



South Carolina Department of Public Safety

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NIKKI R. HALEY
GOVERNOR

LEROY SMITH
DIRECTOR

MEMORANDUM

TO: Ms. Katherine F. Veldran, Director of Legislative Affairs

FROM: Leroy Smith, Director

DATE: September 19, 2014

RE: 2015 Legislative Summary Initiatives

In response to your recent inquiry, the S.C. Department of Public Safety would like to submit the following for your consideration. Following a recent review of the state's traffic laws, we have discovered what may be a problematic issue in CHAPTER 5 - UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS.

In Article 11, Restrictions on Speed; Racing, which pertains to the general rules as to maximum speed limits, the language in Section 56-5-1520 (G) remains somewhat vague. The current language of this section of the law states:

(G) A person violating the speed limits established by this section is guilty of a misdemeanor and, upon conviction for a first offense, must be fined or imprisoned as follows:

(1) in excess of the above posted limit but not in excess of ten miles an hour by a fine of not less than fifteen dollars nor more than twenty-five dollars;

(2) in excess of ten miles an hour but less than fifteen miles an hour above the posted limit by a fine of not less than twenty-five dollars nor more than fifty dollars;

(3) in excess of fifteen miles an hour but less than twenty-five miles an hour above the posted limit by a fine of not less than fifty dollars nor more than seventy-five dollars; and

(4) in excess of twenty-five miles an hour above the posted limit by a fine of not less than seventy-five dollars nor more than two hundred dollars or imprisoned for not more than thirty days.



SOUTH CAROLINA HIGHWAY PATROL



STATE TRANSPORT POLICE



BUREAU OF PROTECTIVE SERVICES



IMMIGRATION ENFORCEMENT UNIT



Internationally Accredited Law Enforcement Agency

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The issue may seem to be one of semantics, yet the wording in sections (3) and (4) begins with the phrase “in excess” of (3) fifteen and (4) twenty-five miles an hour. Section (3) includes follow-up phraseology which states “but less than” twenty-five miles per hour.

A straightforward reading, or interpretation, of current law would tend to indicate that there are no penalties for exceeding the speed limit at precisely fifteen and twenty-five miles per hour.

The suggested amendment would include the language stating: (3) ~~in excess of fifteen~~ or more and (4) ~~in excess of twenty-five~~ or more miles. A copy of the proposed amendment is attached. These simple changes to the existing law would eliminate any possible confusion as to the exact meaning of the law.

At this juncture, the Department does not contemplate the introduction of additional legislative initiatives, nor have we been asked to support any such proposals.

I hope this information is responsive to your inquiry. Please do not hesitate to call me if you have any questions or need additional information. Thank you.

LS/bb

Attachment

A BILL

TO AMEND SECTION 56-5-1520, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL RULES AS TO MAXIMUM SPEED LIMITS; LOWER SPEEDS MAY BE REQUIRED.

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

SECTION G. Section 56-5-1520 of the 1976 Code, as added by Act 17 of 1999, is amended to read:

"Section 56-5-1520 General rules as to maximum speed limits, lower speeds may be required.

(G) A person violating the speed limits established by this section is guilty of a misdemeanor and, upon conviction for a first offense, must be fined or imprisoned as follows:

(1) in excess of the above posted limit but not in excess of ten miles an hour by a fine of not less than fifteen dollars nor more than twenty-five dollars;

(2) in excess of ten miles an hour but less than fifteen miles an hour above the posted limit by a fine of not less than twenty-five dollars nor more than fifty dollars.

(3) ~~in excess of fifteen~~ or more miles an hour but less than twenty-five miles an hour above the posted limit by a fine of not less than fifty dollars nor more than seventy-five dollars.

(4) ~~in excess of twenty-five~~ or more miles an hour above the posted limit by a fine of not less than seventy-five dollars nor more than two hundred dollars or imprisoned for not more than thirty days.

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