**South Carolina General Assembly**

124th Session, 2021-2022

**A148, R162, H4319**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Calhoon, Huggins, Erickson, McCabe, Henderson‑Myers, Crawford, Oremus, Henegan, McGarry, Matthews, Dillard, Allison, Bernstein, McDaniel, Murray, Felder, Bennett, R. Williams, Jefferson, Alexander and Kirby

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Introduced in the House on May 4, 2021

Introduced in the Senate on March 2, 2022

Last Amended on March 23, 2022

Passed by the General Assembly on April 19, 2022

Governor's Action: April 25, 2022, Signed

Summary: DMV-Real ID compliant driver's license

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 5/4/2021 House Introduced, read first time, placed on calendar without reference ([House Journal‑page 88](file:///h%3A%5Chj%5C20210504.docx))

 5/5/2021 House Committed to Committee on **Education and Public Works** ([House Journal‑page 28](file:///h%3A%5Chj%5C20210505.docx))

 5/5/2021 House Member(s) request name added as sponsor: R.Williams, Jefferson

 3/1/2022 House Member(s) request name added as sponsor: Alexander, Kirby

 2/24/2022 House Committee report: Favorable with amendment **Education and Public Works** ([House Journal‑page 13](file:///h%3A%5Chj%5C20220224.docx))

 2/28/2022 Scrivener's error corrected

 3/1/2022 House Amended ([House Journal‑page 28](file:///h%3A%5Chj%5C20220301.docx))

 3/1/2022 House Read second time ([House Journal‑page 28](file:///h%3A%5Chj%5C20220301.docx))

 3/1/2022 House Roll call Yeas‑99 Nays‑1 ([House Journal‑page 28](file:///h%3A%5Chj%5C20220301.docx))

 3/2/2022 House Read third time and sent to Senate ([House Journal‑page 11](file:///h%3A%5Chj%5C20220302.docx))

 3/2/2022 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h%3A%5Csj%5C20220302.docx))

 3/2/2022 Senate Referred to Committee on **Transportation** ([Senate Journal‑page 7](file:///h%3A%5Csj%5C20220302.docx))

 3/17/2022 Senate Committee report: Favorable with amendment **Transportation** ([Senate Journal‑page 9](file:///h%3A%5Csj%5C20220317.docx))

 3/21/2022 Scrivener's error corrected

 3/23/2022 Senate Committee Amendment Adopted ([Senate Journal‑page 25](file:///h%3A%5Csj%5C20220323.docx))

 3/24/2022 Scrivener's error corrected

 4/5/2022 Senate Read second time ([Senate Journal‑page 20](file:///h%3A%5Csj%5C20220405.docx))

 4/5/2022 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 20](file:///h%3A%5Csj%5C20220405.docx))

 4/6/2022 Senate Read third time and returned to House with amendments ([Senate Journal‑page 175](file:///h%3A%5Csj%5C20220406.docx))

 4/19/2022 House Concurred in Senate amendment and enrolled ([House Journal‑page 227](file:///h%3A%5Chj%5C20220419.docx))

 4/19/2022 House Roll call Yeas‑103 Nays‑0 ([House Journal‑page 227](file:///h%3A%5Chj%5C20220419.docx))

 4/21/2022 Ratified R 162

 4/25/2022 Signed By Governor

 5/2/2022 Effective date 05/11/22

 5/2/2022 Act No.  148

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4319&session=124&summary=B) at the website

**VERSIONS OF THIS BILL**

[5/4/2021](file:///p%3A%5Cpprever%5C2021-22%5C4319_20210504.docx)

[5/4/2021-A](file:///p%3A%5Cpprever%5C2021-22%5C4319_20210504A.docx)

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(A148, R162, H4319)

**AN ACT TO AMEND SECTION 56‑1‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO EVIDENCE REQUIRED OF APPLICANTS TO OBTAIN A DRIVER’S LICENSE, SO AS TO REVISE THIS EVIDENCE TO INCLUDE GENDER, PRINCIPAL RESIDENTIAL ADDRESS, LEGAL NAME CHANGE, AND AUTHORIZED LENGTH OF STAY IN THIS COUNTRY, TO PROVIDE THIS EVIDENCE APPLIES TO APPLICANTS SEEKING TO OBTAIN OR RENEW DRIVERS’ LICENSES, BEGINNERS’ PERMITS, OR IDENTIFICATION CARDS, TO REVISE THE TYPES OF EVIDENCE NECESSARY TO VERIFY THE SOCIAL SECURITY NUMBERS OF APPLICANTS, TO PROVIDE THE TYPES OF EVIDENCE APPLICANTS WHOSE NAMES HAVE CHANGED SINCE BIRTH MUST PRESENT TO SHOW NAME TRACEABILITY, TO PROVIDE APPLICANTS MAY HAVE DRIVERS’ LICENSES OR IDENTIFICATION CARDS ISSUED IN THEIR PREFERRED NAMES UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT REAL IDS SHALL NOT BE ISSUED IN THE CASE OF SOCIAL SECURITY NUMBERS NOT VALIDATING; AND TO AMEND SECTIONS 56‑1‑140, AS AMENDED, 56‑1‑50, AS AMENDED, 56‑1‑2100, AS AMENDED, AND 56‑1‑3370, RELATING TO THE ISSUANCE OF DRIVERS’ LICENSES, BEGINNERS’ PERMITS, COMMERCIAL DRIVER LICENSES, AND SPECIAL IDENTIFICATION CARDS, SO AS TO PROVIDE THEY MUST CONTAIN UNOBSTRUCTED PHOTOGRAPHS OF THE APPLICANTS, AND TO PROVIDE THE PHOTOGRAPHS ARE NOT REQUIRED TO BE IN COLOR.**

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

**Evidence required to obtain a driver’s license or identification card**

SECTION 1. Section 56‑1‑90 of the 1976 Code is amended to read:

 “(A) The Department of Motor Vehicles may require every applicant to submit acceptable evidence when applying for or renewing a driver’s license, beginner’s permit, or identification card that proves the applicants:

 (1) date of birth;

 (2) place of birth;

 (3) gender;

 (4) Social Security number;

 (5) principal residential address;

 (6) full legal name;

 (7) when applicable, legal name change; and

 (8) when applicable, authorized length of stay in the United States.

 An applicant may prove sufficiently the existence and validity of his Social Security number, for purposes of Section 14‑7‑130, by any document or electronic means considered reliable by the Department of Motor Vehicles, so long as that document or electronic mean does not conflict with other provisions of state or federal law. The numbers also may be obtained from the Department of Revenue pursuant to Section 12‑54‑240(B)(7), which permits the Department of Revenue to submit taxpayer Social Security numbers to the Department of Motor Vehicles and to the State Election Commission.

 This section does not prevent issuance of a driver’s license or identification card to a foreign exchange student participating in a valid foreign exchange program.

 (B) The department may require applicants to submit acceptable documents in other circumstances if those documents are not already on file with the department.

 (C) In the case of a name change that occurred after the applicant’s birth, an applicant must present documentation to the department to show name traceability, in addition to the items in subsection (A) if not already on file with the department:

 (1) a court order issued pursuant to Chapter 49, Title 15 or an equivalent court order issued by a foreign jurisdiction;

 (2) a marriage license issued pursuant to Chapter 1, Title 20 signed by the official that performed the wedding ceremony and signed by both parties to the marriage, or an equivalent marriage license issued by a foreign jurisdiction. An applicant only is entitled to use a marriage license one time per marriage to change his middle name, last name, or both with the department. A marriage license cannot be used to change an applicant’s first name;

 (3) a change of name allowance following a divorce pursuant to Section 20‑3‑180 or an equivalent change of name document following a divorce issued by a foreign jurisdiction; or

 (4) an unexpired, United States Passport or Passport Card that includes the applicant’s full legal name.

 If any one of the above documents does not show a link to the applicant’s evidence of full legal name, the department may require the applicant to submit more than one document to show traceability from the applicant’s original name to his current name.

 (D) If an applicant is applying for a permit, driver’s license, or identification card that will be issued with a name other than what is presented to the department pursuant to subsection (A), the department may issue any driver’s license or identification card in the applicant’s preferred name if the applicant presents to the department at least three different documents, acceptable to the department, showing the applicant’s full name with the preferred name being the one used for at least fifteen years. These three documents must be in addition to the documents prescribed in subsection (A), and must, at the department’s discretion, show a reasonable link to the documents prescribed in subsection (A).

 (E) If an applicant is applying for a permit, driver’s license, or identification card under the provisions of subsections (C) or (D), the applicant’s social security number must be validated with the Social Security Administration using the applicant’s preferred and full name presented to the department before the department may issue a driver’s license, permit, or identification card to the applicant.

 (F) In the case of the social security number not validating, the department shall not issue any type of REAL ID permit, license, or identification card.”

**Driver’s license photograph**

SECTION 2. Section 56‑1‑140(A) of the 1976 Code is amended to read:

 “(A) Upon payment of a fee of twenty‑five dollars for a license that is valid for eight years, the department shall issue to every qualified applicant a driver’s license as applied for by law. The license must bear on it a distinguishing number assigned to the licensee, the full name, date of birth, residence address, a brief description and unobstructed photograph of the licensee’s face, any marking otherwise required or in compliance with law, and a facsimile of the signature of the licensee. No license is valid until it has been so signed by the licensee. The license authorizes the licensee to operate only those classifications of vehicles as indicated on the license.”

**Beginner’s permit photograph**

SECTION 3. Section 56‑1‑50(D) of the 1976 Code is amended to read:

 “(D) A beginner’s permit may be renewed or a new permit issued for additional periods of twelve months. However, the department may refuse to renew or issue a new permit where the examining officer has reason to believe the applicant has not made a bona fide effort to pass the required driver’s road test or does not appear to the examining officer to have the aptitude to pass the road test. The fee for every beginner’s or renewal permit is two dollars and fifty cents, and the permit must bear the full name, date of birth, and residence address and a brief description and unobstructed photograph of the permittee and a facsimile of the signature of the permittee or a space upon which the permittee shall write his usual signature with pen and ink immediately upon receipt of the permit. A permit is not valid until it has been signed by the permittee.”

**Commercial driver’s license photograph**

SECTION 4. Section 56‑1‑2100(A)(2) of the 1976 Code is amended to read:

 “(2) the person’s unobstructed photograph;”

**Special identification photograph**

SECTION 5. Section 56‑1‑3370 of the 1976 Code is amended to read:

 “Section 56‑1‑3370. The special identification card issued pursuant to this article shall be similar in size, shape, and design to a motor vehicle driver’s license, including an unobstructed photograph of the person to whom it is issued. Provided, however, that the card shall be readily distinguishable from a driver’s license by a difference in color, and there shall be printed on the face of such card a statement that the card does not enable the person to whom it is issued to operate a motor vehicle.”

**Time effective**

SECTION 6. This act takes effect on the first Wednesday occurring two weeks after the Governor’s approval.

Ratified the 21st day of April, 2022.

Approved the 25th day of April, 2022.

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