**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 4701**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hixon, Hewitt, Pendarvis and Hosey

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Introduced in the House on January 14, 2020

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

Summary: Driver's license; surrendered

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/20/2019 House Prefiled

11/20/2019 House Referred to Committee on **Education and Public Works**

1/14/2020 House Introduced and read first time ([House Journal‑page 72](file:///h:\hj\20200114.docx))

1/14/2020 House Referred to Committee on **Education and Public Works** ([House Journal‑page 72](file:///h:\hj\20200114.docx))

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**VERSIONS OF THIS BILL**

[11/20/2019](file:///p:\pprever\2019-20\4701_20191120.docx)

**A** **BILL**

TO AMEND SECTION 56‑1‑365, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A PERSON WHO MUST SURRENDER HIS DRIVER’S LICENSE WHEN HE IS CONVICTED OF AN OFFENSE THAT REQUIRES HIS DRIVER’S LICENSE TO BE REVOKED OR SUSPENDED, SO AS TO DELETE THE PROVISION THAT PROVIDES THE DEPARTMENT OF MOTOR VEHICLES SHALL ISSUE TO A PERSON WHO APPEALS THE CONVICTION A CERTIFICATE WHICH ENTITLES HIM TO OPERATE A MOTOR VEHICLE; TO AMEND SECTION 56‑10‑510, RELATING TO THE REGISTRATION OF AN UNINSURED MOTOR VEHICLE, SO AS TO DELETE THE PROVISION THAT REQUIRES A PERSON WHO REGISTERS AN UNINSURED MOTOR VEHICLE TO FURNISH THE DEPARTMENT OF MOTOR VEHICLES A CERTIFICATE THAT PROVES THE VEHICLE IS INSURED AND PENALTIES IMPOSED FOR THE FAILURE TO SUBMIT THE CERTIFICATE OF INSURANCE; TO REPEAL SECTIONS 56‑1‑70, 56‑1‑250, 56‑1‑288, 56‑3‑1265, 56‑5‑60, AND 56‑5‑5010, RELATING TO THE ISSUANCE OF A TEMPORARY DRIVER’S LICENSE, THE CANCELLATION OF A LICENSE OR PERMIT ISSUED TO A MINOR UPON THE DEATH OF THE PERSON WHO SIGNED THE MINOR’S APPLICATION FOR THE LICENSE OR PERMIT, THE DEPARTMENT OF MOTOR VEHICLE’S AUTHORITY TO GARNISH A PERSON’S INCOME TAX REFUND FOR FAILURE TO SATISFY THE DEPARTMENT’S FINANCIAL RESPONSIBILITY REQUIREMENTS, THE PROVISION THAT REQUIRES THE DEPARTMENT OF MOTOR VEHICLES TO DISPLAY IN ITS OFFICES EXAMPLES OF ALL TYPES OF SPECIAL LICENSE PLATES THAT MAY BE ISSUED, THE PROVISION THAT SPECIFIES THE DEPARTMENT OF MOTOR VEHICLES MUST INCLUDE CERTAIN LANGUAGE ON CERTAIN ENVELOPES MAILED CONTAINING NOTICES, THE PROVISION THAT REQUIRES A MOTOR VEHICLE BE EQUIPPED WITH SAFETY GLASS; AND TO REPEAL ARTICLE 87, CHAPTER 3, TITLE 56 RELATING TO THE ISSUANCE OF “NASCAR SPECIAL LICENSE PLATES”.

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

SECTION 1. Section 56‑1‑365(F) of the 1976 Code is amended to read:

“(F) If the defendant surrenders his license, upon conviction, and subsequently files a notice of appeal, the appeal acts as a supersedeas as provided in Section 56‑1‑430. ~~Upon payment of a ten‑dollar fee and presentment by the defendant of a certified or clocked‑in copy of the notice of appeal, the department shall issue him a certificate which entitles him to operate a motor vehicle for a period of six months after the verdict or plea. The certificate must be kept in the defendant’s possession while operating a motor vehicle during the six‑month period, and failure to have it in his possession is punishable in the same manner as failure to have a driver’s license in possession while operating a motor vehicle.~~”

SECTION 2. Section 56‑10‑510 of the 1976 Code is amended to read:

“Section 56‑10‑510. In addition to any other fees prescribed by law, every person registering an uninsured motor vehicle, as defined in Section 56‑9‑20, at the time of registering or reregistering the uninsured vehicle, shall pay a fee of five hundred and fifty dollars. Notwithstanding any other provision of law, fifty dollars of the uninsured motor vehicle fee is nonrefundable and is directed to be paid to the South Carolina Reinsurance Facility for the recoupment of assessments or losses of the South Carolina Reinsurance Facility pursuant to Section 56‑10‑554 until otherwise ordered by the director of the Department of Insurance. However, if the uninsured motor vehicle is being registered for a period of less than a full year, the uninsured motor vehicle fee exclusive of any nonrefundable portion must be prorated to conform to the registration period. This uninsured motor vehicle fee shall be increased annually based upon and in relation to the average rate level increases for private passenger automobile insurance coverages by insurers in this State. The director of the Department of Insurance, by annual order, will set this exact fee. The application for registering an uninsured vehicle must have the following statements printed on or attached to the first page of the form, boldface, twelve point type: ‘THIS $550 FEE IS NOT AN INSURANCE PREMIUM AND YOU ARE NOT PURCHASING ANY INSURANCE BY PAYING THIS FEE. THIS $550 UNINSURED MOTORIST FEE IS FOR THE PRIVILEGE TO DRIVE AND OPERATE AN UNINSURED MOTOR VEHICLE ON THE SOUTH CAROLINA ROADS.’ This uninsured motorist notice required by this section must also be given to the person registering an uninsured motor vehicle. The director shall prescribe the exact format of this notice by regulation and shall adjust the amount of this fee annually as part of the order by the director of the Department of Insurance adjusting the uninsured motorist fee in relation to the average rate level increases for private passenger automobile insurance coverages by insurers in this State. ~~Every person applying for registration of a motor vehicle and declaring it to be an insured motor vehicle, under the penalties set forth in Section 56‑10‑520, shall execute and furnish to the director his certificate that the motor vehicle is an insured motor vehicle as defined by the laws of this State, or that the director has issued to its owner, in accordance with Section 56‑9‑60, a certificate of self‑insurance applicable to the vehicle sought to be registered. The director, or his designee, may require any registered owner of a motor vehicle declared to be insured or any applicant for registration of a motor vehicle to be an insured to submit a certificate of insurance on a form prescribed by the director. The director must forward the certificate of insurance or bond to the insurance company or surety company, whichever is applicable, for verification as to whether the policy or bond named in the certificate is currently in force. At that time, and not later than thirty days following receipt of the certificate of insurance, the insurance company or surety company must cause to be filed with the director a written notice if the policy or bond was not applicable as to the named insured. The director must prescribe the manner in which the written notice must be made. The refusal or neglect of any owner within thirty days to submit the certificate of insurance when required by the director or his designee or the notification by the insurance company or surety company that the policy or bond named in the certificate of insurance is not in effect, must require the director to suspend any driver’s license and all registration certificates and license plates issued to the owner of the motor vehicle until the person:~~

~~(1)~~ ~~has paid to the director of the Department of Motor Vehicles a fee of three hundred dollars to be disposed of as provided for in Sections 56‑10‑550 and 56‑10‑552 with respect to the motor vehicle determined to be uninsured; and~~

~~(2)~~ ~~furnishes proof of financial responsibility for the future in the manner prescribed in Section 56‑10‑10, et seq. of this chapter. An order of suspension required by this section is not effective until the director has offered the person an opportunity for a contested case hearing before the Office of Motor Vehicle Hearings to show cause why the order should not be enforced. Notice of the opportunity for hearing must be included in the order of suspension. When three years have elapsed from the effective date of the suspension required in this section, the director may relieve the person of the requirement of furnishing proof of future financial responsibility. If the director determines that the fee applicable to the registration of an uninsured motor vehicle has been paid on the vehicle in question on or before the date that the insurance certificate was requested, no suspension action must be taken. The director shall suspend the driver’s license and all registration certificates and license plates of any person on receiving a record of his conviction of a violation of any provisions of Section 56‑10‑520, but the director shall dispense with the suspension when the person is convicted for a violation of Section 56‑10‑520 and the Department of Motor Vehicle’s records show conclusively that the motor vehicle was insured or that the fee applicable to the registration of an uninsured motor vehicle has been paid by the owner before the date and time of the alleged offense.~~”

SECTION 3. Sections 56‑1‑70, 56‑1‑250, 56‑1‑288, 56‑3‑1265, 56‑5‑60, and 56‑5‑5010 of the 1976 Code are repealed. Article 87, Chapter 3, Title 56 of the 1976 Code is repealed.

SECTION 4. This act takes effect upon approval by the Governor.

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