COMMITTEE REPORT

May 6, 2010

**S. 1343**

Introduced by Senators Malloy, Knotts, Campsen and McConnell

S. Printed 5/6/10--H.

Read the first time April 15, 2010.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Concurrent Resolution (S. 1343) to provide that the State of South Carolina opposes the federal mandate that a state enact a law to require the revocation, suspension, issuance, or reinstatement delay for all persons, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

JAMES H. HARRISON for Committee.

**A** **CONCURRENT RESOLUTION**

TO PROVIDE THAT THE STATE OF SOUTH CAROLINA OPPOSES THE FEDERAL MANDATE THAT A STATE ENACT A LAW TO REQUIRE THE REVOCATION, SUSPENSION, ISSUANCE, OR REINSTATEMENT DELAY FOR ALL PERSONS WHO ARE CONVICTED OF CONTROLLED SUBSTANCE OFFENSES; AND TO PROVIDE THAT THE STATE OF SOUTH CAROLINA SHALL OPT OUT OF THE FEDERAL MANDATE WITHOUT THE LOSS OF FEDERAL TRANSPORTATION FUNDS.

Whereas, pursuant to 23 U.S.C Section 159, the federal government mandates that a state, as a prerequisite to receiving certain federal transportation funds, enact a law to require the revocation, suspension, issuance, or reinstatement delay of a driver’s license for all persons who are convicted of controlled substance offenses regardless of whether the offenses are traffic related; and

Whereas, pursuant to 23 U.S.C. Section 159, the federal government allows a state to opt out of the mandate and receive the federal transportation funds, if the state submits a written certification to the Secretary of the United States Department of Transportation stating that the Governor is opposed to the mandate, and that the state’s legislature has adopted a resolution expressing its opposition to the mandate; and

Whereas, South Carolina enacted Section 56‑1‑745 of the Code of Laws of South Carolina, 1976, in compliance with 23 U.S.C. Section 159; and

Whereas, the General Assembly of South Carolina now desires to amend or repeal Section 56‑1‑745 and opt out of the federal mandate without the loss of federal transportation funds; and

Whereas, at least thirty‑two other states have adopted similar resolutions in opposition to the federal mandate. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the State of South Carolina opposes the federal mandate, as provided in 23 U.S.C. Section 159, that a state enact a law to require the revocation, suspension, issuance, or reinstatement delay, of a driver’s license for all persons who are convicted of controlled substance offenses; and

Be it further resolved that the State of South Carolina desires to opt out of the federal mandate, as provided in 23 U.S.C. Section 159, without the loss of federal transportation funds; and

Be it further resolved that a copy of this resolution be forwarded to the Governor, the Secretary of the United States Department of Transportation, and to each member of the South Carolina Congressional Delegation.

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