**South Carolina General Assembly**

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**H. 4672**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Erickson and Elliott

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Summary: Driver's licenses

**HISTORY OF LEGISLATIVE ACTIONS**

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 12/14/2023 House Prefiled

 12/14/2023 House Referred to Committee on **Education and Public Works**

 1/9/2024 House Introduced and read first time (House Journal‑page 118)

 1/9/2024 House Referred to Committee on **Education and Public Works** (House Journal‑page 118)

 1/10/2024 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[12/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4672_20231214.docx)

[01/10/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4672_20240110.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 56-1-10, relating to definitions, so as to define various terms relating to drivers’ licenses, permits, and identification cards; AND BY ADDING SECTION 56-1-555 so as to provide the department of motor vehicles may establish a system for issuing optional electronic or digitally issued cards.

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

SECTION 1. Section 56-1-10 of the S.C. Code is amended by adding:

 (38) “Driver’s license” or “beginner’s permit” or “identification card” or “moped license” or “Commercial Driver’s License” or “Commercial Learner’s Permit” means a physically printed document or electronically or digitally issued version of that document that has the required contents of this chapter, contains information solely specific to the person to whom the document is issued, and is issued by the department or on the department’s behalf. A driver’s license, beginner’s permit, and moped license allows for driving privileges in this State, as further described in this title, unless those privileges are otherwise restricted, revoked, suspended, or cancelled in accordance with South Carolina law. A Commercial Driver’s License or Commercial Learner’s Permit allows for commercial driving privileges in this State unless those privileges are otherwise restricted, revoked, suspended, cancelled, or disqualified in accordance with South Carolina or federal law. The term “card” or “credential” may be used to encompass this definition.

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

 Section 56-1-555. (A) The Department of Motor Vehicles may establish a secure and uniform system for issuing an optional electronic or digitally issued card that is an extension of a physically printed card issued pursuant to this chapter with identity information and, when applicable, driving privilege information. The department may contract with one or more entities, at its discretion, to develop a system to implement the provisions of this section. The system:

 (1) may be accessed using any wireless electronic communication device, as defined in Section 56-5-3890(A)(3), which queries the department’s records, displays, or transmits electronically issued cards, and verifies the authenticity of those electronically or digitally issued cards;

 (2) may not retain internet protocol addresses, geolocation data, or other information that describes the location, computer, computer system, or computer network from which the person to whom the card is issued accesses the system;

 (3) must authorize online data calls or offline data verification when carrying out items listed in subsection (A)(1) of this section;

 (4) must be designed to ensure the person to which the electronically or digitally issued card belongs is the only person who can use it;

 (5) which provides for electronically or digitally issued cards must be designed so there is no requirement for the cardholder to relinquish possession of their wireless electronic communication device to a private entity that may accept electronically or digitally issued cards; and

 (6) must display or transmit the current status of or any applicable restrictions, revocations, suspensions, cancellations, disqualifications, classes, and endorsements for the card when it is accessed by a person presenting the electronically or digitally issued card, unless the transaction for which it is being presented does not require it. The department may determine the frequency for which the electronically or digitally issued card is updated with the driving status.

 (B) The department may collect a five-dollar fee from a person who wants an electronically or digitally issued card. This fee may be in addition to fees collected by the entity that the department is contracted with to create and maintain the system. No fee, regardless of if it is the fee from the entity that creates and maintains the system or a department fee, may be charged or collected until the department provides a ninety-day notice. The five-dollar fee:

 (a) may be collected only upon initial issuance of an electronically or digitally issued card and upon renewal in conjunction with the printed card;

 (b) is in addition to all other fees pertaining to the issuance of the card, regardless of if the physically printed card is issued at no cost; and

 (c) must be retained by the department and earmarked in an account for the sole purpose of technology modernization by the department. Funds in the technology modernization account may be carried forward from fiscal year to fiscal year.

 (C) Any electronically or digitally issued card established by the department, or by an entity contracted by the department, must be in a format to allow electronic verification of the authenticity of the electronically or digitally issued card.

 (1) The electronically or digitally issued card must be issued in compliance with the American Association of Motor Vehicle Administrator standards and with the most recently published standards of the International Organization for Standardization, the applicability of which is determined by the department.

 (2) No person is eligible for an electronically or digitally issued card unless the person meets all requirements to be issued a physically printed card pursuant to South Carolina law and, when applicable, federal law.

 (3) If a person’s driving privileges are suspended, revoked, cancelled, or disqualified, the person is not eligible for an electronically or digitally issued card unless the person first satisfies all reinstatement requirements. The person may still be eligible for an electronically or digitally issued identification card.

 (4) Any law or regulation that requires a person to present or surrender a physically printed card to law enforcement does not apply to the wireless electronic communication device on which an electronically or digitally issued card has been issued.

 (D) The department must continue to issue physically printed cards regardless of if an applicant to whom the card will apply desires only an electronically or digitally issued card. The applicant must pay for a physically printed card, when applicable, regardless of whether the applicant desires a physically printed card.

 (1) Any entity accepting electronically or digitally issued cards may request a physically printed card if the information on the electronically or digitally issued card cannot be immediately verified.

 (a) Unless required by State or federal law or regulation or the provisions of Section 56‑1‑555(D)(1)(b) apply, any private entity accepting electronically or digitally issued cards may not store, sell, or share personal information obtained from the electronically or digitally issued card.

 (b) The person to whom the electronically or digitally issued card applies may consent to allow a private entity to collect and store personal information obtained by the private entity provided that the person is informed what information is collected and the purpose or purposes for which the information will be used. Except as required by law, such personal information obtained by the private entity shall not be disclosed or used in any manner not communicated to the person to whom the information pertains. A private entity that violates this subsection is subject to a civil penalty not to exceed five thousand dollars per occurrence.

 (c) When accepting electronically or digitally issued cards, private entities may not request more information than minimally required for the transaction that is attempting to be completed. Unless the transaction explicitly requires knowledge of the specific information contained on the front or back of a physically printed card, a private entity may not receive that information.

 (d) Subitems (b) and (c) of this item do not apply to financial institutions that are governed by the Gramm-Leach-Bliley Act, 15 U.S.C. Section 6801 et seq.

 (2) Electronically or digitally issued cardholders must carry their physically printed license or permit when operating a motor vehicle. A person who does not comply with this subsection may be subject to the provisions of Section 56-1-440 if law enforcement officers cannot immediately verify the validity of the electronically or digitally issued license or permit.

 (a) Law enforcement officers, in their discretion, may see any personal information associated with the cardholder of the electronically or digitally issued card. The person to whom the electronically or digitally issued card belongs must comply with requests of law enforcement officers related to information contained on an electronically or digitally issued card or may be subject to prosecution for disobeying the command of a law enforcement officer as set forth under the law.

 (b) Information contained or stored on an electronic device that is presented pursuant to this section is not subject to a search by a law enforcement officer except pursuant to the provisions of Section 17-13-140 providing for the issuance, execution, and return of a search warrant or pursuant to the express written consent of the owner of the device.

 (3) The department may cancel an electronically or digitally issued card issued pursuant to this section upon notification that the card was fraudulently used or when requested by the person to whom the card was issued.

 (E) Cards and the cardholder to whom the card belongs, issued pursuant to this section are subject to all laws and regulations pertaining to all physically printed cards.

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

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