**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4192**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Harrison, Kirsh, Wylie and M.A. Pitts

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Introduced in the House on January 12, 2010

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

Summary: Driver's license reinstatement

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/17/2009 House Prefiled

11/17/2009 House Referred to Committee on **Judiciary**

1/12/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑23

1/12/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑24

3/3/2010 House Member(s) request name added as sponsor: M.A.Pitts

**VERSIONS OF THIS BILL**

[11/17/2009](file:///p:\pprever\2009-10\4192_20091117.docx)

**A** **BILL**

TO AMEND SECTION 56‑1‑385, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REINSTATEMENT OF A PERMANENTLY REVOKED DRIVER’S LICENSE, SO AS TO PROVIDE THAT CERTAIN PERSONS WHO HAVE HAD THEIR DRIVER’S LICENSES PERMANENTLY REVOKED AND WHO HAVE PETITIONED THE CIRCUIT COURT FOR REINSTATEMENT OF THEIR DRIVER’S LICENSES, MUST SERVE COPIES OF THE PETITION ON BOTH THE CIRCUIT SOLICITOR AND THE DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES, TO PROVIDE THAT THE SOLICITOR AND THE DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES, OR THEIR DESIGNEES, MAY RESPOND TO THE PETITION AND DEMAND A HEARING ON THE MERITS OF THE PETITION OR HAVE THE COURTS CONSIDER AFFIDAVITS SUBMITTED BY THE PETITIONER AND THE SOLICITOR, OR THE DIRECTOR OF THE DEPARTMENT OF MOTOR VEHICLES, OR THEIR DESIGNEES WHEN DETERMINING WHETHER CONDITIONS FOR DRIVING PRIVILEGE REINSTATEMENT HAVE BEEN MET BY THE PETITIONER, AND TO REVISE THE CONDITIONS UPON WHICH A DRIVER’S LICENSE MAY BE REINSTATED.

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

SECTION 1. Section 56‑1‑385(A) of the 1976 Code is amended to read:

“(A) Notwithstanding any other provision of law, a person whose driver’s license or privilege to operate a motor vehicle has been revoked permanently pursuant to Section 56‑5‑2990, excluding persons convicted of felony driving under the influence of alcohol or another controlled substance under Section 56‑5‑2945, may petition the circuit court in the county of his residence for reinstatement of his driver’s license ~~and shall~~. The person must serve ~~a copy~~ copies of the petition upon the solicitor of the circuit and upon the Director of the Department of Motor Vehicles. The solicitor and the Director of the Department of Motor Vehicles, or ~~his designee~~ their designees, within thirty days may respond to the petition and demand a hearing on the merits of the petition. If the solicitor or the Director of the Department of Motor Vehicles, or ~~his designee does~~ their designees, do not demand a hearing, the circuit court shall consider any affidavit submitted by the petitioner and the solicitor, or the Director of the Department of Motor Vehicles, or ~~his designee~~ their designees when determining whether the conditions required for driving privilege reinstatement have been met by the petitioner. The court may order the reinstatement of the person’s driver’s license upon the following conditions:

(1) the person must not have been convicted of or have charges pending in this State or ~~any other~~ another state of an alcohol or drug violation during the previous seven‑year period;

(2) the person must not have been convicted of or have charges pending in this State or another state for a violation of driving while his license is canceled, suspended, or revoked during the previous seven‑year period;

(3) the person must have completed successfully, since the most recent alcohol or drug offense, an alcohol or drug assessment and treatment program provided by the South Carolina Department of Alcohol and Other Drug Abuse Services or an equivalent program designated by that agency; ~~and~~

(4) the person’s overall driving record, attitude, habits, character, and driving ability would make it safe to grant him the privilege to operate a motor vehicle~~.~~ ; and

(5) the person must have served all fixed periods of driver’s license suspensions.”

SECTION 2. This act takes effect upon approval by the Governor.

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