**South Carolina General Assembly**

125th Session, 2023-2024

**S. 208**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Goldfinch and Fanning

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Introduced in the Senate on January 10, 2023

Last Amended on April 3, 2024

Currently residing in the Senate

Summary: Motor Vehicle License and Registration Fees for New SC Residents

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Finance**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 107)

 1/10/2023 Senate Referred to Committee on **Finance** (Senate Journal‑page 107)

 2/8/2023 Scrivener's error corrected

 2/13/2023 Scrivener's error corrected

 2/22/2023 Senate Committee report: Favorable with amendment **Finance** (Senate Journal‑page 11)

 2/27/2023 Scrivener's error corrected

 3/1/2023 Senate Committee Amendment Adopted (Senate Journal‑page 19)

 3/1/2023 Senate Amended (Senate Journal‑page 19)

 4/3/2024 Senate Amended

 3/2/2023 Scrivener's error corrected

 4/3/2024 Senate Amended (Senate Journal‑page 7)

 4/3/2024 Senate Second Reading Failed (Senate Journal‑page 7)

 4/3/2024 Senate Roll call Ayes-7 Nays-34 (Senate Journal‑page 7)

 4/4/2024 Scrivener's error corrected

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**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/208_20221130.docx)

[02/08/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/208_20230208.docx)

[02/13/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/208_20230213.docx)

[02/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/208_20230214.docx)

[02/22/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/208_20230222.docx)

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[02/27/2023-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/208_20230227a.docx)

[03/01/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/208_20230301.docx)

[03/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/208_20230302.docx)

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[04/04/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/208_20240404.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

04/04/24

S. 208

Introduced by Senators Goldfinch and Fanning

S. Printed 04/04/24--S. [SEC 4/4/2024 11:52 AM]

Read the first time January 10, 2023

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A bill

to amend the South Carolina Code of Laws so as to provide that a county may impose an additional driver’s license fee and an additional motor vehicle licensing and registration fee from residents new to this State upon a successful referendum, and to provide that the funds realized from the additional fees must be used only for county infrastructure, public education related expenses, and greenspace conservation or preservation; by amending Section 56‑1‑20, relating to Driver’s license required, surrender and disposition of out‑of‑state licenses, local licenses, so as to provide that a county may assess an additional fee pursuant to a successful referendum; and by amending Section 56‑3‑210, relating to THE Time period for procuring registration and license, temporary license plates, transfer of license plates, so as to provide that a county may assess an additional fee pursuant to a SUCCESSFUL referendum.

 Amend Title To Conform

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

SECTION 1. Chapter 10, Title 4 of the S.C. Code is amended by adding:

 Article 11

 Additional Driver’s License Fees

 Section 4-10-1110. (A) A county government may impose additional driver’s license fees as provided for in Section 56‑1‑20(C) and 56‑3‑210(C)(2) on new residents to the State subject to a successful referendum.

 (B) A referendum may be initiated either by an ordinance adopted by the county council or by a petition calling for a referendum signed by at least five percent of the resident electors of the county. The county council shall transmit the ordinance or petition calling for the referendum to the county election commission.

 Section 4-10-1120. (A) Upon receipt of the ordinance or the petition from county council, the county election commission shall conduct a referendum on the question of imposing an additional driver’s license fee. A referendum for this purpose must be held at the next general election for representatives. Two weeks before the referendum, the election commission shall publish in a newspaper of general circulation the question that is to appear on the ballot. This notice is in lieu of any other notice otherwise required by law.

 (B) All qualified electors desiring to vote in favor of imposing the tax shall vote “Yes” and all qualified electors opposed to imposing the tax shall vote “No”. If a majority of the votes cast are in favor of imposing the additional fees, the fees must be imposed as provided in this article, and beginning on January first after November in which the referendum is held. The election commission shall conduct the referendum under the election laws of this State, mutatis mutandis, and shall certify the results no later than December thirty-first to the county governing body and to the Department of Transportation.

 (C) Upon receipt of the returns of the referendum, the county council, by resolution, shall declare the results thereof. The county council shall transmit a copy of the resolution to the Executive Director of the Department of Motor Vehicles within seven days of its adoption. The results of the referendum may not be questioned except by a suit or proceeding instituted within thirty days from the date the resolution is adopted.

 (D)(1) The referendum question concerning whether to impose an additional fee on drivers’ licenses must read substantially as follows:

 “Must an additional two hundred fifty‑dollar fee be collected on drivers’ licenses issued to those people establishing a residence in \_\_\_\_\_\_\_ County from another state or country, the proceeds of which shall be expended in the following manner?

\_\_\_\_\_% for county infrastructure

\_\_\_\_\_% for public education related expenses

\_\_\_\_\_% for greenspace conservation or preservation

Yes []

No []”

 Section 4-10-1130. The funds collected pursuant to a successful referendum may only be spent for expenses related to county infrastructure, public education, and for greenspace conservation or preservation programs. The referendum must identify the percentage of the funds that will be dedicated to each permissible purpose. A county may choose to fund fewer than all of the permissible purposes.

 Section 4-10-1140. (A) The funds derived from the fees collected pursuant to this article must be remitted to the county treasurer in which the fee was collected.

 (B) County council shall appropriate the funds derived in accordance with the provisions contained in the referendum for infrastructure or greenspace conservation or preservation.

 (C) Funds derived from the fees for public education shall be disbursed by the county treasurer to each school district in the county in direct proportion to the number of people subject to the new fees in each school district. The school district board of trustees shall appropriate the funds it receives.

 Section 4-10-1150. The fees authorized in this article may be rescinded within a county in the same manner as authorized for imposition. However, a referendum to rescind the fees must be held only once every five years.

SECTION 2. Section 56‑1‑20 of the S.C. Code is amended to read:

 Section 56‑1‑20. (A) No person, except those expressly exempted in this article shall drive any motor vehicle upon a highway in this State unless such person has a valid motor vehicle drivers’ license issued to him under the provisions of this article. No person shall receive a motor vehicle drivers’ license unless and until he surrenders to the Department of Motor Vehicles all valid operators’ licenses in his possession issued to him by any other state within forty-five days of becoming a resident of this State, unless specifically exempted by law. All surrendered licenses shall be returned by the department to the issuing department, agency, or political subdivision. No person shall be permitted to have more than one valid motor vehicle drivers’ license or operators’ license at any time.

 (B) Any person holding a currently valid motor vehicle driver's license issued under this article may exercise the privilege thereby granted upon all streets and highways in the State and shall not be required to obtain any other license to exercise such privilege by any county, municipal, or local board or body having authority to adopt local police regulations; provided, however, that this provision shall not serve to prevent a county, municipal, or local board from requiring persons to obtain additional licenses to operate taxis, buses, or other public conveyances.

 (C)(1) A person being issued a license pursuant to this article who surrenders a valid operator’s license in his possession issued to him by any other state as required in subsection (A) and who is establishing residence in a county in which a successful referendum has been held pursuant to Section 4-10-1120, must pay a one‑time fee of two hundred fifty dollars in addition to all other applicable fees and charges before he may be issued a motor vehicle driver’s license or operator’s license in this State.

 (2) The one-time fee required pursuant to the provisions of this subsection does not apply to a person, his spouse, or his dependent, if the person is in this State for purposes of active duty military service as defined in Section 40-36-520.

SECTION 3. After the first county adopts a resolution pursuant to this act, the fees required pursuant to this act shall not begin to be collected for six months. The provisions contained in this section only apply to the first county in which a successful referendum pursuant to this act is held.

SECTION 4. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 5. This act takes effect upon approval by the Governor.

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