~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 9, 2011

**H. 3249**

Introduced by Reps. G.M. Smith, Taylor and G.R. Smith

S. Printed 3/9/11--H.

Read the first time January 11, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3249) to amend Section 61‑6‑4020, Code of Laws of South Carolina, 1976, relating to the transportation of alcoholic liquors in a motor vehicle, so as to clarify, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 61‑6‑4020 of the 1976 Code is amended to read:

“Section 61‑6‑4020. (A) A person who is twenty‑one years of age or older may transport lawfully acquired alcoholic liquors to and from a place where alcoholic liquors may be lawfully possessed or consumed; but if the cap or seal on the container has been opened or broken, it is unlawful to transport the liquors in a motor vehicle, except in ~~the~~ a trunk, luggage compartment, or cargo area that is separate and distinct from the driver’s and passengers’ compartments. For purposes of this exception, the luggage compartment or cargo area is not required to be a closed trunk that is accessible only from the exterior of the motor vehicle. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days. A person’s driver’s license may not be suspended for a violation of this section. For purposes of this section, alcoholic liquors means all distilled spirits regardless of the percentage of alcohol by volume that they contain.

(B) Section 61-6-4290 and 61-6-4300 do not apply to violations of this statute.”

SECTION 2. A person whose driver’s license is currently suspended due solely to a violation of Section 61-6-4020 is eligible for immediate reinstatement upon payment of the reinstatement fee to the Department of Motor Vehicles.

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

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTION 61‑6‑4020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSPORTATION OF ALCOHOLIC LIQUORS IN A MOTOR VEHICLE, SO AS TO CLARIFY THAT THE LUGGAGE COMPARTMENT OR CARGO AREA IN WHICH ONE MAY LAWFULLY TRANSPORT A CONTAINER OF ALCOHOLIC LIQUOR WITH A BROKEN OR OPENED SEAL OR CAP IS NOT LIMITED TO A CLOSED TRUNK THAT IS ACCESSIBLE ONLY FROM THE EXTERIOR OF THE VEHICLE SO LONG AS THE LUGGAGE COMPARTMENT OR CARGO AREA IS SEPARATE AND DISTINCT FROM THE DRIVER’S AND PASSENGERS’ COMPARTMENTS; AND TO PROVIDE THAT A PERSON’S DRIVER’S LICENSE MAY NOT BE SUSPENDED FOR A VIOLATION OF THIS SECTION.

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

SECTION 1. Section 61‑6‑4020 of the 1976 Code is amended to read:

“Section 61‑6‑4020. A person who is twenty‑one years of age or older may transport lawfully acquired alcoholic liquors to and from a place where alcoholic liquors may be lawfully possessed or consumed; but if the cap or seal on the container has been opened or broken, it is unlawful to transport the liquors in a motor vehicle, except in ~~the~~ a trunk, luggage compartment, or cargo area that is separate and distinct from the driver’s and passengers’ compartments. For purposes of this exception, the luggage compartment or cargo area is not required to be a closed trunk that is accessible only from the exterior of the motor vehicle. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days. Notwithstanding another provision of law, a person’s driver’s license may not be suspended for a violation of this section, unless he is found guilty of unlawfully transporting more than five containers of alcoholic liquors with an open or broken cap or seal.

For purposes of this section, alcoholic liquors means all distilled spirits regardless of the percentage of alcohol by volume that they contain.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

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

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