~~Indicates Matter Stricken~~

Indicates New Matter

AS PASSED BY THE SENATE

May 8, 2019

**H. 4380**

Introduced by Reps. Rose, Caskey, Huggins, Bales, Anderson, Crawford, Moore, Hewitt and Bailey

S. Printed 5/8/19--S.

Read the first time April 10, 2019.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE “SAMANTHA L. JOSEPHSON RIDESHARING SAFETY ACT”; AND TO AMEND SECTION 58‑23‑1640, RELATING TO THE SAFETY INSPECTION OF TRANSPORTATION NETWORK COMPANY (TNC) VEHICLES, SO AS TO REQUIRE TNC VEHICLES IN THIS STATE TO POSSESS AND DISPLAY CERTAIN ILLUMINATED SIGNAGE AT ALL TIMES WHEN THE TNC DRIVER IS ACTIVE.

Amend Title To Conform

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

SECTION 1. Section 58‑23‑1640 of the 1976 Code is amended by adding an appropriately lettered new subsection to read:

“( ) At the time of a pick up of a TNC passenger, a TNC vehicle must display the vehicle’s license plate number, which must be printed in a legible font of no less than two inches in height and displayed from the front of the TNC vehicle. The display of the license plate number shall not be required to be permanent and shall not be required to be issued or approved by a TNC or the State, including the Department of Motor Vehicles or the Office of Regulatory Staff.”

( ) A person who misrepresents himself as an authorized TNC driver is guilty of a misdemeanor and shall be fined not more than five hundred dollars, imprisoned not more than thirty days, or both.

( ) A person who knowingly engages in the use of a TNC trade dress or a TNC ridesharing application in the furtherance of a criminal activity is guilty of a misdemeanor and shall be fined not more than one thousand dollars, imprisoned for not more than two years, or both.”

SECTION 2. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. (A)(1) ~~During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent ~~thereto~~ to the formal appointment prior to ~~sine die adjournment~~ the second Thursday in May following the interim period during which the interim appointment was made ~~of the next ensuing regular session~~, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. ~~A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

SECTION 3. Article 5, Chapter 3 of Title 1 of the 1976 Code is amended by adding:

“Section 1-3-211. (A) If a vacancy exists in the head of an agency that requires appointment by the Governor with the advice and consent of the Senate, the Governor may designate an employee of the agency as the acting head of the agency if the person designated was employed by the agency for at least twelve consecutive months prior to the date upon which the vacancy occurred. A person designated as an acting agency head pursuant to this subsection may serve as the acting agency head no longer than the second Thursday in May following date upon which the vacancy occurred.

(B)(1) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may not be designated by the Governor as the acting head of the agency to which the person was nominated.

(2) A person nominated by the Governor to head an agency that requires the advice and consent of the Senate who also had been previously designated as the acting head of the agency who did not receive the advice and consent of the Senate, or whose nomination was withdrawn, may no longer exercise any authority or duties of that agency.”

SECTION 4. This act takes effect thirty days after approval by the Governor.

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