL A CONVICTION OCCURS; AND 38-77-175, RELATING TO VERIFICATION OF AUTOMOBILE INSURANCE COVERAGE UPON THE ISSUANCE OF A TRAFFIC TICKET, FINE, AND PENALTY; AND TO PROVIDE THAT, WITH RESPECT TO THE REPEAL OF ITEMS OR SUBSECTIONS OF PROVISIONS OF LAW IN THIS ACT, THE CODE COMMISSIONER SHALL RENUMBER, OR RELETTER, ALL REMAINING ITEMS OR SUBSECTIONS AS NECESSARY TO CONFORM TO THE REPEALER.**

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

**Dealer and wholesaler license plates**

SECTION 1. Section 56-3-2320(A) of the 1976 Code, as last amended by Section 121J, Part II, Act 497 of 1994, is further amended to read:

"(A) Upon application being made and the required fee being paid to the department, 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, or a prospective purchaser of the motor vehicle. The use by a prospective purchaser is limited to seven days, and the dealer shall provide the prospective purchaser with a dated demonstration certificate. The certificate 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 of Title 12 and has made at least twenty 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.

A dealer may be issued two plates for the first twenty vehicles sold during the preceding year and one additional plate for each fifteen vehicles sold beyond the initial twenty 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.

The cost of each dealer plate issued is twenty dollars.

Upon application to the department, a public or private school, college, or university, or an economic development entity created or sanctioned by the county where the entity is located, may be issued a license plate to be used on vehicles loaned or rented to the school, college, university, or economic development entity by a licensed motor vehicle dealer. The plate must be a personalized plate designed by the department. The cost of each plate issued is two hundred dollars, of which one hundred sixty dollars must be remitted by the department to the county in which the school, college, university, or economic development entity is located. Each plate is valid for two years, and there is no limit on the number of plates which may be issued, except in the case of an economic development entity where only one plate per entity is allowed.

A dealer license plate is allowed on a motor vehicle which the dealer lends to a public or private school for use in a driver education program. A plate used for this purpose may be obtained without fee and without regard to the limit on plates issued pursuant to this section. When the motor vehicle is no longer used for driver education, the dealer shall surrender the plate to the department.

Notwithstanding the provisions of this section, a dealer exclusively selling heavy duty trucks at retail is eligible to obtain license plates for exclusive use on the heavy duty trucks regardless of the number of trucks sold by him during the preceding required number of months. These license plates for trucks must be noted with a distinct and separate identification and used only on heavy duty trucks. For purposes of this section, heavy duty trucks include trucks having a gross vehicle weight of sixteen thousand pounds or greater."

#### **Titles to school buses and service vehicles**

SECTION 2. Section 1-11-310(E) of the 1976 Code, as last amended by Act 449 of 1992 is further amended to read:

"(E) Titles to school buses and service vehicles operated by the State Department of Education and vehicles operated by the South Carolina Department of Transportation must be retained by those agencies."

#### **Motor vehicle licensing, registration, and titling**

SECTION 3. Section 1-30-90 of the 1976 Code, as added by Act 181 of 1993 is further amended to read:

"Section 1-30-90. The following agencies, boards, and commissions, including all of the allied,



advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Public Safety to be initially divided into divisions for Highway Patrol, State Police, Training and Continuing Education, and Motor Vehicle.

- (A) Law Enforcement Hall of Fame, formerly provided for at Section 23-25-10, et seq.;
- (B) State Highway Patrol, formerly provided for at Section 23-5-10, et seq.;
- (C) Public Service Commission Safety Enforcement, formerly provided at Section 58-3-310;
- (D) Law Enforcement Training Council, formerly provided for at Section 23-23-30, et seq.;
- (E) Public Safety Division, formerly of the Governor's Office;
- (F) The vehicle inspection, administrative services, drivers records, and financial responsibility sections and other offices of the Division of Motor Vehicles, formerly provided for at Section 56-1-10, et seq.;
- (G) The motor vehicle licensing, registration, and titling sections, formerly provided for at Section 1-30-95(B)."

#### **Department of Revenue and Taxation**

SECTION 4. Section 1-30-95 of the 1976 Code, as added by Act 181 of 1993 is further amended to read:

"Section 1-30-95. The following agencies, boards, and commissions, including all of the allied, advisory, affiliated, or related entities as well as the employees, funds, property and all contractual rights and obligations associated with any such agency, except for those subdivisions specifically included under another department, are hereby transferred to and incorporated in and shall be administered as part of the Department of Revenue and Taxation to be initially divided into divisions for Alcohol Beverage Control and Tax; provided, however, that from July 1, 1993, until February 1, 1995, the governing authority of the department shall be the commissioners of the Tax Commission, as constituted June 30, 1993, and thereafter, pursuant to the provisions of Section 12-3-10, et seq.;

- (A) Licensing Division of Alcoholic Beverage Control Commission, formerly provided for at Section 61-1-10, et seq.;
- (B) Tax Commission, formerly provided for at Section 12-3-10, et seq."

#### **Identification to vote**

SECTION 5. The first sentence of Section 7-13-710 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

"When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Public Safety, if he is not licensed to drive, or the written notification of registration provided for by Sections 7-5-125 and 7-5-180 if the notification has been signed by the elector."

### **Business hours**

SECTION 6. Section 8-11-10 of the 1976 Code, as last amended by Act 181 of 1993 is further amended to read:

"Section 8-11-10. The departments of the state government except where seven day per week services are maintained, shall remain open from nine A.M. until five P.M. from Monday through Friday, both inclusive, except on holidays fixed by law. On Saturdays such departments may close at one P.M. Skeleton forces may be maintained on Saturday and so staggered that each employee shall work not less than one Saturday out of each month; provided, that the offices of the Motor Vehicle Division of the Department of Public Safety shall remain open from eight-thirty A.M. until five P.M. from Monday through Friday, both inclusive, except on holidays fixed by law and these offices need not be kept open on Saturdays, except as may be necessary to carry on essential work."

### **Highway repair**

SECTION 7. Section 11-35-710(1) of the 1976 Code, as last amended by Section 51, Part II, Act 7 of 1995, is further amended to read:

"(1) the construction, maintenance, and repair of bridges, highways, and roads; vehicle and road equipment maintenance, and repair; and other emergency type parts or equipment utilized by the Department of Transportation or the Department of Public Safety;"

### **Department of Revenue and Taxation's functions**

SECTION 8. Section 12-4-10 of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

"Section 12-4-10. The South Carolina Department of Revenue and Taxation is created to administer and enforce the revenue laws of this State; administer the licensing laws and regulations relating to alcoholic liquors, beer, and wine and assess penalties for violations thereof; and other laws specifically assigned to it."

### **Department of Revenue and Taxation; divisions**

SECTION 9. Section 12-4-15 of the 1976 Code, as added by Act 181 of 1993, is further amended to read:

"Section 12-4-15. The Department of Revenue and Taxation must be divided into such divisions as the director may prescribe."

### **Issuance and transfer of titles**

SECTION 10. Section 12-36-1710(G) of the 1976 Code, as last amended by Act 181 of 1993, is further amended to read:

"(G) The Department of Public Safety and the Division of Aeronautics of the Department of Commerce may not issue a license or transfer of title without first procuring from the Department of Revenue and Taxation information showing that the excise tax has been collected. The Department of Natural Resources may not license any boat or register any motor without first procuring from the Department of

report must include a description of the motor vehicle or motor vehicle part, its color, if any, the date, time, and place of its seizure, the name of the person from whose possession or control it was seized, the grounds for its seizure, and the location where it is held or stored.

(M) When an applicant for a certificate of title or salvage certificate presents to the department proof that the applicant purchased or acquired a motor vehicle at the public sale conducted pursuant to this section and that fact is attested to by the seizing agency, the division shall issue a certificate of title, or salvage certificate for the motor vehicle upon receipt of the statutory fee, properly executed application for a certificate of title, or other certificate of ownership, and the certification of the seizing agency that a state-assigned number was applied for and affixed to the motor vehicle prior to the time that the motor vehicle was released by the seizing agency to the purchaser."

**Administering agency changed; etc.**

SECTION 245. Section 56-31-50(C), (D) of the 1976 Code, as added by Part II, Section 69A of Act 501 of 1992 and as last amended by Section 1502 of Act 181 of 1993, are further amended to read:

"(C) On February fifteenth of each year all rental companies engaged in the business of renting private passenger motor vehicles which collect surcharges pursuant to this section shall file a report with the department stating the total amount of South Carolina personal property taxes on private passenger motor vehicles paid in the previous calendar year, the total amount of private passenger motor vehicle rental revenues earned on rentals in South Carolina for the previous calendar year, and the amount by which the total amount of the surcharges for the previous year exceeds the total amount of personal property taxes on private passenger motor vehicles paid for the previous calendar year. All surcharge revenues collected in excess of the total amount of personal property taxes on private passenger motor vehicles must be remitted to the State Treasurer's office for deposit in the state general fund.

(D) Any rental company which makes a false report to the department with the intent to misrepresent the amount of personal property taxes on private passenger motor vehicles paid or the amount of surcharges collected is guilty of a misdemeanor and, upon conviction, must be punished by a fine not exceeding one thousand dollars or by a term of imprisonment not exceeding one year, or both. Each violation constitutes a separate offense."

**Provisions repealed; renumbering by Code Commissioner**

SECTION 246. A. Chapter 31 of Title 12, Sections 12-4-400, 12-4-410, 12-37-2740, 20-7-947, 23-6-10(3), 23-6-200, 56-1-225(b), 56-1-520, 56-1-530, 56-1-550, 56-1-560, 56-1-830, 56-1-840, 56-1-1120, 56-1-3390, 56-3-20(21), 56-3-251, 56-3-420, 56-3-880, 56-3-1010(3), 56-3-1160, 56-3-1950(1), 56-3-2410, 56-3-2500, 56-3-2670, 56-3-2750, 56-5-370, 56-5-2960, 56-5-5015(L), 56-5-5610, 56-5-5680, 56-5-5830, 56-5-5860, 56-5-5930, 56-5-6180, 56-9-20(1), 56-9-20(2), 56-9-310, 56-10-210(3), 56-10-290, 56-10-300, 56-15-10(r), 56-15-360, 56-16-10(r), 56-16-190, 56-19-10(5), 56-19-30, 56-27-10(c), 38-73-456, and 38-77-175 of the 1976 Code are repealed.

B. For each item repealed in subsection A., the Code Commissioner shall renumber all existing items as may be necessary to conform the remaining items in each existing section.

**Time effective**

SECTION 247. This act takes effect upon approval by the Governor.

Approved the 5th day of June, 1996.

**South Carolina General Assembly**  
**110th Session, 1993-1994**

**Bill 3546**

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Current Status

Introducing Body: House  
 Bill Number: 3546  
 Ratification Number: 276  
 Act Number: 181  
 Primary Sponsor: Sheheen  
 Type of Legislation: GB  
 Subject: State Government Restructuring  
 Date Bill Passed both Bodies: 19930614  
 Computer Document Number: CYY/15185SD.93  
 Governor's Action: S  
 Date of Governor's Action: 19930618  
 Introduced Date: 19930223  
 Date of Last Amendment: 19930614  
 Last History Body: -----  
 Last History Date: 19930618  
 Last History Type: Act No. 181  
 Scope of Legislation: Statewide  
 All Sponsors: Sheheen  
                   Wilkins  
                   Boan  
                   Hodges  
                   Jennings  
                   Harwell  
                   Corning  
                   Thomas  
 Type of Legislation: General Bill

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History						
Bill	Body	Date	Action	Description	CMN	Leg
Involved						
-----	-----	-----	-----	-----	-----	-----
3546	-----	19930618	Act No. 181			
3546	-----	19930618	Signed by Governor			
3546	-----	19930615	Ratified R 276			
3546	<u>Senate</u>	19930614	Ordered enrolled for			
			ratification			
3546	<u>Senate</u>	19930614	Free Conference Committee		99	
			Report received, adopted			
3546	<u>House</u>	19930614	Free Conference Committee		99	
			Report received, adopted			
3546	<u>Senate</u>	19930602	With unanimous consent, Free		99	Moore
			Conference Powers were			Stilwell
			granted contingent upon the			Jackson
			Conference Report containing			
			language specifying a seven			

			member board at DHEC be empowered to set policy, handle permitting and to employ an executive director		
3546	<u>House</u>	19930602	Free Conference Powers granted, appointed Reps. to Committee of Free Conference	99	Hodges Boan Clyborne
3546	<u>Senate</u>	19930525	Conference powers granted, appointed Senators to Committee of Conference	98	Moore Stilwell Jackson
3546	<u>House</u>	19930525	Conference powers granted, appointed Reps. to Committee of Conference	98	Hodges Boan Clyborne
3546	<u>House</u>	19930525	Insists upon amendment		
3546	<u>Senate</u>	19930520	Non-concurrence in House amendment		
3546	<u>House</u>	19930520	Senate amendments amended, returned to Senate		
3546	<u>Senate</u>	19930517	Amended, read third time, returned to House with amendments		
3546	<u>Senate</u>	19930513	Unanimous consent to be placed in status of Adjourned Debate ahead of all other Adjourned Debates		
3546	<u>Senate</u>	19930511	Read second time, notice of general amendments		
3546	<u>Senate</u>	19930511	Recalled from Committee	11	
3546	<u>Senate</u>	19930330	Introduced, read first time, referred to Committee	11	
3546	<u>House</u>	19930325	Amended, read third time, sent to Senate		
3546	<u>House</u>	19930311	Amended, read second time		
3546	<u>House</u>	19930310	Amended, debate interrupted by adjournment		
3546	<u>House</u>	19930309	Amended, debate interrupted by adjournment		
3546	<u>House</u>	19930309	Objection by Representative		Wilkins Hodges McLeod Beatty Haskins
3546	<u>House</u>	19930308	Recalled from Committee	25	
3546	<u>House</u>	19930223	Introduced, read first time, referred to Committee	25	

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(R276, H3546)

AN ACT TO AMEND TITLE 1, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADMINISTRATION OF GOVERNMENT BY ADDING CHAPTER 30, SO AS TO ESTABLISH WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT NINETEEN DEPARTMENTS AND TO ESTABLISH

WITHIN EACH DEPARTMENT CERTAIN DIVISIONS COMPOSED OF SPECIFIED STATE AGENCIES, TO PROVIDE FOR THE ORGANIZATION, GOVERNANCE, DUTIES, FUNCTIONS, AND PROCEDURES OF THE VARIOUS DEPARTMENTS AND DIVISIONS, AND FOR THE MANNER OF SELECTION, TERMS, AND REMOVAL OF DEPARTMENT HEADS, BOARD AND COMMISSION MEMBERS, AND OTHER OFFICIALS, TO PROVIDE THAT CERTAIN OTHER AGENCIES OR DEPARTMENTS OF STATE GOVERNMENT SHALL PERFORM THEIR DUTIES AND FUNCTIONS AS A PART OF AND UNDER THE SUPERVISION OF DESIGNATED CONSTITUTIONAL OR STATUTORY OFFICERS, TO AMEND CHAPTER 23 OF TITLE 1 OF THE 1976 CODE, RELATING TO STATE AGENCY RULE MAKING AND ADJUDICATION OF CONTESTED CASES BY ADDING ARTICLE 5, SO AS TO ESTABLISH THE SOUTH CAROLINA ADMINISTRATIVE LAW JUDGE DIVISION THE JUDGES OF WHICH SHALL HEAR, DETERMINE, AND PRESIDE OVER CONTESTED CASES OF CERTAIN STATE AGENCIES, DEPARTMENTS, DIVISIONS, AND COMMISSIONS, TO AMEND SECTIONS 1-23-110, 1-23-115, 1-23-120, 1-23-130, 1-23-160, 1-23-310, 1-23-320, 1-23-380, AND TO ADD SECTION 1-23-111 RELATING TO THE STATE ADMINISTRATIVE PROCEDURES ACT SO AS TO REVISE THE MANNER IN WHICH REGULATIONS ARE PROMULGATED, APPROVED, AND TAKE EFFECT, TO ABOLISH SPECIFIED BOARDS, COMMISSIONS, AND COMMITTEES OF THIS STATE, TO PROVIDE FOR TRANSITIONAL PROVISIONS IN REGARD TO THIS ACT, TO PROVIDE FOR EFFECTIVE DATES, AND TO AMEND SECTIONS 1-1-110, 1-3-210, 1-3-220, 1-3-240, 1-3-250, 1-15-10, 1-20-50, 1-25-60, 2-7-71, 2-7-73, 2-7-105, 2-13-190, 2-13-240, 2-15-61, 2-17-15, 2-19-30, 2-19-70, 2-22-20, 2-23-10, 2-67-10, 2-67-30, 3-3-210, 3-5-40, 3-5-50, 3-5-60, 3-5-80, 3-5-100, 3-5-120, 3-5-130, 3-5-140, 3-5-150, 3-5-160, 3-5-170, 3-5-190, 3-5-320, 3-5-330, 3-5-340, 3-5-360, 4-9-155, 4-10-25, 4-10-60, 4-10-80, 4-10-90, 4-29-67, 5-3-90, 5-3-110, 5-3-300, 5-7-110, 5-27-510, 6-9-60, 7-13-710, 8-1-80, 8-1-100, 8-11-10, 8-11-945, 8-13-740, 8-13-910, 8-17-370, 8-21-310, 8-21-770, 8-21-780, 8-21-790, 9-1-60, 9-11-180, 10-5-230, 10-5-240, 10-5-270, 10-5-300, 10-5-320, 10-7-10, 10-9-320, 10-11-50, 10-11-80, 11-9-820, 11-9-825, 11-11-10, 11-17-10, 11-35-45, 11-35-710, 11-35-1520, 11-35-5230, 11-35-5250, 11-35-5270, 11-37-200, 12-2-10, 12-4-10, 12-4-30, 12-4-335, 12-4-350, 12-4-370, 12-7-455, 12-7-460, 12-7-1220, 12-7-1225, 12-7-1250, 12-7-1590, 12-7-2010, 12-7-2230, 12-7-2415, 12-7-2590, 12-7-2610, 12-9-130, 12-9-310, 12-9-420, 12-9-630, 12-9-860, 12-13-70, 12-16-1110, 12-19-20, 12-19-60, 12-19-100, 12-21-100, 12-21-320, 12-21-470, 12-21-660, 12-21-780, 12-21-820, 12-21-1060, 12-21-1110, 12-21-1320, 12-21-1540, 12-21-1550, 12-21-1570, 12-21-1580, 12-21-1590, 12-21-1610, 12-21-1840, 12-21-2420, 12-21-2719, 12-21-2720, 12-21-2726, 12-21-3320, 12-21-3441, 12-21-3590, 12-21-3600, 12-23-310, 12-23-815, 12-23-820, 12-23-830, 12-27-270, 12-27-380, 12-27-

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

...

Name changed

SECTION 65. Section 7-13-710 of the 1976 Code is amended to read:

"Section 7-13-710. When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the South Carolina Department of Revenue and Taxation, if he is not licensed to drive, or the written notification of registration provided for by Sections 7-5-125 and 7-5-180 if the notification has been signed by the elector. If the elector loses or defaces his registration notification, he may obtain a duplicate notification from his county board of registration upon request in person, or by telephone or mail. After presentation of the required identification, his name must be checked by one of the managers on the margin of the page opposite his name upon the registration books, or copy of the books, furnished by the board of registration. The managers shall keep a poll list which must contain one column headed 'Names of Voters'. Before any ballot is delivered to a voter, the voter shall sign his name on the poll list, which must be furnished to the appropriate election officials by the State Election Commission. At the top of each page the voter's oath appropriate to the election must be printed. The signing of the poll list or the marking of the poll list is considered to be an affirmation of the oath by the voter. One of the managers shall compare the signature on the poll list with the signature on the voter's driver's license, registration notification, or other identification and may require further identification

of the voter and proof of his right to vote under this title as he considers necessary. If the voter is unable to write or if the voter is prevented from signing by physical handicap, he may sign his name to the poll list by mark with the assistance of one of the managers."

...

In the Senate House June 15, 1993.

Nick A. Theodore,  
President of the Senate

Robert J. Sheheen,  
Speaker of the House of Representatives

Approved the 18th day of June, 1993.

Carroll A. Campbell, Jr.  
Governor

Printer's Date -- September 20, 1993 -- S.

**South Carolina General Assembly**  
118th Session, 2009-2010

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**A277, R296, S288**

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Passed by the General Assembly on June 2, 2010

Governor's Action: June 11, 2010, Vetoed

Legislative veto action(s): Veto overridden

Summary: Driver's license

**HISTORY OF LEGISLATIVE ACTIONS**

Date	Body	Action Description with journal page number
1/15/2009	Senate	Introduced and read first time <a href="#">SJ-11</a>
1/15/2009	Senate	Referred to Committee on <b>Transportation</b> <a href="#">SJ-11</a>
4/15/2009	Senate	Committee report: Favorable <b>Transportation</b> <a href="#">SJ-8</a>
4/16/2009		Scrivener's error corrected
4/22/2009	Senate	Read second time <a href="#">SJ-20</a>
4/23/2009	Senate	Read third time and sent to House <a href="#">SJ-16</a>
4/28/2009	House	Introduced and read first time <a href="#">HJ-8</a>
4/28/2009	House	Referred to Committee on <b>Judiciary</b> <a href="#">HJ-9</a>
5/6/2010	House	Committee report: Favorable with amendment <b>Judiciary</b> <a href="#">HJ-6</a>
5/18/2010	House	Debate adjourned until Wednesday, May 19, 2010 <a href="#">HJ-56</a>
5/19/2010	House	Requests for debate-Rep(s). Weeks, Hosey, Hart, RL Brown, Jefferson, Gilliard, Hutto, King, Brantley, Dillard, Duncan, Stavrinakis, and Bales <a href="#">HJ-16</a>
5/26/2010	House	Amended <a href="#">HJ-72</a>
5/26/2010	House	Read second time <a href="#">HJ-72</a>
5/26/2010	House	Roll call Yeas-83 Nays-18 <a href="#">HJ-72</a>
5/27/2010	House	Read third time and returned to Senate with amendments <a href="#">HJ-47</a>
6/2/2010	Senate	Concurred in House amendment and enrolled <a href="#">SJ-203</a>
6/7/2010		Ratified R 296
6/11/2010		Vetoed by Governor
6/16/2010	Senate	Veto overridden by originating body Yeas-33 Nays-7 <a href="#">SJ-235</a>
6/29/2010	House	Veto overridden Yeas-78 Nays-33 <a href="#">HJ-46</a>
7/13/2010		Effective date See Act for Effective Date
7/14/2010		Act No. 277

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## VERSIONS OF THIS BILL

1/15/2009

4/15/2009

4/16/2009

5/6/2010

5/26/2010

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(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A277, R296, S288)

**AN ACT TO AMEND ARTICLE 1, CHAPTER 1, TITLE 56, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-146 SO AS TO REQUIRE A CLERK OF COURT TO NOTIFY THE DEPARTMENT OF MOTOR VEHICLES OF A PERSON WHO IS CONVICTED OF A VIOLENT CRIME; TO REQUIRE THE DEPARTMENT OF MOTOR VEHICLES TO NOTIFY THE CONVICTED PERSON THAT HE SHALL SURRENDER HIS DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD TO THE DEPARTMENT; BY ADDING SECTION 56-1-148 SO AS TO PROVIDE THAT A PERSON CONVICTED OF A VIOLENT CRIME SHALL HAVE A SPECIAL CODE AFFIXED TO THE REVERSE SIDE OF HIS DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD THAT IDENTIFIES THE PERSON AS HAVING BEEN CONVICTED OF A VIOLENT CRIME, TO PROVIDE A FEE TO BE CHARGED FOR AFFIXING THE CODE AND FOR ITS DISTRIBUTION, AND TO PROVIDE A PROCESS FOR REMOVING THE CODE; TO AMEND SECTION 56-1-80, AS AMENDED, RELATING TO THE CONTENTS OF A DRIVER'S LICENSE APPLICATION, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 56-1-3350, AS AMENDED, RELATING TO THE ISSUANCE OF A SPECIAL IDENTIFICATION CARD BY THE DEPARTMENT OF MOTOR VEHICLES, SO AS TO MAKE TECHNICAL CHANGES; AND TO PROVIDE THAT THE PROVISIONS OF SECTION 56-1-80 MUST BE MET UPON THE RENEWAL OF AN EXISTING DRIVER'S LICENSE OR SPECIAL IDENTIFICATION CARD.**

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

### **Surrender of driver's license by person convicted of certain crimes**

SECTION 1. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

"Section 56-1-146. When a person is convicted of or pleads guilty or nolo contendere to a crime of violence as defined in Section 16-23-10(3) on or after July 1, 2011, in this State, the clerk of court must notify by mail, electronic mail, or facsimile the Department of Motor Vehicles within thirty days of the conviction of guilt or nolo contendere plea. The Department of Motor Vehicles must then notify the person who was convicted of the crime of violence as defined in Section 16-23-10(3) that he must surrender his driver's license or special identification card to the Department of Motor Vehicles by mail or in person, and the Department of Motor Vehicles shall issue to the person by mail or in person a driver's license or special identification card with the identifying code as referenced in Section 56-1-148. If the person convicted of a crime of violence as defined in Section 16-23-10(3) fails to surrender his driver's license or special identification card to the Department of Motor Vehicles, the driver's license or special identification card is considered canceled."



## Identifying code affixed on driver's license of person convicted of certain crimes

SECTION 2. Article 1, Chapter 1, Title 56 of the 1976 Code is amended by adding:

"Section 56-1-148. (A) As used in this chapter 'identifying code' means a symbol, number, or letter of the alphabet developed by the department to identify a person convicted of or pleading guilty or nolo contendere to a crime of violence as defined in Section 16-23-10(3) on or after July 1, 2011. The symbol, number, or letter of the alphabet shall not be defined on the driver's license or special identification card.

(B) In addition to the contents of a driver's license provided for in Section 56-1-140 or a special identification card provided for in Section 56-1-3350, a person who has been convicted of or pled guilty or nolo contendere to a crime of violence as defined in Section 16-23-10(3) on or after July 1, 2011, must have an identifying code determined by the department affixed to the reverse side of his driver's license or special identification card. The code must identify the person as having been convicted of a violent crime. The code must be developed by the department and made known to the appropriate law enforcement officers and judicial officials of this State.

(C) The presence of a special identifying code on a person's driver's license or special identification card may not be used as a grounds to extend the detention of the person by a law enforcement officer or grounds for a search of the person or his vehicle.

(D) The department shall charge a fee of fifty dollars for affixing the identifying code provided in subsection (B). This fee is in addition to the fee provided for in Section 56-1-140. This fee must be placed by the Comptroller General into a special restricted account to be used by the department to defray expenses associated with this section.

(E) A person whose driver's license or special identification card has been canceled pursuant to Section 56-1-146 may apply for a new license or special identification card in a manner prescribed by the department. The department must issue by mail or in person a new license or special identification card with the identifying code required by this section after payment of the fifty-dollar fee provided in subsection (C). The department must not issue a new driver's license to a person during any period of suspension or revocation for any reason other than Section 56-1-146 and a driver's license may only be issued after the period of suspension or revocation has ended and the person is otherwise eligible to be issued a license.

(F) The intent of placing an identifying code on a driver's license or special identification card that identifies a person who has been convicted of a crime of violence as defined in Section 16-23-10(3) is to promote the state's fundamental right to provide for the public health, welfare, and safety of its citizens and law enforcement officers. Notwithstanding this legitimate stated purpose, this provision is not intended to violate the guaranteed constitutional rights of persons who have violated our state's laws.

(G) If a person's conviction or guilty plea for a crime of violence as defined in Section 16-23-10(3) is reversed on appeal, or if the person is subsequently pardoned, then the person may apply for a driver's license or special identification card that does not have the identifying code affixed.

(H) A person who is not convicted of a subsequent crime of violence as defined in Section 16-23-10(3) for five years after he has completely satisfied the terms of his sentence or during the term of the person's probation or parole, whichever the sentencing judge determines is appropriate, may file an application with the department to have the identifying code affixed to his driver's license or special

identification card removed.

(I) A person must provide appropriate supporting documentation prescribed by the department to verify his eligibility to have the identifying code removed pursuant to subsection (F) or (G). Upon verification and payment of the fee provided in Section 56-1-140, the person must be issued a new driver's license or special identification card."

### **Application for driver's license or permit**

SECTION 3. Section 56-1-80 of the 1976 Code, as last amended by Act 92 of 2007, is further amended to read:

"Section 56-1-80. (A) An application for a driver's license or permit must:

- (1) be made upon the form furnished by the department;
- (2) be accompanied by the proper fee and acceptable proof of date and place of birth;
- (3) contain the full name, date of birth, sex, race, and residence address of the applicant and briefly describe the applicant;
- (4) state whether the applicant has been licensed as an operator or chauffeur and, if so, when and by what state or country;
- (5) state whether a license or permit has been suspended or revoked or whether an application has been refused and, if so, the date of and reason for the suspension, revocation, or refusal;
- (6) allow an applicant voluntarily to disclose a permanent medical condition, which must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record; and
- (7) allow an applicant voluntarily to disclose that he is an organ and tissue donor which must be indicated by a symbol designated by the department on the driver's license and contained in the driver's record.

(B) The information contained on a driver's license and in the driver's department records pertaining to a person's permanent medical condition, as provided for in item (A)(6), must be made available, upon request, to law enforcement and emergency medical services and hospital personnel; and the information and records pertaining to a person's organ and tissue donor status, as provided for in item (A)(7), must be made available, upon request, to law enforcement, emergency medical services and hospital personnel, and the South Carolina Donor Referral Network, as provided for in Section 44-43-910.

(C) Whenever an application is received from a person previously licensed or permitted in another state, the Department of Motor Vehicles may request a copy of the applicant's record from the other state. When received, the record becomes a part of the driver's record in this State with the same effect as though entered on the operator's record in this State in the original instance. Every person who obtains a driver's license or permit for the first time in South Carolina and every person who renews his driver's license or permit in South Carolina must be furnished a written request form for completion and verification of liability insurance coverage.

The completed and verified form or an affidavit prepared by the department showing that neither he, nor a resident relative, owns a motor vehicle subject to the provisions of this chapter, must be delivered to the department at the time the license or permit is issued or renewed."

#### **Application for special identification card**

SECTION 4. The first paragraph of Section 56-1-3350 of the 1976 Code is amended to read:

"Section 56-1-3350. Upon application by a person ten years of age or older who is a resident of South Carolina, the department shall issue a special identification card as long as:

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

#### **Requirements of Section 56-1-80 must be met**

SECTION 5. The requirements of Section 56-1-80 of the 1976 Code, as amended by Section 3 of this act, must be met upon the renewal of an existing driver's license or special identification card of a person convicted of a crime of violence as defined in Section 16-23-10(3) in this State on or after July 1, 2011.

#### **Savings clause**

SECTION 6. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

#### **Time effective**

SECTION 7. This act takes effect July 1, 2011, and applies to all persons convicted of a crime of violence as defined in Section 16-23-10(3).

Ratified the 7th day of June, 2010.

Vetoed by the Governor -- 6/11/2010.

Veto overridden by Senate -- 6/16/2010.

Veto overridden by House -- 6/29/2010.

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**Alan D. Clemmons**

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## House of Representatives

State of South Carolina

**Committees:**

Judiciary  
Election Laws Subcommittee,  
Chairman  
Rules, Vice-Chairman  
Judicial Merit Selection  
Commission

June 28, 2011

Mr. Jay Smith  
Assistant Attorney General for South Carolina  
Post Office Box 11549  
Columbia, South Carolina 29211

Dear Mr. Smith:

I am writing you concerning House Bill 3003, the Voter Identification provisions, recently signed into law in South Carolina. You have asked me to briefly explain why I chose to introduce H.3003. I will try to explain how I came to feel that voter identification was an important issue.

First, let me say that it is an unspoken truth in South Carolina that election fraud exists. Though no one likes to speak about it, it is well known in politics that elections can be won and lost, based not only on who votes but who votes for whom. Opponents of this bill often claimed that, based on their research, there were no instances of voter impersonation prosecuted in South Carolina, claiming that H.3003 was a solution in search of a problem. In my years in South Carolina politics I know quite the opposite to be true, as do opponents of this or other Voter I.D. legislation.

Understanding that there was an issue with ballot security in South Carolina and that the opportunity for fraud and abuse was obvious in our current system, I sought a solution.

I would love to be able to tell you that I originated the provisions of H.3003 myself, that presentation of a picture I.D. and the various safeguards for voter and ballots alike were my own. I did not originate the idea. However, I paid close attention to what the Indiana Legislature enacted and the reasons that they gave for taking such a step. I agreed in full with the Indiana rationale and believed that such a measure would be beneficial to safeguard elections in South Carolina. Therefore, I introduced H.3003 and did all that I could to ensure its passage through the South Carolina General Assembly.

I believe that the provisions of H.3003 are fair and justified and that the legislation seeks to balance the state's interest in having fair and secure elections and a citizen's absolute right to cast their ballot. If, for one moment, I believed that the provisions of H.3003 were designed to do anything other than assure fair and fraud-free elections, I would not have introduced the legislation.

If I can provide any further information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Clemmons". The signature is fluid and cursive, with a long horizontal line extending to the right.

Alan Clemmons